

REQUEST FOR QUALIFICATIONS FOR CONSTRUCTION MANAGER-AT-RISK

The University Of Texas of the Permian Basin Residence Hall RFQ No.: 501-555

Due: January 19, 2010



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REQUEST FOR QUALIFICATIONS FOR
CONSTRUCTION MANAGER-AT-RISK
The University of Texas of the Permian Basin
Residence Hall
RFQ No.: 501-555

SECTION 1 – GENERAL INFORMATION & REQUIREMENTS

- 1.1 **GENERAL INFORMATION:** The University of Texas System (“Owner”) and **The University of Texas of the Permian Basin** are soliciting statements of qualifications (“Qualifications”) for selection of a Construction Manager at Risk firm for Project Number 501-555, Residence Hall (“Project”), in accordance with the terms, conditions, and requirements set forth in this Request for Qualifications.
- 1.1.1 This Request for Qualifications (“RFQ”) is the first step in a three-step process for selecting a Construction Manager at Risk firm for the Project as provided by Texas Education Code §51.782(e). The RFQ provides the information necessary to prepare and submit Qualifications for consideration and initial ranking by the Owner. Based on the initial ranking, the Owner may select up to five (5) of the top ranked Qualification respondents to respond to a separate Request for Proposals in the second step of the process.
- 1.1.2 In the second step of the process, Request for Proposals (“RFP”), the top selected Qualifications respondents will be required to submit additional information to the Owner, including fee proposals and general conditions prices (“Proposals”). The Owner will rank the Proposals in the order that they provide the “best value” for the Owner based on the published selection criteria and on the ranking evaluations.
- 1.1.3 In the third step of the process, Interviews, the “most” qualified respondents will be requested to attend an interview with the Owner to confirm their Proposal and answer additional questions. The Owner will then rank the remaining “most” qualified respondents in order to identify a “best value”.
- 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.
- 1.2.1 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 Construction Management at Risk Agreement, a copy of which is attached to this RFQ.
- 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 the OFPC web site (<http://www.utsystem.edu/fpc>). 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 Qualifications.

- 1.4.1 Respondents shall consider only those clarifications and interpretations that the Owner issues by addenda five (5) days prior to the submittal deadline shall be considered by respondents. Interpretations or clarifications in any other form, including oral statements, will not be binding on the Owner and should not be relied on in preparing Qualifications.

1.5 SUBMISSION OF QUALIFICATIONS:

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

January 19, 2010, 3:00 PM local time

The University of Texas of the Permian Basin
4901 E University Drive
Physical Plant Conference Room
Odessa, Texas 79762

- 1.5.2 Submit SEVEN (7) identical copies of the Qualifications. An original signature must be included on the "Respondent's Statement of Qualifications and Ability To Undertake The Project" document submitted with each copy.
- 1.5.3 Submit one (1) original and one (1) copy of the HUB Subcontracting Plan (HSP) as separate attachments to the Qualifications as described in Section 1.13.
- 1.5.4 Late received Qualifications will be returned to the respondent.
- 1.5.5 The Owner will not acknowledge or receive Qualifications that are delivered by telephone, facsimile (fax), or electronic mail (e-mail).
- 1.5.6 Properly submitted Qualifications will not be returned to respondents.
- 1.5.7 Qualifications 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 and return address of the respondent.
- 1.5.8 Properly submitted Qualifications will be opened publicly and the names of the respondents will be read aloud.
- 1.6 POINT-OF-CONTACT: The Owner designates the following person, as it's 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, to the Point-of-Contact person.

Richard Schwope, Project Manager
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4901 E. University Dr, Box A-6
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- 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 the Owner. The top five or fewer ranked respondents may be selected by the Owner to participate in step two of the selection process.
- 1.7.1 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 step two of the selection process.
- 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 proposals 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 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 PRE-SUBMITTAL CONFERENCE: A pre-submittal conference will be held at the time and location described below.
- January 6, 2010, 1:00 PM local time
- The University of Texas of the Permian Basin
4901 E. University Drive
Physical Plant Conference Room
Odessa, Texas 79762
- 1.11.1 A guided tour of the campus will be included as a part of the conference agenda. This may be the only opportunity for potential respondents to view the Project site(s) before the submittal of Qualifications. Attendance at the pre-submittal conference is optional.
- 1.12 ELIGIBLE RESPONDENTS: Only individual firms or lawfully formed business organizations may apply (This does not preclude a respondent from using consultants.) The Owner will contract only with the individual firm or formal organization that submits a Qualification.
- 1.13 HISTORICALLY UNDERUTILIZED BUSINESSES SUBMITTAL REQUIREMENTS: It is the policy of The University of Texas System, and each of its component institutions, to promote and encourage contracting and subcontracting opportunities for Historically Underutilized Businesses (HUB) in all contracts. Accordingly, the Office of Facilities Planning and Construction (OFPC) has adopted Exhibit H, Policy on Utilization of Historically Underutilized Businesses (See attached). The Policy applies to all contracts with an expected value of \$100,000 or more. If OFPC determines that subcontracting opportunities are probable, then a HUB

Subcontracting Plan is a required element of the Qualifications. Failure to submit a required HUB Subcontracting Plan will result in rejection of the Qualifications. Editable versions of the HUB Subcontracting Plans are available on The University of Texas System's website at <http://www.utsystem.edu/hub/hubforms.html>.

1.13.1 STATEMENT OF PROBABILITY

The University of Texas System, Office of Facilities Planning and Construction (OFPC), has determined that subcontracting opportunities are probable in connection with this procurement solicitation. Therefore, a HUB Subcontracting Plan (HSP) is required as a part of the respondent's Qualifications. The respondent shall develop and administer a HSP as a part of the respondent's Qualifications in accordance with the OFPC Policy on Utilization of Historically Underutilized Businesses (HUB), Exhibit H.

1.13.2 Refer to Exhibit H, Policy on Utilization, Historically Underutilized Business (attached) and the Summary of Requirements for a detailed list of attachments required with the Qualifications. Editable versions of the HUB Subcontracting Plans are available on The University of Texas System website at <http://www.utsystem.edu/hub/hubforms.html>.

1.13.3 The "Statement of Probability" determines the probability for subcontracting opportunities. This determination will clarify which attachments, detailed in Figure 1, will be required to be completed and returned.

1.13.4 Submit one original and one copy of the HUB Subcontracting Plan **in a separate attachment apart from the submittal of qualifications** to: Christi Johnson, Sr. HUB Coordinator, The University of Texas System, 1616 Guadalupe, Ste. 7.312B, Austin, Texas 78701-2241, phone number: 512-499-4610, at the same date/time previously stated.

1.14 CERTAIN PROPOSALS AND CONTRACTS PROHIBITED: Under Section 2155.004, Texas Government Code, a state agency may not accept a proposal or award a contract that includes proposed financial participation by a person who received compensation from the agency to participate in preparing the specifications or request for proposals on which the proposal or contract is based. All vendors must certify their eligibility by acknowledging the following statement, "Under Section 2155.004, Government Code, the vendor certifies that the individual or business entity named in this bid or contract is not ineligible to receive the specified contract and acknowledges that this contract may be terminated and payment withheld if this certification is inaccurate." If a state agency determines that an individual or business entity holding a state contract was ineligible to have the contract accepted or awarded as described above, the state agency may immediately terminate the contract without further obligation to the vendor. This section does not create a cause of action to contest a proposal or award of a state contract.

1.15 SALES AND USE TAXES: Section 151.311, Tax Code, as amended effective October 1, 1993, permits the purchase free of state sales and use taxes of tangible personal property to be incorporated into realty in the performance of a contract for an improvement to realty for certain exempt entities that include The University of Texas System. The section further permits the purchase tax-free of tangible personal property (other than machinery or equipment and its accessories and repair and replacement parts) for use in the performance of such a contract if the property is "necessary and essential for the performance of the contract" and "completely consumed at the job site." In addition, the section permits the purchase tax-free of a tangible service for use in the performance of such a contract if the service is performed at the job site and if "the contract expressly requires the specific service to be provided or purchased by the person performing the contract" or "the service is integral to the performance of the contract."

- 1.16 CERTIFICATION OF FRANCHISE TAX STATUS: Respondents are advised that the successful respondent will be required to submit certification of franchise tax status as required by State Law (H.B. 175, Acts 70th Leg. R.S., 1987, Ch. 283, p. 3242). The contractor agrees that each subcontractor and supplier under contract will also provide a certification of franchise tax status.
- 1.17 REQUIRED NOTICES OF WORKERS' COMPENSATION INSURANCE COVERAGE: The Texas Workers' Compensation Commission has adopted a new rule, 28 TAC, sec. 110.110, relating to REPORTING REQUIREMENTS FOR BUILDING OR CONSTRUCTION PROJECTS FOR GOVERNMENTAL ENTITIES. The rule applies to all building or construction contracts advertised for bid on or after September 1, 1994. 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 for University of Texas System Building Construction Contracts.
- 1.18 PREVAILING WAGE RATE DETERMINATION: Respondents are advised that the Texas Prevailing Wage Law will be administered in accordance with the policies and procedures set forth in the U. T. System document, entitled "Prevailing Wage Guidelines." A copy is attached to the Special Conditions. 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.
- 1.19 DELINQUENCY IN PAYING CHILD SUPPORT: Under Section 231.006, Family Code, the vendor or applicant certifies that the individual or business entity named in this contract, bid, or application is not ineligible to receive the specified grant, loan, or payment and acknowledges that this contract may be terminated and payment may be withheld if this certification is inaccurate.
- 1.20 OFPC POLICY REGARDING RECEIVING BENEFITS, GIFTS AND HONORARIA: This administrative OFPC policy defines, and in most cases restricts, the benefits, gifts, honoraria and other entertainment activities all OFPC staff may be exposed to, and supplements any provisions of state law or UT System rule or policy that is less restrictive. The policy covers "Conflicts of Interest" not allowed and items typically allowed. OFPC recommends that all respondents review the policy, which is attached as an Exhibit, and endeavor to use appropriate judgment related to the requirements and actions defined in the policy, during both the procurement phase and the contracting phase.

SECTION 2 – EXECUTIVE SUMMARY

2.1 HISTORICAL BACKGROUND:

The University of Texas of the Permian Basin (UTPB) is a comprehensive university located in Odessa, Texas. The University was authorized by the 61st Legislature in 1969 as an upper level campus to offer bachelor's and master's degree programs. The first classes began in September 1973, using temporary facilities. UTPB received authority to add freshman and sophomore classes effective Fall 1991. UTPB celebrated its 36th anniversary of service to the Permian Basin during the 2008-2009 academic year.

UTPB continues to forge a new future as a comprehensive campus. Since the advent of traditional freshman enrollment in 1991, the University's campus life has been undergoing a transition from the minimal needs of commuting students to the traditional recreational and social needs of younger students who spend more time on campus.

2.2 MISSION STATEMENT:

The University of Texas of the Permian Basin is a general academic university of The University of Texas System. The University of Texas System is committed to pursue high-quality educational opportunities for the enhancement of the human resources of Texas, the nation, and the world through intellectual and personal growth.

The mission of The University of Texas of the Permian Basin is to provide quality education to all qualified students in a supportive educational environment; to promote excellence in teaching, research, and service; and to serve as a resource for the intellectual, social, economic, and technological advancement of the diverse constituency in Texas and the region.

2.3 PROJECT DESCRIPTION, SCOPE AND BUDGET:

The proposed Residence Hall will be a dormitory style facility which will be located in the vicinity of the Student Multipurpose Center (currently under construction). The project will be completed in two phases. The first phase will include approximately 150 beds, a new parking lot, laundry area, mail area, common spaces and other amenities as determined. The first phase will be completed for occupancy by the University for the fall semester of 2012. The second phase will be completed for occupancy by the University for the fall semester of 2013. The anticipated Construction Cost Limitation is \$21,000,000.

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

- | | |
|--|-----------------------|
| ▪ Owner receives Request For Qualifications | Refer to Section 1.6 |
| ▪ Owner conducts Pre-Submittal Conference | Refer to Section 1.11 |
| ▪ Owner issues Request For Proposals (to short-listed firms) | February 3, 2010 |
| ▪ Owner receives Request For Proposals | February 11, 2010 |
| ▪ Owner interviews Respondents (if applicable) | February 25, 2010 |
| ▪ Owner executes Agreement | April 9, 2010 |
| ▪ Owner approves Facility Program (if applicable) | April 14, 2010 |
| ▪ Owner authorizes start of Schematic Design Documents | April 14, 2010 |
| ▪ Owner approves Design Development Documents | August 12, 2010 |
| ▪ Owner requests Guaranteed Maximum Price Proposal (if applicable) | January 18, 2011 |
| ▪ Owner issues Notice to Proceed for Construction | February 1, 2011 |

- Owner accepts Substantial Completion of Construction July 15, 2013
- Construction Manager achieves Final Completion of Construction August 6, 2013

2.5 OWNER'S SPECIAL CONDITIONS: The Owner requires full compliance with specification Division 0: Contract Requirements and Division 1: General Requirements. These specifications shall be a part of the Agreement (attached).

SECTION 3 – REQUIREMENTS FOR STATEMENT OF QUALIFICATIONS

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

3.1 **CRITERIA ONE: RESPONDENT'S STATEMENT OF QUALIFICATIONS AND AVAILABILITY TO UNDERTAKE THE PROJECT** (Maximum of two (2) printed pages per question)

- 3.1.1 Provide a statement of interest for the Project including a narrative describing the respondent's unique qualifications as they pertain to this particular Project.
- 3.1.2 Provide a statement on the availability and commitment of the respondent, its principal(s) and assigned professionals to undertake the Project.
- 3.1.3 Provide the respondent's primary contact information for this procurement process.

3.2 **CRITERIA TWO: RESPONDENT'S ABILITY TO PROVIDE CONSTRUCTION MANAGEMENT SERVICES**

- 3.2.1 Provide the following information on your firm for the past **five** (5) fiscal years:

Volume

- Annual number, value and percent change of contracts in Texas per year;
- Annual number, value and percent change of contracts nationally per year;

Revenues

- Annual revenue totals and percent change per year;

Bonding

- Total bonding capacity;
- Available bonding capacity and current backlog;

- 3.2.2 Attach a letter of intent from a surety company indicating your firm's ability to bond for the entire construction cost of the project. The surety shall acknowledge that the firm may be bonded for each stage/phase of the project, with a potential maximum construction cost of **\$21,000,000.00**. Bonding requirements are set forth in Article 17 of the Agreement and the Uniform General and Supplementary General Conditions for University of Texas System Building Construction Contracts
- 3.2.3 Identify if your firm is currently for sale or involved in any transaction to expand or to become acquired by another business entity? If so, please explain the impact both in organization and company direction.
- 3.2.4 Provide details of any past or pending litigation, or claims filed, against your firm that may affect your performance under a Contract with the Owner.
- 3.2.5 Identify if your firm 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.

- 3.2.6 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 so, please explain.

3.3 CRITERIA THREE: QUALIFICATIONS OF CONSTRUCTION MANAGER AT RISK TEAM

- 3.3.1 Describe your management philosophy for the Construction Manager at Risk construction delivery method.
- 3.3.2 Provide resumes of the Construction Manager at Risk team that will be directly involved in the Project, including their experience with similar projects, the number of years with the firm, and their city(s) of residence.
- 3.3.3 Describe, in graphic and written form, the proposed Project 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 and Construction Services.
- 3.3.4 Identify the proposed team members (including consultants) who worked on the Projects listed in Section 3.4 or 3.5 of this RFQ, and describe their responsibility in those projects compared to this project.
- 3.3.5 Identify any consultants that are included as part of the proposed team, their role related experience for this Project. List projects for which the consultant(s) has worked with the respondent.

3.4 CRITERIA FOUR: RESPONDENT'S PAST PERFORMANCE ON REPRESENTATIVE CM-R PROJECTS

- 3.4.1 Identify and describe the proposed Team's past experience for providing Construction Manager at Risk Services that are MOST RELATED TO THIS PROJECT within the last five (5) years. List the projects in order of priority, with the most relevant project listed first. Provide the following information for each project listed:
 - Project name, location, contract delivery method, and description
 - Color images (photographic or machine reproductions)
 - Final construction cost
 - Final project size in gross square feet
 - Type of construction (new, renovation, or expansion)
 - Actual Notice To Proceed for Pre-Construction Services
 - Actual Notice To Proceed, Substantial Completion, and Final Payment dates for Construction Services
 - Name of Project Manager (individual responsible to the Owner for the overall success of the project)
 - Name of Project Superintendent (individual responsible for coordinating the day to day work)
 - Names of Mechanical, Plumbing and Electrical subcontractors

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

- The Owner's name and representative who served as the day-to-day liaison during the design and construction phases of the project, including telephone number
- Architect/Engineer's name and representative who served as the day-to-day liaison during the construction phase of the project, including telephone number
- Length of business relationship with the Owner.

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

- 3.4.2 Identify a maximum of three (3) completed projects, of any type, for which your firm has received an award for construction excellence from a recognized organization and provide descriptive information for each.

3.5 CRITERIA FIVE: RESPONDENT'S PAST PERFORMANCE ON U.T. SYSTEM PROJECTS

- 3.5.1 Identify and describe the proposed Team's past experience for providing Construction Management at Risk Services on University of Texas System projects within the last five (5) years.

If the respondent has not previously provided Construction Manager at Risk services for The University of Texas System, then identify and describe the respondent's past performance on Construction Manager at Risk projects for "major" institutions of higher education (or similar) within the last five (5) years.

In either case above, provide the following information for each project listed:

- Project name, location, contract delivery method, and description
- Color images (photographic or machine reproductions)
- Final construction cost
- Final project size in gross square feet
- Type of construction (new, renovation, or expansion)
- Actual Notice To Proceed for Pre-Construction Services
- Actual Notice To Proceed, Substantial Completion, and Final Payment dates for Construction Services
- Name of Project Manager (individual responsible to the Owner for the overall success of the project)
- Name of Project Superintendent (individual responsible for coordinating the day to day work)
- Names of Mechanical, Plumbing and Electrical subcontractors

3.6 CRITERIA SIX: RESPONDENT'S ABILITY TO MANAGE CONSTRUCTION SAFETY RISKS

- 3.6.1 Briefly describe the firm's approach for anticipating, recognizing and controlling safety risks and note the safety resources that the firm provides for each project's Safety program.
- 3.6.2 Describe the level of importance for Enforcement and Support of Project Safety that the firm includes in performance evaluations for Superintendents and Project Managers.
- 3.6.3 Describe the Safety and Insurance/Claims History information and weighting that the firm includes in the submission and award process for "best value" Subcontracts.
- 3.6.4 Does the firm or any other company within the same holding group of companies self-perform any work beyond General Conditions?

3.7 CRITERIA SEVEN: RESPONDENT'S ABILITY TO ESTABLISH BUDGETS AND CONTROL COSTS ON PAST PROJECTS

- 3.7.1 Describe your fiduciary responsibility as a Construction Manager at Risk using Guaranteed Maximum Price contracts for publicly funded projects.
- 3.7.2 Describe your cost estimating methods. From any of three (3) projects listed in response to Section 3.4 or 3.5 of this RFQ, describe how the estimates were developed, how often they were updated and the degree of accuracy achieved.
- 3.7.3 Describe your cost control methods during construction and how you procure subcontracts, confirm scope, amount, and ensure proper payment. From any three (3) projects listed in response to Section 3.4 or 3.5 of this RFQ, provide examples of how these techniques were used and the degree of accuracy achieved.
- 3.7.4 Describe your methodology for working with the Project Architect/Engineer and their consultants to deliver a Guaranteed Maximum Price and to maintain the GMP throughout the design and construction process.
- 3.7.5 Provide a sample of a cost estimate used to establish a contract amount from any project listed in Section 3.4 or 3.5 of this RFQ.
- 3.7.6 The Owner intends to accept a Guaranteed Maximum Price prior to completion of Construction Documents. Describe 1) Your 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) Your process for subsequently ensuring that the 100% Construction Documents align with the project scope in the previously accepted GMP proposal documents.

3.8 CRITERIA EIGHT: RESPONDENT'S ABILITY TO MEET SCHEDULES ON PAST PROJECTS

- 3.8.1 Describe how you will develop, maintain and update the project schedule during design and construction.
- 3.8.2 Describe your 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 3.4 or 3.5 of this RFQ, provide examples of how these techniques were used, including specific scheduling challenges/requirements and actual solutions.
- 3.8.3 Describe how you develop and maintain work schedules during design and construction to coordinate with the Owner's project schedule. From any three (3) projects listed in response to Section 3.4 or 3.5 of this RFQ, provide examples of how these techniques were used.
- 3.8.4 Describe your experience with Primavera CPM scheduling. From any of three (3) of the projects listed in response to Section 3.4 or 3.5 of this RFQ, provide a sample of the monthly schedule reports, including identified milestones and schedule recovery plans.

3.9 CRITERIA NINE: RESPONDENT'S KNOWLEDGE OF CURRENT CONSTRUCTION METHODOLOGIES, TECHNOLOGIES, AND BEST PRACTICES

- 3.9.1 Describe your quality assurance program. Explain the methods used to ensure quality control during the Construction phase of a project. Provide specific examples of how these techniques or procedures were used from any three (3) projects listed in response to Section 3.4 or 3.5 of this RFQ.

- 3.9.2 Describe your procedures for implementing industry's "best practices" as defined by the Construction Industry Institute and similar organizations for:
- Establishing and tracking project objectives
 - 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
 - Partnering
 - Cost tracking
 - Change (order) management systems
 - Total quality management for each phase, including close-out and commissioning
- 3.9.3 Provide an example of a successful constructability program used to maintain project budgets without sacrificing quality.
- 3.9.4 Describe your methodology for advertising, evaluating and selecting trade contractors for "major" institutions of higher education as a Construction Manager at Risk.
- 3.9.5 As the Construction Manager at Risk, describe your relationship with the local subcontracting community.
- 3.9.6 Describe how you have maintained security during the construction of an occupied facility listed in Section 3.4 or 3.5 of this RFQ.
- 3.9.7 Describe your past experience dealing with congested campuses/site conditions for any project listed in Section 3.4 or 3.5 of this RFQ.
- 3.9.8 Provide any other details regarding special services, products, advantages or other benefits offered to the Owner by the Respondent.

3.10 CRITERIA TEN: RESPONDENT'S ABILITY TO IDENTIFY AND RESOLVE PROBLEMS ON PAST PROJECTS

- 3.10.1 Describe your understanding of the administrative challenges and opportunities associated with providing Preconstruction and Construction services for The University of Texas System on this project, and your strategy for resolving these issues.
- 3.10.2 Understanding the schedule limitations, provide an analysis of the Owner's project planning schedule in Section 2.5 of this RFQ and describe your plan for communicating constructability, phasing, value engineering and other budget options in a form that will quickly facilitate the Owner's decision making.
- 3.10.3 Describe your experience with renovation/expansion projects in occupied facilities.
- 3.10.4 For any combination of three (3) projects listed in response to Section 3.4 or 3.5 of this RFQ, describe any conflicts with the Owner, Consultants, Architect/Engineer, or subcontractors and describe the methods used by the Respondent to resolve those conflicts.
- 3.10.5 Provide examples of Preconstruction services provided that creatively incorporated mechanical, electrical, and plumbing solutions in similar structures.

3.11 CRITERIA ELEVEN: 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.

- 3.11.1 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.
- 3.11.2 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.
- 3.11.3 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.
- 3.11.4 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.
- 3.11.5 By signature hereon, the Respondent hereby certifies that neither the Respondent nor the firm, corporation, partnership or Owner represented by the Respondent, or anyone acting for such firm, corporation, partnership, 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.
- 3.11.6 By signature hereon, Respondent represents and warrants that:
 - 3.11.6.1 Respondent is a reputable company regularly engaged in providing products and/or services necessary to meet the terms, conditions and requirements of the RFQ;

- 3.11.6.2 Respondent has the necessary experience, knowledge, abilities, skills, and resources to satisfactorily perform the terms, conditions and requirements of the RFQ;
- 3.11.6.3 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;
- 3.11.6.4 Respondent understands (i) the requirements and specifications set forth in this RFQ and (ii) the terms and conditions set forth in the Contract under which Respondent will be required to operate;
- 3.11.6.5 Respondent, if selected by the Owner, will maintain insurance as required by the Contract;
- 3.11.6.6 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.
- 3.11.7 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.
- 3.11.8 By signature hereon, Respondent certifies that if a Texas address is shown as the address of the Respondent, Respondent qualifies as a Texas Resident Respondent as defined in Rule 1 TAC 111.2.
- 3.11.9 By signature hereon, Respondent certifies as follows:
 - 3.11.9.1 "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."
 - 3.11.9.2 "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."
 - 3.11.9.3 "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."
- 3.11.10 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 University of Texas component, or Respondent has not been an employee of any University of Texas 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.

- 3.11.11 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).
- 3.11.12 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.
- 3.11.13 By signature hereon, Respondent signifies his compliance with all federal laws and regulations pertaining to Equal Employment Opportunities and Affirmative Action.
- 3.11.14 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.
- 3.11.15 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.
- 3.11.16 By signature hereon, Respondent certifies that no member of the Board of Regents of The University of Texas System, or the Executive Officers of the University of Texas System or its component institutions, has a financial interest, directly or indirectly, in the transaction that is the subject of the contract.

3.11.17 Execution of Offer: RFQ No. **501-555**

The Respondent must complete, sign and return this Execution of Offer as part of their 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 each person who owns at least 25% of the Respondent's business entity by name:

(Name)

(Name)

(Name)

(Name)

Submitted and Certified By:

(Respondent's Name)

(Title)

(Street Address)

(Telephone Number)

(City, State, Zip Code)

(Fax Number)

(Authorized Signature)

(Date)

SECTION 4 – FORMAT FOR STATEMENT OF QUALIFICATIONS

4.1 GENERAL INSTRUCTIONS

- 4.1.1 Qualifications shall be prepared SIMPLY AND ECONOMICALLY, providing a straightforward, CONCISE description of the respondent's ability to meet the requirements of this RFQ. Emphasis shall be on the QUALITY, completeness, clarity of content, responsiveness to the requirements, and an understanding of Owner's needs.
- 4.1.2 Qualifications shall be a MAXIMUM OF TWENTY FIVE (25) PRINTED PAGES. The cover, table of contents, divider sheets, HUB Subcontracting Plan (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, or subsequent RFP. The Owner reserves the right to accept or reject any or all Qualifications, waive any formalities or minor technical inconsistencies, or delete any item/requirements from this RFQ when deemed to be in Owner's best interest.
- 4.1.7 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 Request for Qualifications may result in the rejection of the Qualifications.

4.2 PAGE SIZE, BINDING, DIVIDERS AND TABS:

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

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

4.4 PAGINATION:

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

SECTION 5 - ATTACHMENTS TO THE RFQ

- 5.1 Agreement Between the Board of Regents, The University of Texas System, Owner, and Construction Management at Risk
- 5.2 Exhibit H: Policy on Utilization Historically Underutilized Businesses
- 5.3 OFPC Standard Front End Specifications
 - 5.3.1 Uniform General and Supplementary General Conditions for University of Texas System Building Construction Contracts (UGC) (current edition).
 - 5.3.2 Owner's Special Conditions with Attachments
 - 5.3.3 Project Insurance (OCIP) Section 00 73 16
 - 5.3.4 Project Safety Requirements Section 01 35 23
 - 5.3.5 Project Planning and Scheduling Section 01 32 00
 - 5.3.6 Project Administration Requirements Section 01 31 00
 - 5.3.7 Project Quality Control Section 01 45 00
 - 5.3.8 Temporary Storm Water Pollution Controls Section 01 57 23
 - 5.3.9 General Commissioning Requirements Section 01 91 00
 - 5.3.10 Project Closeout Procedures Section 01 77 00
 - 5.3.11 Cast Bronze Dedicatory Plaque Section 10 14 16.11
- 5.4 Receiving Benefits Gifts and Honoraria - OFPC Supplemental Policy
- 5.5 Commissioning & Close-Out (C&C) Manual (electronic copy only)