

**REQUEST FOR QUALIFICATIONS
FOR
DESIGN-BUILD SERVICES**

**FOR
SUL ROSS STATE UNIVERSITY
ALPINE, TEXAS**

**FINE ARTS FACILITIES EXPANSION
AND MUSEUM OF THE BIG BEND
RENOVATION
ALPINE, TEXAS**

RFQ No.:

758-23-07018

Submission Date:

August 31, 2023 – 2:00 p.m. (C.D.T.)

Prepared By:

Peter Maass, Director of Capital Projects Administration
The Texas State University System
601 Colorado Street
Austin, TX 78701-2904
512-463-1808

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SUL ROSS STATE UNIVERSITY
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FINE ARTS FACILITIES EXPANSION AND
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ALPINE, TEXAS
RFQ No.: 758-23-07018**

SECTION 1 – GENERAL INFORMATION & REQUIREMENTS

- 1.1 **GENERAL INFORMATION:** The Texas State University System (“Owner”) on behalf of **Sul Ross State University** (“Component” or “SRSU”), is soliciting Statements of Qualifications (“Qualifications”) for selection of a Design/Build firm for the **Fine Arts Expansion and Museum of the Big Bend Renovation** project (“Project”), on the University’s campus in Alpine, Texas. This solicitation sets forth the terms, conditions, and requirements for prospective Design/Build firms to be considered for this work. (Prospective Design/Build firms are hereinafter referred to as “Respondents”).
- 1.1.1 This Request for Qualifications (“RFQ”) is the first phase in a two-phase process for selecting a Design/Build firm for the Project as provided by *Texas Education Code* §51.780. This RFQ provides the information necessary to prepare and submit Qualifications and for the Owner to evaluate each Respondent’s experience, technical competence, capability to perform, the past performance of the Respondent’s team and members of the team, and other appropriate factors submitted in response to the RFQ, except that cost-related or price-related evaluation factors are not permitted through the initial qualification and ranking of the Respondent. Each Respondent must certify to the Owner that each architect and/or engineer that is a member of its team was selected based on demonstrated competence and qualifications in the manner provided by Section 2254.004, *Texas Government Code*. The response to the RFQ will provide all the information necessary for consideration and initial ranking by the Owner. Based on the initial ranking, the Owner may select a short list of up to five (5) of the top ranked Respondents for an interview. Short-listed Respondents may be required to submit additional information in connection with the interview.
- 1.1.2 In phase two, through a Request for Proposals (“RFP”) issued to the short-listed Respondents, the Owner may request additional information regarding each short-listed Respondent’s demonstrated competence and qualifications, considerations of the safety and long-term durability of the project, the feasibility of implementing the project as proposed, the ability of the Respondent to meet schedules, costing methodology, and other factors as appropriate. The Owner will not require Respondents to submit detailed architectural or engineering designs as part of the proposal. The Owner shall rank each proposal submitted on the basis of the criteria specified in the RFP. The owner shall select the Design/Build firm that submits the proposal offering the best value for the Component on the basis of the published selection criteria and on its ranking evaluations.
- 1.1.3 As part of phase two, the short-listed Respondents will be required to submit a proposal on the Owner-provided proposal form. The proposal form shall be submitted in a sealed envelope with the RFQ/P number and the Respondent’s name clearly stated on the outside

of the envelope. The proposal form will include line items that require each of the following to be stated separately: the Proposed Pre-Construction Phase Fee, the Proposed Construction Phase Fee, and the Proposed General Conditions costs by line-item category. **All proposed fees and general condition costs shall exclude any and all architectural and engineering fees.**

- 1.1.4 After the evaluation of information provided under phase two, and any subsequent re-ranking of the short-listed Respondents, the Owner shall first attempt to negotiate an agreement with the highest ranked Respondent. If the Owner is unable to negotiate a satisfactory agreement with the selected Respondent, the Owner shall, formally and in writing, end all negotiations with that Respondent and proceed to negotiate with the next Respondent in the order of the selection ranking until an agreement is reached or negotiations with all ranked Respondents end. In the course of negotiating the agreement, the Owner shall rely on the fee and cost proposals provided by the Respondent under phase two. Time is of the essence for the Owner in the negotiation of agreements and Respondent shall take all necessary measures to assure that proposals and revisions to proposals are expedited. Failure of the Respondent to be responsive and maintain a satisfactory and expedited negotiating schedule shall form the basis for the Owner to end all negotiations with the Respondent.
- 1.1.5 The Owner has established a Design/Builder's Budget Limitation ("DBBL") amount of Nineteen Million Three Hundred Thousand Dollars (\$19,300,000) The DBBL includes a Construction Cost Limitation ("CCL") of Seventeen Million One Hundred Thousand Dollars (\$17,100,000). The selected Design/Build firm will be expected to present a Guaranteed Maximum Price Amount (including a mutually agreed upon construction contingency) for Owner's approval at the completion of the one hundred percent (100%) Design Development Documents.
- 1.1.6 Following selection of a Design/Build firm, that firm's architects and/or engineers shall complete the design, submitting all design elements for review and determination of scope compliance by the Owner before construction. An architect shall have responsibility for compliance with the requirements of Chapter 1051, *Texas Occupations Code*. An engineer shall have responsibility for compliance with the engineering design requirements and all other applicable requirements of Chapter 1001, *Texas Occupations Code*.
- 1.1.7 The successful Respondent will be required to use the Owner's web-based project management software.
- 1.2 **PUBLIC INFORMATION:** All information, documentation, and other materials submitted in response to this solicitation are considered non-confidential and/or non-proprietary and are subject to public disclosure under the Texas Public Information Act (*Texas Government Code*, Chapter 552.001, *et seq.*) after the solicitation is completed. The Owner strictly complies with all statutes, court decisions, and opinions of the Texas Attorney General with respect to disclosure of RFQ information. Additionally, 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 AGREEMENT:** Any agreement resulting from this solicitation will be in the form of the Owner's Standard Design/Build Contractor Agreement ("Agreement"), a copy of which is posted on Owner's website at: <http://www.tsus.edu/offices/finance/capital-projects.html>

1.3.1 The Agreement should be viewed as a draft and is subject to change. The Uniform General Conditions for Construction Contracts referenced in the Agreement may be viewed on the Owner's website at:
<http://www.tsus.edu/offices/finance/capital-projects.html>

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 issued formally by the Owner as a written addendum. All such addenda issued by the Owner before the Qualifications are due become part of the RFQ. Respondents shall acknowledge receipt of and incorporate each addendum in its Qualifications submittal. Respondents shall be required to consider only those clarifications and interpretations that the Owner issues by addenda. Interpretations or clarifications obtained in any other form, including oral statements, will not be binding on the Owner and should not be relied on in preparing Qualifications. It is the responsibility of all Respondents to check the status of formal addenda regularly and eight (8) business days before the submission deadline.

1.4.1 The deadline for the receipt of written questions is stated in Section 2.4.

1.4.2 **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/TEXAS STATE UNIVERSITY SYSTEM – 758"
AND THE RFQ NUMBER PROVIDED IN THIS SOLICITATION.

1.5 **SUBMISSION OF QUALIFICATIONS:**

1.5.1 The Qualifications, including the HUB Subcontracting Plan and HUB Commitment Letter, 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 and are usually not 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 Component.

1.5.2 **DEADLINE AND LOCATION:** The Owner will receive Qualifications at the time and location described below.

August 31, 2023 – 2:00 p.m. (C.D.T.)

Ely Gonzalez
Sam Houston State University
2424 S. Sam Houston Avenue
Huntsville, Texas 77340

1.5.3 Submit five (5) identical copies of the Qualifications and one (1) digital copy on a USB/flash drive in Adobe Acrobat PDF format. An original signature must be included on the Respondent's "Execution of Offer" document submitted with each hard copy of the Qualifications.

- 1.5.4 Submit one (1) original and one (1) copy of the HUB Subcontracting Plan (“HSP”), and one (1) digital copy on a USB/flash drives in Adobe Acrobat PDF format. Also include one (1) original HUB Commitment Letter (“HCL”) as separate attachments to the Qualifications as described in Section 1.13.
- 1.5.5 Qualifications received after the stated official deadline in Section 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.
- 1.5.6 The Owner will not acknowledge or receive Qualifications that are delivered by telephone, facsimile (fax), or electronic mail (e-mail).
- 1.5.7 Properly submitted Qualifications will not be returned to Respondents.
- 1.5.8 Respondent’s Qualifications materials must be enclosed in a sealed envelope (box or container) addressed to the Point-of-Contact. Packages must clearly identify the submittal deadline, the RFQ title and number, and include the name, email address, and return address of the Respondent’s contact person. The Qualifications must include the HSP and HCL in a sealed envelope (box or container).
- 1.5.9 Properly submitted Qualifications will be opened publicly and the names of the Respondents will be read aloud immediately after the submissions of Qualifications deadline in Section 1.5.2.
- 1.5.9.1 The physical location of the public opening is as stated in paragraph 1.5.2, above.
- 1.5.9.2 The public opening can be observed virtually through the following link:
<https://shsu.zoom.us/j/84129566075>
- 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 in writing, to the Point-of-Contact, **via email only**.
- Peter Maass, Director of Capital Projects Administration
The Texas State University System
Email: peter.maass@tsus.edu
- 1.7 **EVALUATION OF QUALIFICATIONS:** The first phase evaluation of the Qualifications shall be based on the requirements described in this RFQ. All properly submitted Qualifications will be reviewed, evaluated, and ranked by the Owner. The top five (5) or fewer ranked Respondents may be selected by the Owner to participate in phase two of the selection process.
- 1.7.1 First phase qualifications shall not include any information regarding Respondent’s fees, pricing, or other compensation. Such information will be solicited from firms qualified by the Owner to participate in phase two of the selection process but will exclude any and all architectural and engineering fees.
- 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 responses and temporarily or permanently abandon the Project. Owner makes no representations, written or oral, that it will enter into any form of agreement with any Respondent to this RFQ for any project and no such representation is intended or should be construed by the issuance of this RFQ.

- 1.9 **ACCEPTANCE OF EVALUATION METHODOLOGY:** By submitting its Qualifications in response to this RFQ, Respondent accepts the evaluation process and acknowledges and accepts that determination of the “most qualified” firm(s) will require subjective judgments by the Owner. Determinations by the evaluation committee will be subjected to routine administrative review by the Owner’s executive officers but, once a selection is announced, it will not be subjected to further review.
- 1.10 **NO REIMBURSEMENT FOR COSTS:** Respondent acknowledges and accepts that any costs incurred from the Respondent’s participation in this RFQ process shall be at the sole risk and responsibility of the Respondent. Respondents submit Qualifications and Proposals at their own risk and expense.
- 1.11 **OPTIONAL AND VIRTUAL PRE-SUBMISSION CONFERENCE:** An optional pre-submission conference will be held on:

August 16, 2023 – 2:00 p.m. (C.D.T.)

Sul Ross State University
Briscoe Administrative Building, Room 201
East Highway 90
Alpine, Texas 79832

Directions: Enter the campus off North Harrison Street at East Sul Ross Avenue (Entrance 3). The parking lot is located on the right and no temporary parking permit is required. The Briscoe Administrative Building Conference Room is located on the 2nd floor, Room 201. No badges are required.

The optional pre-submission conference can also be accessed virtually through the following link:

<https://us02web.zoom.us/j/83751057228?pwd=OXd6VDlqeWxNSIF1NVlMlVXVtdno5dz09>

Meeting ID: 837 5105 7228

Passcode: 363500

One tap mobile

+13462487799,,83751057228#,,,,*363500# US (Houston)

+16694449171,,83751057228#,,,,*363500# US

Questions regarding the Pre-Submission Conference may directed to Bob Jacob at:

Email: robert.jacob@sulross.edu

Phone: 432-837-8749

- 1.11.1 A guided tour of the Project sites will be included as part of the conference agenda.

- 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, Proposal, HSP and HCL.
- 1.13 **HISTORICALLY UNDERUTILIZED BUSINESSES SUBMITTAL REQUIREMENTS:** It is the policy of the Owner 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 are required 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 and will disqualify the Respondent.
- 1.13.1 A HUB Subcontracting Plan (“HSP”) is required by Respondent as a part of the Qualifications for “Design” architect/engineer services.
- 1.13.2 The HSP is not required by respondents as part of the Qualifications for the “Build” construction services. The HSP will be required by the selected Respondent, upon bidding of construction services after approval of a Guaranteed Maximum Price proposal. Submit a HUB Commitment Letter (“HCL”) to describe how Respondent will participate and demonstrate a good faith effort in achieving the Owner’s HUB goals.
- 1.13.3 A sample HCL is attached to this solicitation as Attachment A.
- 1.13.4 Submit one (1) original, one (1) copy, and one (1) disc or thumb drive of the HSP and HCL in a separate sealed envelope apart from the Qualifications as stated in Section 1.5.4 of this RFQ.
- 1.13.5 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>
- 1.13.6 Questions regarding the preparation of the HSP can be directed to:
- Cynthia (Cindy) Tate Guajardo
Card Services Administrator/HUB Coordinator
Procurement & Business Services
Sul Ross State University
Phone: (936) 294-1991
Email: clt23aw@sulross.edu
- 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, Texas 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 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, *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 ARCHITECTURE FIRMS: Respondents are advised that the Texas Board of Architectural Examiners requires that any firm or business entity providing architectural services to the public, other than a sole proprietor doing business under his/her name, must annually register information regarding the firm or business entity with the Texas Board of Architectural Examiners. 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.
- 1.20 REQUIRED NOTICES OF WORKERS' COMPENSATION INSURANCE COVERAGE: The Texas Workers' Compensation Commission has adopted a new rule, Texas Administrative Code Title 28, Part 2, Chapter 110, Subchapter B, Rule 110.110, relating to REPORTING REQUIREMENTS FOR BUILDING OR CONSTRUCTION PROJECTS FOR GOVERNMENTAL ENTITIES. The rule implements sec. 406.096, *Texas Labor Code*, which requires workers' compensation insurance coverage for all persons providing services on a building or construction project for a governmental entity. The requirements of the rule are set forth in the Uniform General and Supplementary General Conditions of The Texas State University System Building Construction Contracts.

- 1.21 PREVAILING WAGE RATE DETERMINATION: Respondents are advised that the Texas Prevailing Wage Law will be administered. The penalty for violation of prevailing wage rates has been increased from \$10.00 per underpaid worker per day or portion thereof to \$60.00. The Prevailing Wage Rate for Brewster County, Texas, can be found on the following website: <https://beta.sam.gov/>
- 1.22 NONDISCRIMINATION: In their execution of this agreement, Respondent, consultants, 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.
- 1.23 NON-BOYCOTT ISRAEL VERIFICATION: To the extent required in Chapter 271, *Texas Government Code*, Respondent hereby certifies that it does not boycott Israel and will not boycott Israel during the term of the Agreement. "Boycott Israel" shall have the meaning set forth in Section 808.001, *Texas Government Code*.
- 1.24 CYBERSECURITY TRAINING PROGRAM: Pursuant to Section 2054.5192, *Texas Government Code*, Design/Build firm and its subcontractors, officers, and employees, who are provided credentials granting access to Component's computer system also known as Component's information system, must complete a cybersecurity training program certified under Section 2054.519, *Texas Government Code* as selected by the Component. The cybersecurity training program must be completed during the term and any renewal period of the Agreement. Design/Build firm shall verify in writing completion of the program to the Component within the first thirty (30) calendar days of the term and any renewal period of the Agreement. Failure to comply with the requirements of this section are grounds for termination for cause of the Agreement.
- 1.25 CERTIFICATION REGARDING BUSINESS WITH CERTAIN COUNTRIES AND ORGANIZATIONS: Pursuant to Subchapter F, Chapter 2252.152, *Texas Government Code*, Respondent hereby certifies it is not engaged in business with Iran, Sudan, or a foreign terrorist organization. Respondent acknowledges the Agreement may be terminated and payment withheld if this certification is inaccurate.
- 1.26 NON-DISCRIMINATION OF FIREARM INDUSTRY VERIFICATION: Pursuant to Chapter 2274, *Texas Government Code* (as enacted in SB 19 in the 87th Regular Legislative Session [2021]), Respondent hereby verifies that either (i) it has less than ten (10) full time employees; or (ii), it does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association (as defined under Section 2274.001, *Texas Government Code*) and will not discriminate during the term of this Agreement against a firearm entity or firearm trade association.
- 1.27 ANTI-BOYCOTT ENERGY COMPANIES VERIFICATION: Pursuant to Chapter 2274.002, *Texas Government Code* (as enacted in SB 13 in the 87th Regular Legislative Session [2021]), Respondent hereby certifies that either (i) it has less than ten (10) full time employees or (ii) it does not "boycott energy companies" (as defined under Section 809.001, *Texas Government Code*) and will not "boycott energy companies" during the term of this Agreement.
- 1.28 VACCINE PASSPORT PROHIBITION: Pursuant to Section 161.0085, *Texas Health and Safety Code* (as enacted in SB 968 in the 87th Regular Legislative Session [2021]), Respondent hereby certifies that it does not require its customers to provide any documentation certifying the customer's COVID-19 vaccination or post-transmission recovery on entry to, to gain access to, or

to receive service from Respondent's business. Respondent acknowledges that such a vaccine or recovery requirement would make Respondent ineligible for a state-funded contract and shall be grounds for termination of this Agreement for cause.

- 1.29 CRITICAL INFRASTRUCTURE AFFIRMATION: Pursuant to Section 2274.0102, *Texas Government Code*, Respondent certifies that neither it nor its parent company, nor any affiliate of Respondent or its parent company, is (i) majority owned or controlled by citizens or governmental entities of China, Iran, North Korea, Russia, or any other country designated by the Governor under Section 2274.0103, *Texas Government Code*, or headquartered in any of those countries.

SECTION 2 – EXECUTIVE SUMMARY

- 2.1 HISTORICAL BACKGROUND: SRSU was created by the 35th Legislature in 1917 to serve as a state normal college to train teachers. The school, Sul Ross State Normal College, was named after Lawrence Sullivan Ross, Governor of Texas from 1887 to 1891 and President of Texas A&M College from 1891 to 1898. Construction began in 1919 and on June 14, 1920, under the presidency of Thomas J. Fletcher, operations began in the present Dolph Briscoe Jr. Administration Building. The first enrollment in the summer of 1920 included 77 students, who studied education and liberal arts subjects.

In 1923, the state Legislature changed the name to Sul Ross State Teachers College, and advanced courses leading to baccalaureate degrees were added. The first baccalaureate degree was awarded in the summer of 1925. In 1930, graduate level course work began, and the first master's degrees were presented in 1933. The school experienced continued growth in enrollment and construction until World War II, when portions of the campus housed a U.S. Navy pilot training program and a Women's Army Corps Training School.

Enrollment grew to more than 1,000 students in 1960 and to over 2,000 in 1970. Academic programs continued to expand and new fine arts, physical education, science, range animal buildings, and a new library were constructed between 1952 and 1974. In 1969, the Legislature again changed the name of the school to Sul Ross State University ("SRSU") to reflect its status as a comprehensive state university.

SRSU has become the cultural and educational hub for the remote Big Bend region. The school has enriched the area through scientific research in biology, geology, and range animal science, with emphasis on Chihuahuan Desert studies. Through the University's Center for Big Bend Study, research and educational activities are conducted in historic, cultural, and economic development for the Trans-Pecos region and adjacent areas in Mexico and New Mexico.

- 2.2 MISSION STATEMENT: Sul Ross State University seeks to be a national and international leader in achieving excellence among universities in the areas of education, research, social mobility, service, affordability, and shared governance.

Rooted in the distinctive surroundings and history of the Big Bend and the US-México border regions of Texas, SRSU provides accessible, comprehensive, and life changing education through high quality teaching, research, cultural awareness, creativity, and service.

Values:

- Excellence
- Ethics and Integrity

- Diversity and Inclusiveness
- Growth and Exploration Leadership and Service
- Personal Connection
- Effective Communication

2.3 **PROJECT DESCRIPTION AND SCOPE:** This project is composed of an assortment of small, medium, and large size projects including renovations, building systems replacements, and new construction. The projects are organized into two headings as a result of the funding sources that support them. The “Fine Arts Facilities Expansion” project is the larger of the two and impacts a number of buildings on the SRSU campus. The “Museum of the Big Bend Renovation” project is limited to the original 1937 museum building. The projects are combined to elicit the greatest efficiency in delivering the scope of required work.

The Fine Arts Facilities Expansion will address inadequate existing facilities at five locations on the SRSU campus, as follows:

- **Francois Fine Arts Building:** The existing building constructed in 1950 and houses various components of the Department of Fine Arts. The building was last renovated in 1980 to better support the arts with classrooms, labs, an art gallery, and the studio theater. The building also contains music practice rooms, offices, a costume shop, and other support spaces. The project proposes to replace the current mechanical and electrical systems, address accessibility deficiencies, and renovate existing spaces at Levels 1 and 2.
- **Art Annex/Industrial Technology:** This single-story pre-engineered building was constructed in 1993. A ceramics and sculpture studio occupies around 2,300 gross square feet of the building, not including exterior covered areas. The scope of work proposed for these spaces includes addressing deferred maintenance items including mechanical and electrical systems, and exterior storm water drainage improvements.
- **Kokernot Lodge:** The Kokernot Lodge was completed in 1934 as part of a Civil Works Project. It is located approximately one mile north of the main campus off TX 223 North. Under this project, the existing facility will be stabilized. The caretaker’s quarters addition will be removed, the shared rear wall repaired, and several roof areas at the back of the lodge will be repaired. The lodge has accessibility challenges at the primary entry that need to be reviewed and addressed. Existing mechanical systems will need to be inspected and updated, as required.
- **Kokernot Lodge Amphitheater:** This outdoor amphitheater was constructed in the 1970s and is located southeast of the Kokernot Lodge, adjacent to the Scene Shop. The theater is actively utilized for outdoor theater and musical performances and has a need for significant updates and maintenance. A backstage structure facilitates multiple functions including prop storage, performers dressing and restrooms, and other back-of-house functions. Each of these components are in need of significant repair and renovation and mechanical and electrical systems require complete upgrades. Overall accessibility at the site is another challenge that needs to be addressed. The current parking area is not paved and the distance from the lot to the theater seating is far. While accessible seating is at the front of the stage, closer to the parking area, the sound booth and concessions are located at the rear of the seating area. A substantial stair and non-ADA compliant ramp, greatly limit accessibility to this area. The sound booth is also in poor condition with a leaking roof, out-of-date equipment, and poor security.
- **Black Box Theater:** A new Black Box Theater is proposed to be constructed adjacent to the Kokernot Lodge Amphitheater. As the budget allows, this space would include a new scene shop, costume shop, dressing rooms, restrooms, general classrooms, and shared storage. The initial intent is to integrate the new building with the existing pre-engineered

metal buildings that compose the backstage and support spaces for the outdoor amphitheater.

The Museum of the Big Bend was built in 1937 and underwent a complete renovation and restoration project in 2007, which preserved the overall character and forms of the original building. The museum houses both permanent and temporary exhibits, a map collection, library, museum store, a multi-purpose/educational room, and various back of house offices, and collections storage. An assessment report completed in May 2023, identified nearly \$3.3 million in existing building deficiencies that need to be addressed, however, current budget limitations will only allow for \$1.1 million to address the most critical deficiencies. The most critical deficiencies currently identified include the following:

- Architectural:
 - Widen doorways at basement closet and offices.
 - Address protruding objects in path of travel.
 - Mold and water damage repairs.
 - Building exits and exit signage deficiencies.
 - Exterior window and sealant repairs.
- Fire Protection:
 - Evaluate and address current flow rates.
 - Install a pre-action sprinkler system.
- Mechanical:
 - Replace air-cooled chiller.
 - Replace chilled water pump.
 - Replace hot water pump.
 - Provide dedicated AC unit at IT closet.
- Plumbing:
 - Replace electric water heater.
 - Replace hot water recirculating pump.
 - Replace elevator pit sump pump.
- Telecommunication:
 - Address deficiencies in current IT room.
 - Provide additional Wireless Access Points
- Interior Renovation: Relocate the existing map room from the basement to the main floor. The new map room includes new carpet, millwork, electrical receptacles, lighting, and security systems.

2.3.1 Project design criteria can be found in the following two documents:

2.3.1.1 Strategic Space Plan for Fine Arts at Sul Ross State University, by Facility Programming and Consulting, Inc., July 2023. Included as Exhibit A on the ESBD web page.

2.3.1.2 Sul Ross State University Museum of the Big Bend Existing Building Assessment, by Page, Southerland, Page, Inc., May 2023. Included as Exhibit B on the ESBD web page.

2.3.2 The total Design/Build Budget Limitation (“DBBL”) for the Project is: \$19,300,000.

2.3.3 The total Construction Cost Limitation (“CCL”) for the Project is: \$17,100,000. (The Fine Arts Facilities Expansion is valued at \$16,000,000, while the Museum of the Big Bend Renovation is valued at \$1,100,000.)

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

2.4.1	Owner publishes RFQ for D/B Services	07/31/2023
2.4.2	Optional Pre-Submission Conference (2:00 p.m.)	08/16/2023
2.4.3	RFQ submittal of questions deadline (12:00 p.m.)	08/22/2023
2.4.4	Deadline for submittal of Qualifications, HCL and HSP (2:00 p.m.).....	08/31/2023
2.4.5	Respondents name read aloud virtually from Sam Houston State University	08/31/2023
2.4.6	Owner selects shortlisted Respondents for interview (if required).....	09/13/2023
2.4.7	Interview of shortlisted Respondents (if required)	09/20/2023
2.4.8	Owner issues request for phase two information (to short-listed firms).....	09/22/2023
2.4.9	Deadline for submittal of phase two information (2:00 p.m.)	09/28/2023
2.4.10	Owner selects top ranked Respondent	10/02/2023
2.4.11	Owner commences negotiations	10/05/2023
2.4.12	Owner and Respondent agree to terms of the D-B Agreement.....	11/01/2023
2.4.13	Execute D/B Agreement	11/06/2023
2.4.14	Notice to Proceed for Design/Pre-Construction Services	11/07/2023
2.4.15	Board of Regents approval of Design Development Submittal	05/16/2024
2.4.16	Owner approves Guaranteed Maximum Price Proposal	06/03/2024
2.4.17	Notice to Proceed for Construction Phase issued	06/14/2024
2.4.18	Construction Documents complete	07/01/2024
2.4.19	Owner accepts Substantial Completion of Construction	06/13/2025
2.4.20	Final Completion	07/11/2025
2.4.21	Occupancy	08/04/2025

The schedule of events presented above represents a basic timeline for the Project. A final Project timeline will be developed with the Owner and Design/Build firm at a later time. The Owner can be expected to work with the Design/Build firm to validate and improve on this initial schedule.

2.5 **OWNER’S SPECIAL CONDITIONS:** The Owner requires full compliance with specification Division 0: Contract Requirements and Division 1: General Requirements, which will be integrated into the specifications for the Project and become part of the Contract. These specification sections shall be a part of the Design/Build Agreement. The sections may be viewed on the Owner’s website at: <https://www.tsus.edu/offices/finance/capital-projects.html>

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 5. Incomplete Qualifications will be considered non-responsive and subject to rejection. Qualifications shall constitute up to Fifty Percent (50%) of the total Respondent evaluation score. The Proposal, under phase two of the selection process will constitute up to Fifty Percent (50%) of the Respondents evaluation score.

3.1 **CRITERION ONE: RESPONDENT’S ABILITY TO PROVIDE DESIGN/BUILD SERVICES:**
(Criterion Weight: 5%)

3.1.1 Provide a brief history of Respondent’s firm.

- 3.1.2 Provide the following information on your firm for the past **five** (5) fiscal years:
- 3.1.2.1 Volume:
 - 3.1.2.1.1 Annual number, value, and percent change of contracts in Texas per year
 - 3.1.2.1.2 Annual number, value, and percent change of contracts nationally per year
 - 3.1.2.2 Revenues: Annual revenue totals and percent change per year
 - 3.1.2.3 Bonding:
 - 3.1.2.3.1 Total bonding capacity
 - 3.1.2.3.2 Available bonding capacity and current backlog
 - 3.1.3 Attach a letter of intent from a surety company indicating ability to bond Respondent for the entire construction cost of the Project. The surety shall acknowledge that the Respondent may be bonded for each stage/phase of the Project (if applicable), with a potential maximum construction cost of **Seventeen Million One Hundred Thousand Dollars (\$17,100,000)**. Bonding requirements are set forth in Article 17 of the Agreement, the Uniform General Conditions for Construction Contracts, and Special Conditions, if any.
 - 3.1.4 State whether any firm of the Respondent's team is currently for sale or involved in any transaction to expand or to become acquired by another business entity. If so, explain the impact both in organization and company direction.
 - 3.1.5 Provide details of any past or pending litigation, or claims filed, against any firm of the Respondent's team that may affect its performance under an Agreement with the Owner.
 - 3.1.6 State whether any firm of the Respondent's team is currently in default on any loan agreement or financing agreement with any bank, financial institution, or other entity. If so, specify date(s), details, circumstances, and prospects for resolution.
 - 3.1.7 State whether Respondent has ever failed to complete any work which it was awarded.
- 3.2 CRITERION TWO: QUALIFICATIONS OF DESIGN/BUILD TEAM AND THE EXECUTION OF SERVICES: (Criterion Weight: 20%)
- 3.2.1 Provide resumes of all Respondent's team members, including architectural, engineering, technical consultants, construction contractors, and subcontractors, that will be dedicated to and directly involved in the Project, including their experience with similar projects, definition of that person's specific role in the Pre-Construction and Construction phases for the Project, the number of years with their respective firms, and their cities of residence.
 - 3.2.2 For each of the proposed Respondent's team members identified in 3.2.1, describe their responsibilities in each of the representative projects presented in 3.3, and compare them with their anticipated responsibilities in this Project. List other projects on which the Respondent's team members have worked together.
 - 3.2.3 Describe, in graphic and written form, the proposed Project organizational chart indicating assignments and lines of authority and communication for each team member to be directly involved in the Project. Indicate the estimated percent of time these team members will be involved in the Project for Pre-Construction, Construction, Close-Out, and Warranty services.

- 3.2.4 Describe Respondent's management and execution plan for providing Pre-Construction Phase Services required for this Project.
 - 3.2.5 Describe what Respondent perceives as the critical issues for this Project, whether in the Pre-Construction or Construction Phase.
 - 3.2.6 Describe Respondent's procedures, objectives, and personnel responsible for reviewing design and Construction Documents and for providing feedback regarding cost, schedule, and constructability to the Owner.
 - 3.2.7 Describe Respondent's Bid/Proposal Package Strategy for completion of the Construction Documents and for procuring the work from subcontractors, vendors, suppliers, etc.
 - 3.2.8 Describe Respondent's constructability program for this Project and how it will be implemented.
 - 3.2.9 Describe Respondent's philosophy for maximizing Project scope for the Owner during Pre-Construction services, minimizing risk, and identifying when savings can be returned to the Owner during construction.
 - 3.2.10 For Pre-Construction and Construction services, provide examples of records, reports, monitoring systems, and information management systems Respondent will use on this Project.
 - 3.2.11 Declare if Respondent, or any other company within the same holding group of companies, desires to self-perform work on this Project, and describe the method for determining itself as the "best value" through a competitive proposal process.
 - 3.2.12 Describe Respondent's approach to coordinating inspections and approvals with the Texas Department of Licensing and Regulation regarding Texas Accessibility Standards, the State Fire Marshal and other authorities having jurisdiction over the Project.
- 3.3 CRITERION THREE: RESPONDENT'S PAST PERFORMANCE ON REPRESENTATIVE DESIGN/BUILD PROJECTS: (Criterion Weight: 20%)
- 3.3.1 Identify and describe the Respondent's team's past experience for providing Design/Build services that are **MOST RELATED TO THIS PROJECT within the last ten (10) years.** Provide not less than three (3) but not more than five (5) examples. List the projects in order of priority, with the most relevant project listed first. Provide the following information for each project listed:
 - 3.3.1.1 Project name, location, description, and delivery method if other than Design/Build
 - 3.3.1.2 Photographic color images of exterior, interior, and floor plans and site plans if applicable
 - 3.3.1.3 Construction cost estimates at Design Development, final GMP amount and final construction cost. Explain the reasons for any deviations.
 - 3.3.1.4 Final project size in gross square feet
 - 3.3.1.5 Type of construction (new, renovation, or expansion)
 - 3.3.1.6 Notice to Proceed date for Pre-Construction Services

- 3.3.1.7 Originally planned and actual Notice to Proceed, Substantial Completion, and Final Payment dates for Construction Services. Explain reasons for any deviation.
 - 3.3.1.8 Name of project manager (individual responsible to the owner for the overall success of the project)
 - 3.3.1.9 Name of project superintendent(s) (individual responsible for coordinating the day-to-day work)
 - 3.3.1.10 Names of mechanical, plumbing, electrical, and other major subcontractors
- 3.3.2 References (for each project listed above, identify the following):
- 3.3.2.1 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 and email address
 - 3.3.2.2 The A/E's name and representative who served as the day-to-day liaison during the project, including telephone number and email address
 - 3.3.2.3 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.

3.4 CRITERION FOUR: RESPONDENT'S ABILITY TO ESTABLISH BUDGETS AND CONTROL COSTS: (Criterion Weight: 15%)

- 3.4.1 Describe Respondent's methodology for working with the the Owner to deliver a GMP and to maintain the GMP throughout the design and construction phases including any processes for establishing, tracking, and reporting during the course of the Project.
- 3.4.2 Describe Respondent's cost control methods during construction and how Respondent procures subcontracts, confirms scope, amounts, and ensures proper payment.
- 3.4.3 If the Owner intends to accept a GMP prior to completion of Construction Documents; describe: 1) Respondent's process for ensuring that the design documents provide the information necessary to arrive at a complete GMP, including all Owner requirements with reasonable contingencies, and 2) Respondent's process for subsequently ensuring that the one hundred percent (100%) Construction Documents align with the project scope in the previously accepted GMP proposal documents.
- 3.4.4 Describe the percentage for construction contingency desired at GMP, and how these contingencies will be managed through the completion of Construction Phase services.
- 3.4.5 Describe the bonds Respondent requires of subcontractors including if Subguard will be used.
- 3.4.6 Identify a maximum of three (3) projects from Section 3.3 of this RFQ, with GMP contracts, and the amount of savings (if any) returned to the owner.

3.5 CRITERION FIVE: RESPONDENT’S ABILITY TO MEET SCHEDULES: (Criterion Weight: 15%)

- 3.5.1 Describe how Respondent will develop, maintain, and update the project schedule during design and construction. Identify the specific resources (i.e., personnel, hardware, software, etc.) to be used on this Project.
- 3.5.2 Describe Respondent’s approach to assuring timely completion of this Project, including methods for schedule recovery, if necessary. From any three (3) of the projects listed in response to Section 3.3 of this RFQ, provide examples of how these techniques were used, including specific scheduling challenges/requirements and actual solutions.
- 3.5.3 Describe Respondent’s experience with Critical Path Method (“CPM”) scheduling. From any of three (3) of the projects listed in response to Section 3.3 of this RFQ, provide one (1) sample of the monthly schedule reports, including identified milestones, and any schedule recovery plans.
- 3.5.4 Provide a simple CPM Milestone schedule on how Respondent perceives this Project could be built. Identify specific critical process, phases, milestones, approvals, and procurements anticipated. Include the ten percent (10%) total project float that will be required in the critical path during the Construction Phase. If Respondent proposes to improve the schedule, describe the impact on quality of services, materials or workmanship that may occur.

3.6 CRITERION SIX: RESPONDENT’S KNOWLEDGE OF CURRENT CONSTRUCTION METHODOLOGIES, TECHNOLOGIES, QUALITY, AND BEST PRACTICES: (Criterion Weight: 10%)

- 3.6.1 Describe Respondent’s quality assurance program. Explain the methods used to ensure quality control during the Design and Construction phases of a project. Provide a specific example from one (1) of the representative projects, listed in response to Section 3.3 of this RFQ, of how Respondent’s quality control program overcame a difficult design or constructability issue and resulted in higher quality project.
- 3.6.2 Describe Respondent’s procedures for implementing industry’s “best practices” as defined by the Construction Industry Institute or similar organizations for:
 - 3.6.2.1 Establishing and tracking project objectives.
 - 3.6.2.2 Using project scope definition resources (i.e., Project Definitions Rating Index (PDRI)) in order to obtain complete and accurate design and construction documents from the A/E.
 - 3.6.2.3 Partnering.
 - 3.6.2.4 Cost tracking.
 - 3.6.2.5 Change (order) management systems.
 - 3.6.2.6 Building systems commissioning, including coordination with the Owner’s commissioning agent.
 - 3.6.2.7 Total quality management for each phase of the Project, including coordinating with the Owner’s project inspectors, testing, training, close-out, and warranty service.

- 3.6.3 Describe Respondent's implementation of a quality control process for this Project during the Design Development stage through completion of Construction Documents stage.
 - 3.6.4 Describe how Respondent's quality control team will measure the quality of construction and commissioning performed by all trades, but in particular, by mechanical and electrical subcontractors and how Respondent will address non-conforming work.
 - 3.6.5 As the Design/Build contractor, describe Respondent's relationship with the local subcontracting community.
 - 3.6.6 Describe Respondent's past experience dealing with remote campuses and site conditions for any project listed in Section 3.3 of this RFQ.
 - 3.6.7 Provide any other details regarding special services, products, advantages, or other benefits offered to the Owner by the Respondent.
- 3.7 CRITERION SEVEN: RESPONDENT'S ABILITY TO IDENTIFY AND RESOLVE PROBLEMS: (Criterion Weight: 5%)
- 3.7.1 Describe Respondent's understanding of the administrative challenges and opportunities associated with providing Design, Pre-Construction, and Construction services for Owner on this Project, and Respondent's strategy for addressing these issues.
 - 3.7.2 Understanding the schedule limitations, provide an analysis of the Owner's project planning schedule in Section 2.4 of this RFQ, describe Respondent's plan for communicating design, constructability, phasing, value engineering and other budget options in a form that will quickly facilitate the Owner's decision making.
 - 3.7.3 For any combination of three (3) projects listed in response to Section 3.3 of this RFQ, describe any conflicts with the Owner, consultants, A/E, or subcontractors and describe the methods used by the Respondent to resolve those conflicts.
 - 3.7.4 Provide examples of services provided that creatively incorporated mechanical, electrical, plumbing, fire protection, and other system solutions in similar existing structures and under similar conditions.
- 3.8 CRITERION EIGHT: RESPONDENT'S ABILITY TO MANAGE CONSTRUCTION SAFETY RISKS: (Criterion Weight: 5%)
- 3.8.1 Briefly describe Respondent's approach for anticipating, recognizing, and controlling safety risks and note the safety resources that Respondent provides for each project's safety program.
 - 3.8.2 Describe the level of importance for enforcement and support of project safety that Respondent includes in performance evaluations for superintendents and project managers.
 - 3.8.3 Identify the proposed safety management team members for construction services. Include their previous titles, duties, city(s) of residence, experience, and expertise; also, their intended percent of monthly involvement and duration for this Project. Include all details necessary to demonstrate the credentials required by project safety specifications.

- 3.8.4 Describe the methodology, including any technology or other assets that Respondent intends to use for prevention and/or control of incidents and insurance claims on this Project.
- 3.8.5 Describe the safety and insurance claims history information and weighting that Respondent includes in the submission and award process for “best value” subcontracts.
- 3.8.6 For all projects that Respondent has managed (or co-managed) in the past five (5) years, list and describe all events or incidents that have reached any of the following levels of severity:
 - 3.8.6.1 Any occupational illness or injury that resulted in death or total and permanent disability.
 - 3.8.6.2 Three (3) occupational illnesses or injuries that resulted in hospital admittances.
 - 3.8.6.3 Explosion, fire, or water damage that claimed five percent (5%) or more of the project’s construction value.
 - 3.8.6.4 Failure, collapse, or overturning of a scaffold, excavation, crane, or motorized mobile equipment when workers were present at the project.
- 3.8.7 Identify the Respondent’s Experience Modification Rate (“EMR”) for the three (3) most recent annual insurance-year ratings.
- 3.8.8 Identify Respondent’s annual OSHA Recordable Incident Rates (“RIR”) for all work performed during the past three (3) calendar years.
- 3.8.9 Identify Respondent’s annual OSHA Lost Workday Case Incident Rates (“LWCIR”) for all work performed during the past three (3) calendar years.
- 3.9 CRITERION NINE: RESPONDENT’S WARRANTY AND SERVICE SUPPORT PROGRAM FOR THIS PROJECT: (Criterion Weight: 5%)
 - 3.9.1 Describe Respondent’s warranty service support philosophy and warranty service implementation plan for this Project.
 - 3.9.2 Describe how Respondent will measure the quality of warranty service provided to the Owner for this Project.
 - 3.9.3 Provide reference letters from three (3) owners identified in Sections 3.3 of this RFQ, that describe Respondent’s response to, and performance on, warranty services AFTER substantial completion.
- 3.10 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.

- 3.10.1 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.
- 3.10.2 By signature hereon, Respondent offers and agrees to furnish to the Owner products and/or services more particularly described in its Qualifications and to comply with all terms and conditions and requirements set forth in the RFQ documents and contained herein.
- 3.10.3 By signature hereon, Respondent affirms that it has neither given, nor intend to give at any time hereafter, any economic opportunity, future employment, gift, loan, gratuity, special discount, trip favor or service to a public servant in connection with the submitted Qualifications.
- 3.10.4 By signature hereon, Respondent affirms that it is a "taxable entity" under Section 171.0002 of the *Texas Tax Code* and certifies that it is not currently delinquent in the payment of any Franchise Taxes due under Chapter 171, *Texas Tax Code*.
- 3.10.5 By signature hereon, Respondent hereby certifies that neither the Respondent nor anyone acting on behalf of Respondent has violated the antitrust laws of this state, codified in Section 15.01, et. seq., *Texas Business and Commerce Code*, or the Federal antitrust laws. Respondent further certifies that it has not communicated directly or indirectly the Qualifications submitted to any competitor or any other person engaged in a similar line of business.
- 3.10.6 By signature hereon, Respondent represents and warrants that:
- 3.10.6.1 Respondent is a reputable company regularly engaged in providing products and/or services necessary to meet the terms, conditions and requirements of the RFQ;
 - 3.10.6.2 Respondent has the necessary experience, knowledge, abilities, skills, and resources to satisfactorily perform the terms, conditions and requirements of the RFQ;
 - 3.10.6.3 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;
 - 3.10.6.4 Respondent understands the requirements and specifications set forth in this RFQ and the terms and conditions set forth in the Contract under which Respondent will be required to operate;

- 3.10.6.5 Respondent, if selected by the Owner, will maintain insurance as required by the Contract; and
- 3.10.6.6 All statements, information and representations prepared and submitted in response to this RFQ are current, complete, true and accurate. Respondent acknowledges that the Owner will rely on such statements, information, and representations in selecting the successful Respondent. If selected by the Owner as the successful Respondent, Respondent will notify the Owner immediately of any material change in any matters with regard to which Respondent has made a statement or representation or provided information.
- 3.10.7 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.
- 3.10.8 By signature hereon, Respondent certifies that if a Texas address is shown as the address of the Respondent, Respondent qualifies as a Texas Resident bidder as defined in *Texas Government Code* Section 2252.001(4).
- 3.10.9 By signature hereon, Respondent certifies as follows:
 - 3.10.9.1 "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."
 - 3.10.9.2 "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."
 - 3.10.9.3 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.
- 3.10.10 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 or any component, or Respondent has not been an employee of Owner or 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.
- 3.10.11 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*).
- 3.10.12 Respondent represents and warrants that all articles and services quoted in response to this RFQ meet or exceed the safety standards established and promulgated under the Federal

Occupational Safety and Health Law (Public Law 91-596) and its regulations in effect or proposed as of the date of this solicitation.

- 3.10.13 By signature hereon, Respondent signifies his compliance with all federal laws and regulations pertaining to Equal Employment Opportunities and Affirmative Action.
- 3.10.14 By signature hereon, Respondent agrees to defend, indemnify, and hold harmless the State of Texas, all of its officers, agents and employees from and against all claims, actions, suits, demands, proceedings, costs, damages, and liabilities, arising out of, connected with, or resulting from any acts or omissions of Respondent or any agent, employee, subcontractor, or supplier of Respondent in the execution or performance of any agreements or other contractual arrangements which may result from the submission of Respondent's Qualifications.
- 3.10.15 By signature hereon, Respondent agrees to complete a Cybersecurity Training Program. Pursuant to Section 2054.5192, *Texas Government Code*, Respondent and its subcontractors, officers, and employees who are provided credentials granting access to Component's computer system also known as Component's information system, must complete a cybersecurity training program certified under Section 2054.519, *Texas Government Code* as selected by the Component. The cybersecurity training program must be completed during the term and any renewal period of this Agreement. Respondent shall verify in writing completion of the program to the Owner within the first thirty (30) calendar days of the term and any renewal period of this Agreement. Failure to comply with the requirements of this section are grounds for termination for cause of the Agreement.
- 3.10.16 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.
- 3.10.17 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.
- 3.10.18 Pursuant to Chapter 2274, *Texas Government Code*, Respondent certifies that it does not have a practice, policy, guidance, or directive that discriminates against a firearm entity of firearm trade association; and will not discriminate during the term of the Agreement against a firearm entity or firearm trade association.
- 3.10.19 Pursuant to Chapter 2274, *Texas Government Code*, Respondent certifies that it does not boycott energy companies as defined in Section 809.001(1)(a), *Texas Government Code*, (i.e., fossil fuel companies); and will not boycott energy companies during the term of the Agreement.
- 3.10.20 Respondent certifies that it does not require its customers to provide any documentation certifying the customer's COVID-19 vaccination or post-transmission recovery, on entry to, to gain access to, or to receive service from the Respondent's business. Respondent

acknowledges that such a vaccine or recovery requirement would make Respondent ineligible for a state-funded contract.

- 3.10.21 Pursuant to Section 2274.0102, *Texas Government Code*, Respondent certifies that neither it nor its parent company, nor any affiliate of Respondent is majority owned or controlled by citizens or governmental entities of China, Iran, North Korea, Russia, or any other country designated by the Governor under Section 2274.0103, *Texas Government Code*, or headquartered in any of those countries.

[Execution of Offer continues next page]

SECTION 4 – FORMAT FOR STATEMENT OF QUALIFICATIONS

4.1 GENERAL INSTRUCTIONS

- 4.1.1 Qualifications shall be prepared simply and economically, providing a straightforward, concise description of the Respondent's ability to meet the requirements of this RFQ. Emphasis shall be on the quality, completeness, clarity of content, responsiveness to the requirements, and an understanding of Owner's needs.
- 4.1.2 Qualifications shall be a maximum of fifty (50) printed pages (25 sheets printed double-sided or 50 sheets single-sided), the cover, table of contents, divider sheets, HSP and HCL (Section 1.13), and Execution of Offer do not count as printed pages.
- 4.1.3 Respondents shall carefully read the information contained in this RFQ and submit a complete response to all requirements and questions as directed. Incomplete Qualifications will be considered non-responsive and subject to rejection.
- 4.1.4 Qualifications and any other information submitted by Respondents in response to this RFQ shall become the property of the Owner.
- 4.1.5 Qualifications that are qualified with conditional clauses, alterations, items not called for in the RFQ documents, or irregularities of any kind are subject to rejection by the Owner, at its option.
- 4.1.6 The Owner makes no representations of any kind that an award will be made as a result of this RFQ. The Owner reserves the right to accept or reject any or all Qualifications, waive any formalities or minor technical inconsistencies, or delete any item/requirements from this RFQ when deemed to be in Owner's best interest.
- 4.1.7 Qualifications shall consist of answers to questions identified in Section 3 of the RFQ. It is not necessary to repeat the question in the Qualifications; however, it is essential to reference the question number with the corresponding answer.
- 4.1.8 Failure to comply with all requirements contained in this 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 each criterion response to Section 3 of this RFQ by use of a divider sheet with an integral tab for ready reference.

- 4.3 **TABLE OF CONTENTS:** Submittals shall include a “Table of Contents” and give page numbers for each part 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 the HCL.

SECTION 5 - ATTACHMENTS TO THE RFQ

- 5.1 Attachment A - HUB Commitment Letter – Sample
- 5.2 ESBD Exhibit A – Design Criteria Package: Strategic Space Plan for Fine Arts at Sul Ross State University, by Facility Programming and Consulting, Inc., July 2023. Provided on the ESBD web page.
- 5.3 ESBD Exhibit B – Design Criteria Package: Sul Ross State University Museum of the Big Bend Existing Building Assessment, by Page Southerland Page, Inc., May 2023. Provided on the ESBD web page.

[END OF REQUEST FOR QUALIFICATIONS]

Attachment A

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

(BUSINESS LETTERHEAD)

SAMPLE

Letter of HUB Commitment for RFQ for Design-Build Services

Date:

Cynthia (Cindy) Tate Guajardo
Card Services Administrator/HUB Coordinator
Procurement & Business Services
Sul Ross State University

Re: Historically Underutilized Business Plan
Fine Arts Facilities Expansion and Museum of the Big Bend Renovation
Sul Ross State University – Alpine, Texas
Project Number 758-23-07018

Dear Ms. Guajardo:

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

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

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

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

Sincerely,

Contractor’s Name

Addendum No. 1

Issued August 22, 2023

REQUEST FOR QUALIFICATIONS FOR DESIGN-BUILD SERVICES

FOR SUL ROSS STATE UNIVERSITY ALPINE, TEXAS

FINE ARTS FACILITIES EXPANSION AND MUSEUM OF THE BIG BEND RENOVATION ALPINE, TEXAS

RFQ No.:

758-23-07018

Notice To All Respondents:

The following is Addendum No. 1 to the Request for Qualifications (RFQ)
ESBD Posting No. 758-23-07018 was posted on July 31, 2023

Prepared By:

Donna Bryce, Senior Contract Administrator
The Texas State University System
601 Colorado Street
Austin, TX 78701 - 512-463-1808
Donna.Bryce@tsus.edu

I. GENERAL:

A. The virtual optional Pre-Submission Conference was held on August 16, 2023, at the Briscoe Administrative location. The Attendance Sign-In Sheets are included as part of this Addendum. The following questions and answers, including those presented at the meeting, have been edited for clarity.

- 1. Question:** Are the buildings going to be occupied?
Answer: Yes, most of the buildings will be occupied but there will be some latitude to accommodate the required renovation.
- 2. Question:** Is there a Theater season, so to speak, for the like the Kokernot area, summer performances?
Answer: The Kokernot Amphitheater is primarily used during the summer. There are other theaters on campus that can and are used for rehearsals and performances. The University will work with the Design-Build entity to accommodate the required work at this location.
- 3. Question:** We had a question about availability of existing drawings, what type digital, or PDF files of the different buildings do you guys have available to the design team?
Answer: The University has CAD drawings that were prepared during the recent campus master plan process that it will share. There are also some blueprints and as-built drawings and digital files from previous renovations.
- 4. Question:** Does the University have any records of any of the deferred maintenance like systems replacements, upgrades, things like that?
Answer: The University has an accounting of deferred maintenance needs. Many of these are included in the Program of Requirements provided with the RFQ.
- 5. Question:** Will the project require full scale abatement, anything like that?
Answer: It is anticipated that asbestos containing materials (ACM) will be encountered as part of the project with floor tiles, mastic, pipe insulation, and drywall compounds being the most likely sources. The University has previously tested for ACM and has reports available. Any abatement that is required to perform the required renovation work will be part of the Design-Build scope of work.
- 6. Question:** Given the remoteness of Alpine, how will you handle plan reviews and inspections?
Answer: It is anticipated that many of the plan reviews can be handled virtually, but there will need to be occasions when on-site inspections of existing systems and meetings are held in Alpine. Inspections will

require traveling to Alpine. The University will work with the successful respondent to limit travel needs during the Pre-Construction phase of the project, but travel and an on-site presence will be necessary during construction.

Attachments:

- (1) Virtual and In-Person Pre-Submission Conference Attendance Sign-In Sheets

- END OF ADDENDUM NO. 1 -

Attendance for Optional Pre-Submission Conference

RFQ for Design-Build Services - RFQ No. 758-23-07018

Fine Arts Facilities Expansion and Museum of The Big Bend Renovation for Sul Ross State University

Date: Wednesday, August 16, 2023 - 2:00 p.m.

COMPANY	NAME	PHONE NO.	EMAIL ADDRESS	SIGNATURE
SPARTAN	Daniel Roman	(215) 760-6171	stewe@spartan-coast-	Denny
Joeris GC.	Marty Garza	210-825-0429	marty.garza@joeris.com	Marty Garza
Benchmark	JASON BOCKE	832-5065723	jboeke@benchmarkhouston.com	Jason
ENERGY ARCHITECTURE	TODD ARETZ	832-524-5307	TODD@ENERGYARCH.COM	Todd Aretz
Energy Architecture	Cynthia Brown	713-806-5902	cynthia.b@energyarch.com	Cynthia Brown
TSUS	Donna Bryce	512-9070463-1823	donna.bryce@tsus.edu	VIA Zoom
TSUS	Peter Maass	512-463-1823	Peter.maass@tsus.edu	VIA Zoom
Sul Ross State U.	Bonnie Albright	432-837-8078	bonnie.albright@sulross.edu	VIA Zoom
Sul Ross State U.	Jessie Lara	432-837-8085	slara@sulross.edu	VIA Zoom
FPC Architects	Adam Reed	210-226-1246	areed@Fpcarch.com	VIA Zoom

Attendance for Optional Pre-Submission Conference

RFQ for Design-Build Services - RFQ No. 758-23-07018

Fine Arts Facilities Expansion and Museum of The Big Bend Renovation for Sul Ross State University

Date: Wednesday, August 16, 2023 - 2:00 p.m.

COMPANY	NAME	PHONE NO.	EMAIL ADDRESS	SIGNATURE
wright & Dalbin Architects	Geoffrey Wright	915 533-3777	wrightDalbin.com	VIA Zoom
Fletco Construction	Carson Conklin	830 992-3029	Carson.c@fletcoconstruction.com	VIA Zoom
BRW Architects	Veronica Lozano	281 361-3800	vlozano@brwarch.com	VIA Zoom
Sul Ross state U	Robert Jacob	432 837-8749	robert.jacob@sulross.edu	Robert Jacob
Spartan Const	Ashton Allen	915 309-9906	Ashton@spartan-const.com	VIA Zoom
Hill Int'l	JP Perez	210 975-4321	JohnPerez@hillintl.com	VIA Zoom