

REQUEST FOR QUALIFICATIONS

Kyle Field Stadium Redevelopment

TEXAS A&M UNIVERSITY

RFQ No. 12-0002

SUBMITTAL DUE DATE:

2:00 p.m., December 1, 2011



Prepared By:

Texas A&M University
Department of Procurement Services
Agronomy Road, Purchasing & Stores Building
1477 TAMU, West Campus
College Station, Texas 77843-1477
979-845-4570

TABLE OF CONTENTS

Section 1 – Introduction

- 1.1 - General Information
- 1.2 - Public Information
- 1.3 - Type of Contract
- 1.4 - Clarifications and Interpretations
- 1.5 - Submission of Qualifications
- 1.6 - Point-of-Contact
- 1.7 - Evaluation of Qualifications
- 1.8 - Owner's Reservation of Rights
- 1.9 - Acceptance of Evaluation Methodology
- 1.10 - No Reimbursement for Costs
- 1.11 - Pre-Submission Conference
- 1.12 - Eligible Respondents
- 1.13 - Historically Underutilized Business' Submittal Requirements
- 1.14 - Certain Contracts Prohibited

Section 2 – Project Scope

- 2.1- Project Planning Schedule

Section 3 – Requirements for Statement of Qualifications

- | | |
|-----------------------|--|
| 3.1 - Criterion One | Respondent's Statement of Qualifications and availability to undertake the project |
| 3.2 - Criterion Two | Prime Firm's ability to provide services |
| 3.3 - Criterion Three | Prime Firm's ability to address marketing / branding requirements |
| 3.4 - Criterion Four | Project team's ability to provide design services |
| 3.5 - Criterion Five | Respondent's performance on past representative projects |
| 3.6 - Criterion Six | Respondent's knowledge of best practices |
| 3.7 - Criterion Seven | Respondent's ability to identify and resolve problems |
| 3.8 - Criterion Eight | Execution of offer |

Section 4 – Insurance Requirements

Appendix A – Insurance Requirements

Appendix B – Performance Bond

Appendix C – HUB Subcontracting Plan

REQUEST FOR QUALIFICATIONS
KYLE FIELD STADIUM REDEVELOPMENT

TEXAS A&M UNIVERSITY

Section 1 - INTRODUCTION

- 1.1 General Information: Texas A&M University (Owner) is soliciting Statements of Qualifications for the preliminary functional programming, facility assessment, brand research, project planning and design concepts, project cost estimates, and/or market research for the Kyle Field Stadium Redevelopment (Project) initiative. Statements of Qualifications may address the foundational project components as identified above as well as in Section 2 – Project Scope in either a comprehensive offering or a specialist offering from the respondent(s).
- 1.1.1 Collecting Statements of Qualifications in response to this RFQ is the first step in selecting the firm(s). This RFQ provides the information necessary for respondents to prepare and submit their respective Statements of Qualifications for consideration and initial ranking by the Owner. If the initial ranking of the respondents is reasonably conclusive, the Owner may choose to make a “most qualified” selection or selections based solely upon the written Statements of Qualifications as submitted.
- 1.1.2 The Owner may invite one or more qualified respondents to participate in an interview with the Owner to confirm and/or clarify the qualifications submitted and to answer additional questions. The Owner will then rank the interviewed respondents in order to determine the most qualified respondent(s).
- 1.1.3 Interested firms may submit their Statement of Qualifications in response to the overall comprehensive project scope (as identified in Section 2) or in response to any project subcomponent identified therein.
- 1.1.4 Any/all Statements of Qualifications properly submitted to the Owner prior to the formal submission deadline as identified in Section 1.5 below will be reviewed and considered.
- 1.1.5 Any supplemental support and/or capability that a respondent may wish to include in their Statement of Qualification will be reviewed by the Owner and may potentially increase respondent’s final ranking.
- 1.1.6 After selecting the most qualified respondent(s), the Owner will negotiate the detailed services to be provided by the selected respondent(s) and a suitable fee for those services.
- 1.2 Public Information: All information, documentation, and other materials submitted in response to this solicitation are considered non-confidential and/or non-proprietary and are subject to public disclosure under the Texas Public Information Act (*Texas Government Code*, Chapter 552.001, *et seq.*) after the solicitation is completed. The Owner strictly complies with all statutes, court decisions, and opinions of the Texas Attorney General with respect to disclosure of RFQ information.
- 1.3 Type of Contract: Any contract resulting from this solicitation will be in the form of the Owner’s Standard Professional Services Agreement, a copy of which will be provided to all firms selected for interviews or, in the case where no interviews are conducted, to the selected “most qualified” respondent(s).
- 1.4 Clarifications and Interpretations: Any clarifications or interpretations of this RFQ that materially affect or change its requirements will be posted by the Owner as an addendum on all media channels where it was initially advertised. It is the responsibility of all respondents to obtain this information in a timely manner. All such addenda issued by the Owner before the proposals are due as part of the RFQ, and respondents shall acknowledge receipt of and incorporate each addendum in its Statement of Qualifications. Respondents shall consider only those clarifications and interpretations that the Owner issues by addenda five (5) days prior to the RFQ submittal deadline. 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 a Statement of Qualifications.

- 1.5 Submission of Qualifications: The Owner will receive Statements of Qualifications and HSP Plans for RFQ 12-0002 at the time and location described below:

December 1, 2011, 2:00 p.m. Central Daylight Time

Department of Procurement Services

Texas A&M University

1477 TAMU – Agronomy Road

College Station, Texas 77843-1477

Submit ten (10) identical copies of the Statement of Qualifications response and two (2) copies of the prime firm's audited financial statements (as required in 3.2.2 below) as separate attachments from the Qualifications. Submit (3) three identical copies of the HUB Subcontracting Plan (HSP) as a separate attachment from the Qualifications. An original signature is required on the 'Execution of Offer' (reference 3.8.14 below) and is to be submitted with each copy of respondent's Statement of Qualifications.

Qualifications and HSP materials received after the deadline will be returned to the respondent unopened. The Owner will not acknowledge or consider Qualifications that are delivered by telephone, facsimile (fax), or electronic mail (e-mail). Properly submitted Qualifications will not be returned to respondents. Qualification and HSP materials must be enclosed in a sealed envelope (box or container) addressed to the Point-of-Contact person; the package must clearly identify the submittal deadline, the RFQ number, and the name, email address of the person for RFQ notification, and return address of the respondent.

- 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.

Phillip Ray
Associate Vice President & University Contracts Officer
Texas A&M University
Rudder Tower, 8th Floor
College Station, Texas 77843-1181
Phone: 979.862.7777
Email: pray@tamu.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. Typically, that committee will include both future users of the facilities developed by the Project and facilities professionals, as well as, representation from the TAMU administrative offices. The top 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 each individual 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 best qualified firm(s).

- 1.8 Owner's Reservation of Rights: The Owner may evaluate the Qualifications based on the anticipated completion of all or any portion of the Project. The Owner reserves the right to divide the Project into multiple parts, to reject any and all Qualifications and re-solicit for new Qualifications, or to reject any and all submissions and temporarily or permanently abandon the Project. Owner makes no representations, written or oral, that it will enter into any form of agreement with any respondent to this RFQ for any project and no such representation is intended or should be construed by the issuance of this RFQ.
- 1.9 Acceptance of Evaluation Methodology: By submitting its Qualifications in response to this RFQ, respondent accepts the evaluation process and acknowledges and accepts that determination of the "most qualified" firm(s) will require subjective judgments by the Owner.
- 1.10 No Reimbursement for Costs: Respondent acknowledges and accepts that any costs incurred from the respondent's participation in this RFQ shall be at the sole risk and responsibility of the respondent.
- 1.11 Pre-Submission Conference: A pre-submission conference is scheduled for **November 10, 2011, 2:00 p.m.** at:
Texas A&M University
Room 701, Rudder Tower
College Station, TX 77843
- 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 lawfully formed business organization that submits a formal Statement of Qualifications.
- 1.13 Historically Underutilized Business' Submittal Requirements: It is the policy of TAMU to promote and encourage contracting and subcontracting opportunities for Historically Underutilized Businesses (HUB) in all contracts. Refer to the Texas State Comptrollers website at:
<http://www.cpa.state.tx.us/procurement/prog/hub/hub-subcontracting-plan/> Accordingly, specific plans and representations by respondents that appear to facilitate the State's commitment to supporting HUB enterprises will be favorably considered in the selection process. Failure to submit specific plans and representations regarding HUB utilization, and failure to address the subject at all, will be interpreted by the Selection Committee as an intention to not support the program. Prepare the HUB Subcontracting Plan in accordance with the HSP document found in **Appendix C**. The HUB Subcontracting Plan shall be submitted as a separate document appropriately tabbed for easy reference.

For information regarding the TAMU HUB Program and HUB Subcontracting Plan requirements, please contact Rex Janne, Executive Director of Procurement Services at 979-845-4570 or via email at r-janne@tamu.edu

Failure to do any of the listed criteria and provide written documentation with the Statement of Qualifications will result in the disqualification of the respondent's HSP.

- 1.14 Certain Contracts Prohibited: Under Section 51.785, Texas Education Code, an institution may not enter into a contract with a person relating to a permanent improvement project at the institution under which the institution makes contractual payments to the person that are not reflected on the institution's financial statement unless the institution's governing Board is specifically authorized to enter into a contract by other law; or receives prior approval by the Texas Higher Education Coordinating Board.

Section 2 – PROJECT SCOPE

The project scope consists of the following foundational, non-exclusive design aspects:

- Preliminary functional programming and design concepts
- Project Management: defined as facility assessment, planning concepts and estimation of project costs.
- Brand research: defined as the role and use of Texas A&M University trademark signatures, colors and themes.
- Market Research: defined as market data supporting the potential for enhanced sales of premium product and/or sponsorship in the region and state; to include customer segmentation, psychographic research and/or market research requisite to developing pricing strategies that optimize the number of price points while maximizing total revenue inclusive of seating options, licensing, signage, apparel, merchandise, concessions and charitable gifts.

2.1 Project Planning Schedule

Owner solicits RFQ	October 28, 2011
Owner conducts pre-submission conference	November 10, 2011
Owner receives RFQ responses	December 1, 2011
Owner announces short list of firms selected for interviews	December 20, 2011
Owner completes short list interviews	January 20, 2012
Owner selects most qualified respondent	February 10, 2012
Owner negotiates fee and executes agreement	February 28, 2012

Section 3 – REQUIREMENTS FOR STATEMENT OF QUALIFICATIONS

3.1 CRITERION ONE: RESPONDENT'S STATEMENT OF QUALIFICATIONS AND AVAILABILITY TO UNDERTAKE THE PROJECT (maximum of two printed pages per question)

- 3.1.1 Provide a statement of interest for the project including a narrative describing the Prime Firm's and project team's unique qualifications as they pertain to this particular project.
- 3.1.2 Provide a statement on the availability and commitment of the Prime Firm and its principal(s) and assigned professionals, including all consultants to undertake the project.
- 3.1.3 Provide a brief history of the Prime Firm and each consultant proposed for the project.
- 3.1.4 Provide a graphic representation of the project team, identifying the Prime Firm and each consultant proposed for the project.

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

- 3.2.1 Provide the following information for the Prime Firm:
 - ☐ Legal name of the company as registered with the Secretary State of Texas
 - ☐ Address of the office that will be providing services
 - ☐ Number of years in business
 - ☐ Type of operation (Individual, Partnership, Corporation, Joint Venture, etc.)
 - ☐ Number of employees by skill group
 - ☐ Annual revenue totals for the past ten (10) years
- 3.2.2 Provide the two (2) most recent audited or complied financial statements documenting your firm's financial stability.
- 3.2.3 Is your firm currently for sale or involved in any transaction to expand or to become acquired by another business entity? If yes, please explain the impact both in organizational and directional terms.

- 3.2.4 Provide any details of all past or pending litigation or claims filed against your firm that would affect your firm's performance under a contract with the Owner.
- 3.2.5 Is your firm currently in default on any loan agreement or financing agreement with any bank, financial institution, or other entity? If yes, specify date(s), details, circumstances, and prospects for resolution.
- 3.2.6 Does any relationship exist by relative, business associate, capital funding agreement, or any other such kinship between your firm and any Owner employee, officer or Regent? If yes, please explain.
- 3.2.7 Provide a claims history under professional malpractice insurance for the past five (5) years for the Prime Firm and any team members proposed to provide services to Owner via this engagement.

3.3 CRITERION THREE: PRIME FIRM'S ABILITY TO ADDRESS MARKETING/BRANDING REQUIREMENTS

- 3.3.1 Provide a detailed summary of the Firm's experience relative to market research, to include brand positioning, customer segmentation, psychographic research, pricing strategies, pricing optimization and revenue maximization.
- 3.3.2 Describe the Firm's approach to identifying and quantifying the type and depth of the demand for premium seating products at Kyle Field, both now and in the future, based on the current and future demographic makeup of potential clientele.
- 3.3.3 Describe the specific methodology the Firm would utilize in accomplishing the approach detailed in 3.3.2.
- 3.3.4 Describe the Firm's approach in developing a branding analysis and strategy for the redevelopment of Kyle Field.
- 3.3.5 Describe the Firm's approach in developing a strategy for the integration of a synergetic sponsorship program for the redevelopment of Kyle Field.

3.4 CRITERION FOUR: PROJECT TEAM'S ABILITY TO PROVIDE DESIGN SERVICES

- 3.4.1 Describe, in graphic and written form, the proposed project assignments and lines of authority and communication for principals and key professional members of each consultant that will be involved in the project. Indicate the estimated percent of time these individuals will be involved in the project.
- 3.4.2 Provide resumes giving the experience and expertise of the professional members for each consultant that will be involved in the project, including their experience with similar projects, the number of years with the firm, and their city of residence.
- 3.4.3 Clearly identify the members of the proposed team who worked on the listed projects in Criteria 3.5, describe their roles in those projects as well as their experience working together on similar projects.
- 3.4.4 Describe the basis for the selection of the proposed sub-consultants included in the design team and the role each will play for this project.
- 3.4.5 Describe the Firm's process in working with consultants and integrating them into the design process.
- 3.4.6 Describe how the Firm and consultants will provide services during the design process.

3.5 CRITERION FIVE: RESPONDENT'S PERFORMANCE ON PAST REPRESENTATIVE PROJECTS

3.5.1 List a maximum of five (5) projects for which you have provided architectural and/or marketing services that are most related to this project. List the projects in order of priority, with the most relevant project listed first. Provide the following information for each project listed:

- ☐ Project name, location, contract delivery method, and description
- ☐ Color images (photographic or machine reproductions)
- ☐ Initial project budget
- ☐ Final project cost, including Change Orders
- ☐ Final project size in gross square feet
- ☐ Type of construction (new, renovation, or expansion)
- ☐ Actual start and finish dates for services provided
- ☐ *Planned versus actual dates for Schematic Design and Design Development.

*Provide an explanatory justification for any slippage of dates past 15 days between planned and actual for each milestone.

- ☐ Market research project, including segmentation, psychographic research and/or market research requisite to developing pricing strategies that optimize the number of price points while maximizing total revenue inclusive of seating options, licensing, signage, apparel, merchandise, concessions and charitable gifts.
- ☐ Description of services provided by the Prime Firm to the project
- ☐ Name of Project Manager (individual responsible to the Owner for the overall success of the project)
- ☐ Name of Project Architect (individual responsible for coordinating the day-to-day work)
- ☐ Name of Project Designer (individual responsible for design concepts)
- ☐ Consultant engagement(s) for the project
- ☐ Name of Project Manager for each Consultant.

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

- ☐ The Owner's name and representative who served as the day-to-day liaison during the project, including personal contact information and telephone number
- ☐ Length of business relationship with the Owner. References shall be considered relevant based on specific project participation and experience with the Respondent. Owner retains the right to contact references during any part of this process.
- ☐ Submission of at least one (1) client letter on behalf of the Prime Firm for each of the top three (3) projects deemed to be the most relevant to the Kyle Field Redevelopment project in the opinion of the Prime Firm. Special consideration will be granted for projects with budgets greater than \$200M.

3.6 CRITERION SIX: RESPONDENT'S KNOWLEDGE OF BEST PRACTICES

- 3.6.1 Describe the Prime Firm's design philosophy, design methodology, and its process for integrating institutional standards into design, with a particular emphasis on sports venues.
- 3.6.2 Describe the Prime Firm's quality assurance program explaining the method used and how the firm maintains quality control during the development phase of a project. Provide specific examples of how these techniques or procedures were used for any combination of three (3) projects listed in response to Criteria 3.5.
- 3.6.3 Describe your project team's demonstrated technical competence and management qualifications with institutional projects, particularly those involving collegiate sporting venues.
- 3.6.4 Describe your firm's experience working with Construction Manager-at-Risk and/or Competitive Sealed Bid project delivery methods. Discuss your method of working with the contractor as a team member to deliver a Guaranteed Maximum Price and to maintain the GMP throughout the project.

- 3.6.5 Describe your cost estimating methods for the design and construction phases. How do you develop cost estimates and how often are they updated? For any combination of three (3) projects listed in response to Criteria 3.5, provide examples of how these techniques were used and what degree of accuracy was achieved.
- 3.6.6 Describe the way in which your firm develops and maintains work schedules to coordinate with the Owner's project schedule. For any combination of three (3) projects listed in response to Criteria 3.5, provide examples of how these techniques were used.
- 3.6.7 Describe the project team's approach to assuring timely completion of this project, including methods you will use for schedule recovery if necessary.
- 3.6.8 The respondent shall illustrate any knowledge and experience of BIM through coordination with the Owner, its consultants, CM@R, and sub-contractors in the representative projects presented in Criteria 3.5.
- 3.6.9 The respondent shall illustrate any knowledge and experience of SWPPP for the representative projects presented in Criteria 3.5.
- 3.6.10 The respondent shall illustrate any past examples of coordinating with the CM@R in documenting locations of underground utilities for record documents and turned over to the Owner during the close-out phase of the representative projects presented in Criteria 3.5.
- 3.6.11 Describe your firm's or team members' experience in market analysis including market segmentation studies, brand analysis and positioning, and pricing strategies (inclusive of price points and revenue optimization).

3.7 CRITERION SEVEN: RESPONDENT'S ABILITY TO IDENTIFY AND RESOLVE PROBLEMS

- 3.7.1 What do you perceive to be the critical issues for the Kyle Field Stadium Redevelopment project?
- 3.7.2 Understanding schedule limitations, provide an analysis of the Owner's project planning schedule and describe how you plan to develop and communicate design, scope, and budget options in a form that will quickly facilitate the Owner's decision making.
- 3.7.3 Provide examples of how the Respondent has creatively addressed such issues in the past.
- 3.7.4 Firm to submit at least one (1) client letter each, for a minimum of three (3) past projects, attesting to the Prime Firm's ability to deliver a project 'on time and within budget'. Past projects with an overall scope and budget comparable to the Kyle Field Redevelopment initiative will be given special consideration.

3.8 CRITERION EIGHT: EXECUTION OF OFFER

NOTE TO RESPONDENTS: SUBMIT ENTIRE SECTION WITH RESPONSE.

THIS EXECUTION OF OFFER MUST BE COMPLETED, SIGNED, AND RETURNED WITH THE RESPONDENT'S QUALIFICATIONS. FAILURE TO COMPLETE, SIGN AND RETURN THIS EXECUTION OF OFFER WITH THE QUALIFICATIONS SHALL RESULT IN REJECTION OF THE QUALIFICATIONS. SIGNING A FALSE STATEMENT MAY VOID THE SUBMITTED QUALIFICATIONS OR ANY AGREEMENTS OR OTHER CONTRACTUAL ARRANGEMENTS, WHICH MAY RESULT FROM THE SUBMISSION OF RESPONDENT'S QUALIFICATIONS, AND THE RESPONDENT MAY BE REMOVED FROM ALL PROPOSER LISTS. A FALSE CERTIFICATION SHALL BE DEEMED A MATERIAL BREACH OF CONTRACT AND, AT OWNER'S OPTION, MAY RESULT IN TERMINATION OF ANY RESULTING CONTRACT OR PURCHASE ORDER.

- 3.8.1 By signature hereon, Respondent acknowledges and agrees that (1) this RFQ is a solicitation for Qualifications and is not a contract or an offer to contract; (2) the submission of Qualifications by Respondent in response to this RFQ will not create a contract between the Owner and Respondent; (3) the Owner has made no representation or warranty, written or oral, that one or more contracts with the Owner will be awarded under this RFQ; and (4) Respondent shall bear, as its sole risk and responsibility, any cost which arises from Respondent's preparation of a response to this RFQ.
- 3.8.2 By signature hereon, Respondent offers and agrees to furnish to the Owner the products and/or services more particularly described in its Qualifications, and to comply with all terms, conditions and requirements set forth in the RFQ documents and contained herein.
- 3.8.3 By signature hereon, Respondent affirms that he has not given, nor intends to give at any time hereafter, any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor or service to a public servant in connection with the submitted Qualifications.
- 3.8.4 By signature hereon, a corporate Respondent certifies that it is not currently delinquent in the payment of any Franchise Taxes due under Chapter 171, Texas Tax Code, or that the corporate Respondent is exempt from the payment of such taxes, or that the corporate Respondent is an out-of-state corporation that is not subject to the Texas Franchise Tax, whichever is applicable.
- 3.8.5 By signature hereon, the Respondent hereby certifies that neither the Respondent nor the firm, corporation, partnership or Owner represented by the Respondent, nor anyone acting for such firm, corporation, or institution has violated the antitrust laws of this state, codified in Section 15.01, ET. seq., Texas Business and Commerce Code, or the Federal antitrust laws, nor communicated directly or indirectly the Qualifications made to any competitor or any other person engaged in such line of business.
- 3.8.6 By signature hereon, Respondent represents and warrants that:
- 3.8.6.1 Respondent is a reputable company regularly engaged in providing products and/or services necessary to meet the terms, conditions and requirements of the RFQ;
- 3.8.6.2 Respondent has the necessary experience, knowledge, abilities, skills, and resources to satisfactorily perform the terms, conditions and requirements of the RFQ;
- 3.8.6.3 Respondent is aware of, is fully informed about, and is in full compliance with all applicable federal, state and local laws, rules, regulations and ordinances;
- 3.8.6.4 Respondent, if selected by the Owner, will maintain insurance as required by the Contract;
- 3.8.6.5 All statements, information and representations prepared and submitted in response to this RFQ are current, complete, true and accurate. Respondent acknowledges that the Owner will rely on such statements, information and representations in selecting the successful Respondent. If selected by the Owner as the successful Respondent, Respondent will notify the Owner immediately of any material change in any matters with regard to which Respondent has made a statement or representation or provided information.
- 3.8.7 By signature hereon, Respondent certifies that the individual signing this document and the documents made part of the RFQ is authorized to sign such documents on behalf of the company and to bind the company under any agreements or other contractual arrangements, which may result from the submission of Respondent's Qualifications.
- 3.8.8 By signature hereon, Respondent certifies that if a Texas address is shown as the address of the Respondent, Respondent qualifies as a Texas Bidder as defined in Rule 34 TAC 20.32 (68).

3.8.9 By signature hereon, Respondent certifies as follows:

3.8.9.1 “Under Section 231.006, *Texas Family Code*, the vendor or applicant certifies that the individual or business entity named in this contract, bid, or application is not ineligible to receive the specified grant, loan, or payment and acknowledges that this contract may be terminated and payment may be withheld if this certification is inaccurate.”

3.8.9.2 “Under Section 2254.004, *Texas Government Code*, the vendor or applicant certifies that each individual or business entity which is an engineer or architect proposed by Respondent as a member of its team was selected based on demonstrated competence and qualifications only.”

3.8.10 By signature hereon, Respondent certifies that no relationship, whether by relative, business associate, capital funding agreement or by any other such kinship exist between Respondent and an employee of any TAMUS component, or Respondent has not been an employee of any TAMUS component within the immediate twelve (12) months prior to your RFQ response. All such disclosures will be subject to administrative review and approval prior to the Owner entering into any contract with Respondent.

3.8.11 By signature hereon, Respondent affirms that no compensation has been received for participation in the preparation of the specifications for this RFQ. (ref. Section 2155.004 Texas Government Code).

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

3.8.13 By signature hereon, Respondent certifies that no member of the Board of Regents of the TAMUS, or the Executive Officers of the TAMUS or its component institutions, has a financial interest, directly or indirectly, in the transaction that is the subject of the contract.

3.8.14 Execution of Offer: RFQ 12-0002

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)

(Email Address) for RFQ Notification

(Date)

Section 4 - INSURANCE REQUIREMENTS

See Appendix A for insurance requirements for successful respondent.

**note: the insurance requirements stated herein are solely for the project scope as contemplated in Section 2 of this RFQ solicitation. Any subsequent project engagement or activity (whether it be construction-related or otherwise) shall be contracted for via a separate agreement.*

APPENDIX A

TEXAS A&M UNIVERSITY INSURANCE REQUIREMENTS

<u>TYPE OF COVERAGE</u>	<u>LIMITS OF LIABILITY</u>
1. <u>Employer's Liability:</u>	
Bodily Injury by Accident	\$500,000 each accident
Bodily Injury by Disease	\$500,000 each employee
Bodily Injury by Disease	\$500,000 Policy Limit
2. <u>Comprehensive General:</u>	\$1,000,000 aggregate
Liability	\$1,000,000 products/completed operations
Combined Bodily	\$1,000,000 personal & advertising liability
Injury & Property Damage	\$1,000,000 each occurrence
	\$50,000 fire damage
	\$5,000 medical expense
3. Comprehensive Automobile Liability	\$1,000,000 combined single limit
4. Owner's Protective Liability Insurance Policy:	
The Contractor shall obtain at its expense an Owner's Protective Liability Insurance Policy naming the State of Texas and its employees as named insured, the A/E, when applicable, and the Texas A&M University System Board of Regents for and on behalf of Texas A&M University System and Texas A&M, named as additional insured, with the following limits:	
a. Bodily Injury	\$1,000,000 each occurrence
	\$1,000,000 aggregate
5. Flood insurance when specified.	
6. Umbrella coverage when specified.	
7. Worker's Compensation	Statutory TWCC, Rule 110.110

(A) Definitions:

Certificate of coverage ("certificate") -- A copy of a certificate of insurance, a certificate of authority to self-insure issued by the Commission, or a coverage agreement (TWCC-81, TWCC-82, TWCC-83 TWCC-84), showing statutory workers' compensation insurance coverage for the person's or entity's employees providing services on a project, for the duration of the project.

Duration of the project -- includes the time from the beginning of the work on the project until the contractor's/person's work on the project has been completed and accepted by the governmental entity.

Persons providing services on the project ("subcontractor" in Section 406.096)—includes all persons or entities performing all or part of the services the contractor has undertaken to perform on the project, regardless of whether that person contracted directly with the contractor and regardless of whether that person has employees. This includes, without limitation, independent contractors, subcontractors, leasing companies, motor carriers, owner-operators, employees of any such entity, or employees of any entity which furnishes persons to provide services on the project. "Services" include, without limitation, providing, hauling, or delivering equipment or materials, or providing labor, transportation, or other service related to a project. "Services" does not include activities unrelated to the project such as food/beverage vendors, office supply deliveries, and delivery of portable toilets.

APPENDIX B

The Texas A&M University System
Form C-6A
3/99

The form of this bond has been approved
by the Attorney General of Texas

**Texas A&M University
PERFORMANCE BOND**

STATE OF TEXAS

COUNTY OF _____

KNOW ALL MEN BY THESE PRESENTS:

That we, _____, as Principal, and

as Surety, are hereby held and firmly bound unto the State of Texas in the penal sum of:

_____ Dollars \$ _____

for the payment whereof, the said Principal and Surety bind themselves, their heirs, executors, administrators and successors, jointly and severally firmly by these presents.

The conditions of this obligation are such that, whereas the Principal entered into a certain contract, hereto attached and made a part hereof, with the State of Texas or as listed in the current notice of the Department of Treasury list of companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies, acting by and through the Board of Regents of The Texas A&M University System, as Obligatee,

date _____ 20_____, for the _____

Full name and location of project.

Now, if the Principal shall faithfully perform the Contract in accordance with the Contract Documents, and shall fully indemnify and save harmless the State of Texas from all costs of damage which the State of Texas may suffer by reason of the Principal's default or failure to perform and shall fully reimburse and repay the State of Texas all outlay and expense which the State of Texas may incur in making good any such default, then this obligation shall be null and void, otherwise it shall remain in full force and effect.

In the event Principal is in default under the Contract Documents, Surety will within fifteen (15) days of the determination of such default take over and assume completion of such Contract and become entitled to the payment of the balance of the Contract price, or the Surety shall make other arrangements satisfactory with the Obligatee for the completion of the defaulted Work but in no event shall the Surety's liability exceed the penalty of this Bond.

The Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Contract or to the Work to be performed thereunder or to the specifications accompanying the same shall in any wise affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Contract or to the Work or to the Specifications.

IN WITNESS WHEREOF, the above bounden parties have executed this instrument under their several seals this _____ day of _____, 20_____, the name and corporate seal of each party being hereto affixed, and these presents duly signed by its undersigned representative pursuant to authority of its governing body.

	_____, Principal	(PRINCIPAL'S SEAL
By	_____	if a corporation)
Title	_____	
	_____, Surety	
By	_____	(SURETY'S SEAL)
	Attorney-in-Fact	

Attachment to Forms C-6A and C-6B

**DISCLOSURE OF GUARANTY FUND NONPARTICIPATION
(ARTICLE 21.28E)**

IN THE EVENT THE INSURER IS UNABLE TO FULFILL ITS CONTRACTUAL OBLIGATION UNDER THIS POLICY OR CONTRACT OR CERTIFICATE OR EVIDENCE OF COVERAGE, THE POLICYHOLDER OR CERTIFICATEHOLDER IS NOT PROTECTED BY AN INSURANCE GUARANTY FUND OR OTHER SOLVENCY PROTECTION ARRANGEMENT.

APPENDIX C



HUB SUBCONTRACTING PLAN (HSP)

In accordance with Gov't Code §2161.252, the contracting agency has determined that subcontracting opportunities are probable under this contract. Therefore, respondents, including State of Texas certified Historically Underutilized Businesses (HUBs), must complete and submit a State of Texas HUB Subcontracting Plan (HSP) with their solicitation response.

NOTE: Responses that do not include a completed HSP shall be rejected pursuant to Gov't Code §2161.252(b).

The HUB Program promotes equal business opportunities for economically disadvantaged persons to contract with the State of Texas in accordance with the goals specified in the State of Texas Disparity Study. The HUB goals defined in 34 TAC §20.13 are: 11.9 percent for heavy construction other than building contracts, 26.1 percent for all building construction, including general contractors and operative builders contracts, 57.2 percent for all special trade construction contracts, 20 percent for professional services contracts, 33 percent for all other services contracts, and 12.6 percent for commodities contracts.

- - Agency Special Instructions/Additional Requirements - -

- RESPONDENT AND SOLICITATION INFORMATION

- a. Respondent (Company) Name: _____ State of Texas VID #: _____
 Point of Contact: _____ Phone #: _____
- b. Is your company a State of Texas certified HUB? ☐ - Yes ☐ - No
- c. Solicitation #: _____

- SUBCONTRACTING INTENTIONS

After having divided the contract work into reasonable lots or portions to the extent consistent with prudent industry practices, the respondent must determine what portion(s) of work, including goods or services, will be subcontracted. Note: In accordance with 34 TAC §20.12., a "Subcontractor" means a person who contracts with a vendor to work, to supply commodities, or contribute toward completing work for a governmental entity. Check the appropriate box that identifies your subcontracting intentions:

- ☐ - Yes, I will be subcontracting portion(s) of the contract.
 (If Yes, in the spaces provided below, list the portions of work you will be subcontracting, and go to page 2.)
- ☐ - No, I will not be subcontracting any portion of the contract, and will be fulfilling the entire contract with my own resources.
 (If No, complete SECTION 9 and 10.)

Line Item # - Subcontracting Opportunity Description	Line Item # - Subcontracting Opportunity Description
(#1) -	(#11) -
(#2) -	(#12) -
(#3) -	(#13) -
(#4) -	(#14) -
(#5) -	(#15) -
(#6) -	(#16) -
(#7) -	(#17) -
(#8) -	(#18) -
(#9) -	(#19) -
(#10) -	(#20) -

*If you have more than twenty subcontracting opportunities, a continuation page is available at <http://www.window.state.tx.us/procurement/prog/hub/hub-forms/HUBSubcontractingPlanContinuationPage1.doc>

Enter your company's name here: _____ Solicitation #: _____

IMPORTANT: You must complete a copy of this page for each of the subcontracting opportunities you listed in SECTION 2. You may photocopy this page or download copies at <http://www.window.state.tx.us/procurement/prog/hub/hub-forms/HUBSubcontractingPlanContinuationPage2.doc>.

- SUBCONTRACTING OPPORTUNITY

Enter the line item number and description of the subcontracting opportunity you listed in SECTION 2.

Line Item # _____ Description: _____

- MENTOR-PROTÉGÉ PROGRAM

If respondent is participating as a Mentor in a State of Texas Mentor Protégé Program, submitting their Protégé (Protégé must be a State of Texas certified HUB) as a subcontractor to perform the portion of work (subcontracting opportunity) listed in SECTION 3, constitutes a good faith effort towards that specific portion of work. Will you be subcontracting the portion of work listed in SECTION 3 to your Protégé?

☐ - Yes (If Yes, complete SECTION 8 and 10.) ☐ - No / Not Applicable (If No or Not Applicable, go to SECTION 5.)

- PROFESSIONAL SERVICES CONTRACTS ONLY

This section applies to Professional Services Contracts only. All other contracts go to SECTION 6.

Does your HSP contain subcontracting of 20% or more with HUB(s)?

☐ - Yes (If Yes, complete SECTION 8 and 10.) ☐ - No / Not Applicable (If No or Not Applicable, go to SECTION 6.)

In accordance with Gov't Code §2254.004, "Professional Services" means services: (A) within the scope of the practice, as defined by state law of accounting; architecture; landscape architecture; land surveying; medicine; optometry; professional engineering; real estate appraising; or professional nursing; or (B) provided in connection with the professional employment or practice of a person who is licensed or registered as a certified public accountant; an architect; a landscape architect; a land surveyor; a physician, including a surgeon; an optometrist; a professional engineer; a state certified or state licensed real estate appraiser; or a registered nurse.

- NOTIFICATION OF SUBCONTRACTING OPPORTUNITY

Complying with a, b and c of this section constitutes Good Faith Effort towards the portion of work listed in SECTION 3. After performing the requirements of this section, complete SECTION 7, 8 and 10.

- Provide written notification of the subcontracting opportunity listed in SECTION 3 to three (3) or more HUBs. Use the State of Texas' Centralized Master Bidders List (CMBL), found at <http://www2.cpa.state.tx.us/cmb/cmbhub.html>, and its HUB Directory, found at <http://www2.cpa.state.tx.us/cmb/hubonly.html>, to identify available HUBs. Note: Attach supporting documentation (letters, phone logs, fax transmittals, electronic mail, etc.) demonstrating evidence of the good faith effort performed.
- Provide written notification of the subcontracting opportunity listed in SECTION 3 to a minority or women trade organization or development center to assist in identifying potential HUBs by disseminating the subcontracting opportunity to their members/participants. A list of trade organizations and development centers may be accessed at <http://www.window.state.tx.us/procurement/prog/hub/mwb-links-1/>. Note: Attach supporting documentation (letters, phone logs, fax transmittals, electronic mail, etc.) demonstrating evidence of the good faith effort performed.
- Written notifications should include the scope of the work, information regarding the location to review plans and specifications, bonding and insurance requirements, required qualifications, and identify a contact person. Unless the contracting agency has specified a different time period, you must allow the HUBs no less than five (5) working days from their receipt of notice to respond, and provide notice of your subcontracting opportunity to a minority or women trade organization or development center no less than five (5) working days prior to the submission of your response to the contracting agency.

- HUB FIRMS CONTACTED FOR SUBCONTRACTING OPPORTUNITY

List three (3) State of Texas certified HUBs you notified regarding the portion of work (subcontracting opportunity) listed in SECTION 3. Specify the vendor ID number, date you provided notice, and if you received a response. Note: Attach supporting documentation (letters, phone logs, fax transmittals, electronic mail, etc.) demonstrating evidence of the good faith effort performed.

Company Name	VID #	Notice Date (mm/dd/yyyy)	Was Response Received?
_____	_____	____/____/____	☐ - Yes ☐ - No
_____	_____	____/____/____	☐ - Yes ☐ - No
_____	_____	____/____/____	☐ - Yes ☐ - No

- SUBCONTRACTOR SELECTION

List the subcontractor(s) you selected to perform the portion of work (subcontracting opportunity) listed in SECTION 3. Also, specify the expected percentage of work to be subcontracted, the approximate dollar value of the work to be subcontracted, and indicate if the company is a Texas certified HUB.

Company Name	VID #	Expected % of Contract	Approximate Dollar Amount	Texas Certified HUB?
_____	_____	____%	\$ _____	☐ - Yes ☐ - No*
_____	_____	____%	\$ _____	☐ - Yes ☐ - No*

*If the subcontractor(s) you selected is not a Texas certified HUB, provide written justification of your selection process below:

Enter your company's name here: _____ Solicitation #: _____

- SELF PERFORMANCE JUSTIFICATION

(If you responded "No" to SECTION 2, you must complete SECTION 9 and 10.)

Does your response/proposal contain an explanation demonstrating how your company will fulfill the entire contract with its own resources?

- ☐ Yes If Yes, in the space provided below, list the specific page/section of your proposal which identifies how your company will perform the entire contract with its own equipment, supplies, materials and/or employees.
- ☐ No If No, in the space provided below, explain how your company will perform the entire contract with its own equipment, supplies, materials, and/or employees.

- AFFIRMATION

As evidenced by my signature below, I affirm that I am an authorized representative of the respondent listed in SECTION 1, and that the information and supporting documentation submitted with the HSP are true and correct. Respondent understands and agrees that, if awarded any portion of the solicitation:

- The respondent must submit monthly compliance reports (Prime Contractor Progress Assessment Report – PAR) to the contracting agency, verifying their compliance with the HSP, including the use/expenditures they have made to subcontractors. (The PAR is available at <http://www.window.state.tx.us/procurement/prog/hub/hub-forms/progressassessmentrpt.xls>).
- The respondent must seek approval from the contracting agency prior to making any modifications to their HSP. If the HSP is modified without the contracting agency's prior approval, respondent may be subject to debarment pursuant to Gov't Code §2161.253(d).

- The respondent must, upon request, allow the contracting agency to perform on-site reviews of the company's headquarters and/or work-site where services are to be performed and must provide documents regarding staff and other resources.

Signature: _____

Printed Name: _____

Title: _____

Date: _____