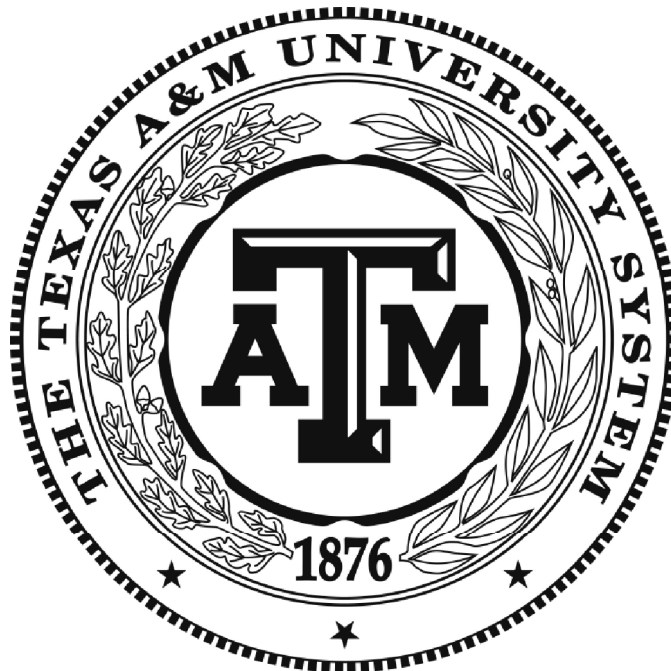


**REQUEST FOR QUALIFICATIONS
FOR
ARCHITECT/ENGINEER PROFESSIONAL SERVICES**

Swimming & Diving Expansion
Texas A&M University
College Station, Texas
Project No. 02-3274



DEADLINE FOR SUBMITTAL:
2pm, Tuesday, August 28, 2018

OFFICE OF FACILITIES PLANNING & CONSTRUCTION
THE TEXAS A&M UNIVERSITY SYSTEM
COLLEGE STATION, TEXAS

TABLE OF CONTENTS

Section 1 - General Information & Requirements

- 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 HUB Subcontracting Plan (HSP) Submittal Requirements
- 1.12 Certain Proposals and Contracts Prohibited
- 1.13 Required Notices of Workers' Compensation Insurance Coverage
- 1.14 State Registration of Engineering Firms

Section 2 - Executive Summary

- 2.1 Project Description, Scope and Budget
- 2.2 Program of Requirements
- 2.3 Project Planning Schedule

Section 3 - Requirements for Statement of Qualifications

- 3.1 Respondent's Statement of Qualifications and Availability to Undertake the Project
- 3.2 Prime Firm's Ability to Provide Services
- 3.3 Respondent's Performance on Past Representative Projects
- 3.4 Respondent's Past Performance on A&M System Projects
- 3.5 Respondent's Knowledge of Best Practices
- 3.6 Respondent's Ability to Identify and Resolve Problems on Past Projects
- 3.7 Execution of Offer

Section 4 - Format for Statement of Qualifications

- 4.1 General Instructions

Section 5 - Attachments

- A. HUB Subcontracting Plan
- B. Draft Program of Requirements
- C. A/E Services Agreement

SECTION 1

NOTICE TO RESPONDENTS

1.1 General Information

The Texas A&M University System Office of Facilities Planning & Construction (FP&C) on behalf of the Board of Regents of The Texas A&M University System (Owner) and Texas A&M University are soliciting statements of qualifications for selection of an Architect/Engineer (A/E) firm for the 02-3274 Swimming & Diving Expansion (Project), in accordance with the terms, conditions, and requirements set forth in this Request for Qualifications (RFQ).

This RFQ is the first step in the process for selecting an A/E firm. The RFQ provides the information necessary to prepare and submit Qualifications for consideration by the Owner. The Owner may select the top three (3) or more of the top ranked qualified respondents to present their qualifications during an interview.

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 a contract is executed. The Owner strictly complies with all statutes, court decisions, and opinions of the Texas Attorney General with respect to disclosure of RFQ information.

Information in any tangible form which is submitted by respondents will be treated as confidential **until such time as a contract is executed**. After that time, the information may be disclosed to requestors under the Texas Public Information Act, Chapter 552, Texas Government Code. If a respondent believes all or a portion of the information submitted is proprietary and confidential and should therefore be exempt from disclosure, they must clearly designate the specific item(s) and the proper statutory citation must be provided in each instance.

Further, Respondents are hereby notified that the Owner will be required to post any resultant contract from this RFQ on the Internet website of Owner pursuant to Texas Government Code, Section 2261.253 (a)(1).

1.3 Type of Contract

Any contract resulting from this solicitation will be in the form of the Owner's Standard A/E Agreement.

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 Owner's e-Builder

website, <https://e-Builder.net> All individuals who downloaded this RFQ from e-Builder will receive an email when addendum are published. All such addenda issued by the Owner before the proposals are due shall become a part of the RFQ, and respondents shall acknowledge receipt of and incorporate each addendum in its response.

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:

FP&C will accept proposals uploaded to e-Builder until **2pm, Tuesday, August 28, 2018.**

Upload one (1) copy of the Qualifications and one (1) copy of the HUB Subcontracting Plan as separate files in “pdf” format.

1.5.2 E-Builder will not allow uploads after the deadline.

1.5.3 The Owner will not acknowledge or receive Qualifications that are delivered by telephone, facsimile (fax), or electronic mail (e-mail).

1.5.4 Properly submitted Qualifications will not be returned to respondents.

1.6 Contacts

Any questions regarding this RFQ shall be directed to:

Audrey Rohloff-Ecklund
The Texas A&M University System
Office of Facilities Planning & Construction
301 Tarrow Street, 2nd Floor
College Station, Texas 77840-7896
Phone: (979) 458-7084
e-mail: arohloff@tamus.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 the Owner. Qualifications shall not include any information regarding respondent’s fees, pricing, or other compensation.

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 shall be at the sole risk and responsibility of the respondent.

1.11 Historically Underutilized Businesses’ Submittal Requirements

It is the policy of the State of Texas and the A&M System to encourage the use of Historically Underutilized Businesses (HUBs) in our prime contracts, subcontractors, and purchasing transactions. The goal of the HUB program is to promote equal access and equal opportunity in A&M System contracting and purchasing.

Subcontracting opportunities are anticipated for this RFQ for Architect/Engineer Professional Services and therefore a HUB Subcontracting Plan (HSP) is required. Failure to submit a comprehensive, acceptable HUB Subcontracting Plan that identifies ALL subcontracting opportunities will be considered a material failure to comply with the requirements of the RFQ and will result in rejection of the submittal.

Prepare the HUB Subcontracting Plan according to Attachment A at the end of this document and upload to e-Builder by the submittal deadline given in Section 1.5.1 above.

For information regarding The Texas A&M University System HUB Program and HUB

UX; . \$4; 4\$%30TU'30# 0\$48+70, -0; . \$4; 41 3=g0Wh '# # 03# , \$\$8' '30; 4 38
93; ; U0# 0\$4& I U-ness Serv'ices8jZ/m#03ma\$\$@#mUs-0PU8^| B| CYZ(RCQ>=

?R1 * 6F9B/ FC2C9C 2B8 C6BFA5 PF6B1B68

2 \$P03 0; 4'. \$?QY:0048T0*as Govem#084608a stat0 ag0\$; 5 # , 5 \$. 4, ; ; 0+4,
+3 +. -, 7. 3, ! , 3P , confac44a41nc1U0s propos0P Nhaic'la7t, 34; '+, 4'. \$ X5 , +03-. \$
! \ . 30; 0'(OP; . # +0nsat'ion N0m th0 ag0ncy t0 participat0 in t30+, 3'\$%4 0 -+0; 'V'; , 4'. \$-
. 330TU-4V 3+3. +. sal's off which th0 proposa7of confac4's B -OP=EV, -4 40 , %0\$; 5
P0403# "S0- 4 , 4, \$ "SPV'PUa7of Buisness 0845 h07tng'a stat0; . \$4; 4! , - "\$07%X0 4
\ , (0 4 0 ; . \$4; 4; ; cop0P of awar0P as Desc0P0P aNo(0840 -4 40 , %0\$; 5 # , 5
"# # 0P", 4075 403# "\$at0 th0 confac4 with0ut N0th0s 07ya0f 4 4 0 (OSP. 3=/ \ "- -0; 4'. \$
P. 0- \$. 4; 30, 40 , ; , use 0'fact'ion t0 confac4 a proposa7of awar0P . V, -4 40 ; . \$4; 4=

1.13 Required Notices of Workers' Compensation Insurance Coverage

Section 406.096, Texas Labor Code, and the rules of the Texas Workers' Compensation Commission, require workers' compensation insurance coverage for all persons providing services on a building or construction project for a governmental entity.

1.14 State Registration of Engineering Firms

Section 1001.405, Texas Occupations Code, provides that a business entity may not engage in the practice of engineering in this state unless the business entity is registered with the Texas Board of Professional Engineers. A business is defined as a sole proprietorship, firm, partnership, corporation or joint stock association.

SECTION 2

EXECUTIVE SUMMARY

2.1 Project Description, Scope and Budget

The Program of Requirements illustrates the spatial and site requirements for the expansion of the Student Recreation Center to accommodate new support facilities for the athletic Swimming and Diving programs. The proposed project represents a total of 13,400 gross square feet; 2,200 square feet of renovated area and 11,200 square feet of new construction. The project will be delivered using the Competitive Sealed Proposal (CSP) contracting method.

The Planning Amount for this project is \$7,000,000. The Planning Amount includes an Amount Available for Construction Contract (AACC) of \$5,100,000. Fees, furnishings, other work, miscellaneous expenses, and contingencies make up the balance of the Planning Amount.

2.2 Program of Requirements

The Owner has included a draft Program of Requirements (POR) for the project. .

2.3 Project Planning Schedule

Key Project planning schedule milestones are:

Owner receives Request For Qualifications	Refer to Section 1.5
Owner announces Respondents qualified for further consideration	09.05.2018
Owner interviews Respondents	09.11.2018
Owner executes Agreement	11.09.2018
Start of Schematic Design	11.13.2018
Owner approves Schematic Design Documents	01.10.2019
Owner approves Design Development Documents	03.13.2019
Owner approves Construction Documents	05.17.2019

SECTION 3

REQUIREMENTS FOR STATEMENT OF QUALIFICATIONS

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

Note: Information is also being sought at this stage on the Architect, AV & IT, Civil, MEP, Security, Structural consultants. The same information requested below for the Prime Firm is also requested for the named consultant firm(s) unless specifically noted otherwise.

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 Prime Firm's and consultant'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 consultant's assigned principal(s) and professionals to undertake the project in accordance with the project planning schedule.
- 3.1.3 Provide a brief history of the Prime Firm and consultant(s) proposed for the project including when the firms were established, type of ownership and office locations. If more than one office is listed indicate the office that will manage the project. If the firm has changed name or ownership within the last three (3) years indicate the former name.
- 3.1.4 Provide a listing of number of professional staff by discipline located in the office that will manage the project.
- 3.1.5 Provide an Organization Chart for the team proposed for the project.
- 3.1.6 Provide resumes of key personnel from the Prime Firm and consultants who will be assigned to this Project. Resumes limited to two (2) pages per person.

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

- 3.2.1 Is your company 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.

- 3.2.2 Provide any details of all past or pending litigation or claims filed against your company that would affect your company's performance under a Contract with the Owner.
- 3.2.3 Is your company 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.
- 3.2.4 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.
- 3.2.5 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 professional architectural or engineering services.

3.3 CRITERIA THREE: RESPONDENT'S PERFORMANCE ON PAST REPRESENTATIVE PROJECTS

- 3.3.1 List a maximum of five (5) recent projects for which you have provided services that are most related to this project. List a maximum of three (3) projects for each named consultant at the beginning of this section. List the projects in order of priority, with the most relevant project listed first. For all consultants named in the response indicate the projects they also worked on. 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, including Change Orders
 Final project size in gross square feet
 Type of construction (new, renovation, or expansion)
 Date project was completed
 Description of professional services Prime Firm provided for 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)
 Consultants

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

The Owner's name and representative who served as the day-to-day liaison during the design and construction phases of the project, including telephone number
 Contractor's name and representative who served as the day-to-day liaison during the Preconstruction and/or construction phase of the project, including telephone number

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

3.4 CRITERIA FOUR: RESPONDENT’S PAST PERFORMANCE ON A&M SYSTEM PROJECTS

- 3.4.1 Identify and describe the Prime Firm’s past experience on Texas A&M University System projects, up to a maximum of five (5) projects within the last five (5) years. For all consultants named in the response, indicate the projects they also worked on. Projects may repeat with Section 3.3 above.

If the Prime Firm has not previously provided services for The Texas A&M University System, then identify and describe the Prime Firm’s past performance on 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, including Change Orders
Final project size in gross square feet
Type of construction (new, renovation, or expansion)
Actual start and finish dates for design
Actual Notice To Proceed and Substantial Completion dates for construction
Description of professional services Prime Firm provided for 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)
Consultants

3.5 CRITERIA FIVE: RESPONDENT’S KNOWLEDGE OF BEST PRACTICES

- 3.5.1 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 3.3 and 3.4, provide examples of how these techniques were used and what degree of accuracy was achieved.

3.6 CRITERIA SIX: RESPONDENT’S ABILITY TO IDENTIFY AND RESOLVE CRITICAL ISSUES FOR THIS PROJECT.

- 3.6.1 What do you perceive are the critical issues for this project?

- 3.6.2 For any three (3) of the projects listed in response to Criteria 3.3 and 3.4, describe any conflicts with the Owner, Consultants, Contractor, or subcontractors, and describe the methods your firm used to resolve those conflicts.
- 3.6.3 In a predominately MEP project, how does the Project Team intend to structure the consulting agreement with the MEP firm to ensure that adequate resources are available to produce effective solutions?

3.7 CRITERIA SEVEN: EXECUTION OF OFFER

NOTE TO RESPONDENTS: SUBMIT ENTIRE SECTION WITH RESPONSE.

This execution of offer must be completed, signed, and returned with the respondent's qualifications. Failure to complete, sign and return this execution of offer with the qualifications may result in rejection of the qualifications.

Signing a false statement may void the submitted qualifications or any agreements or other contractual arrangements, which may result from the submission of respondent's qualifications. 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.

Addenda Acknowledgment

Receipt is hereby acknowledged of the following addenda to this RFP by entering yes or no in space provided and indicating date acquired. Enter "0" if none received.

No. 1 _____ Date _____

No. 2 _____ Date _____

Representations

By signing below, Respondent represents and warrants that:

(i) the Qualifications and all statements and information prepared and submitted in response to this RFQ are current, complete, true and correct;

(ii) it is 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 or any subsequent proposal. Failure to sign below, or signing a false statement, may void the Response or any resulting contracts at the Owner's option, and the Respondent may be removed from all future proposal lists at this state agency;

(iii) the individual signing this document and the documents made part of the RFQ is authorized to sign such documents on behalf of the Respondent and to bind the Respondent under any contract which may result from the submission of the Response;

(iv) no relationship, whether as a relative, business associate, by capital funding agreement or by any other such kinship exists between Respondent and an employee of The Texas A&M University System;

(v) Respondent has not been an employee of The Texas A&M University System within the immediate twelve (12) months prior to the RFQ response;

(vi) no compensation has been received for participation in the preparation of this RFQ (ref. Section 2155.004 Texas Government Code);

(vii) all services to be provided in response to this RFQ will 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 as of the date of this solicitation;

(viii) Respondent complies with all federal laws and regulations pertaining to Equal Employment Opportunities and Affirmative Action;

(ix) Respondent and each person signing on behalf of Respondent certifies, and in the case of a sole proprietorship, partnership or corporation, each party thereto certifies as to its own organization, that to the best of their knowledge and belief, no member of The A&M System or The A&M System Board of Regents, nor any employee, or person, whose salary is payable in whole or in part by The A&M System, has direct or indirect financial interest in the award of this RFQ, or in the services to which this RFQ relates, or in any of the profits, real or potential, thereof.;

(x) Each individual or business entity proposed by Respondent as a member of its team that will engage in the practice of engineering or architecture will be selected based on demonstrated competence and qualifications only; and

(xi) Respondent certifies it does not and will not, during the performance of any resulting contract from this RFQ, boycott Israel.

(xii) Respondent certifies that it is not engaged in business with Iran, Sudan, or a foreign terrorist organization. Respondent acknowledges that any Agreement resulting from this RFQ may be terminated if this certification is inaccurate.

By signing below, the Respondent hereby certifies as follows, and acknowledges that such certifications will be included in any resulting contract:

If the Respondent is subject to the Texas franchise tax, it is not currently delinquent in the payment of any franchise tax due under Chapter 171, Texas Tax Code, or is exempt from the payment of such taxes. A false certification may result in the Respondent's disqualification.

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.

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.

Submitted by:

(Company Name)

(Authorized Signature)

(Printed Name/Title)

(Date)

(Email)

(Street Address)

(Mailing Address)

(City, State, Zip Code)

(Telephone Number)

(Facsimile Number)

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 response shall be a **MAXIMUM OF FIFTY (50)** PAGES and uploaded as one PDF file. The cover, table of contents, divider sheets, HUB Subcontracting Plan (Section 1.11), and Execution of Offer do not count as pages. The HUB Subcontracting Plan shall be uploaded as a separate PDF file.
- 4.1.3 Respondents shall carefully read the information contained in this RFQ and submit a complete response to all requirements and questions as directed. Incomplete Qualifications will be considered non-responsive and subject to rejection.
- 4.1.4 Qualifications and any other information submitted by respondents in response to this RFQ shall become the property of the Owner.
- 4.1.5 The Owner will not compensate respondents for any expenses incurred in Qualifications preparation or for any presentations that may be made, unless agreed to in writing in advance or required by law. Respondents submit Qualifications at their own risk and expense.
- 4.1.6 Qualifications that are qualified with conditional clauses, alterations, items not called for in the RFQ documents, or irregularities of any kind are subject to rejection by the Owner, at its option.
- 4.1.7 The Owner makes no representations of any kind that an award will be made as a result of this RFQ. The Owner reserves the right to accept or reject any or all Qualifications, waive any formalities or minor technical inconsistencies, or delete any item/requirements from this RFQ when deemed to be in Owner's best interest.
- 4.1.8 Qualifications shall consist of answers to questions identified in Section 3 of the RFQ. It is not necessary to repeat the question in the Qualifications; however, it is essential to reference the question number with the corresponding answer.
- 4.1.9 Failure to comply with all requirements contained in this Request for Qualifications may result in the rejection of the Qualifications.
- 4.1.10 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.

- 4.1.11 Separate and identify each criteria response to Section 3 of this RFQ.
- 4.1.12 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.

ATTACHMENT A

HUB SUBCONTRACTING PLAN

FOR

PROFESSIONAL SERVICES

I. HUB PROGRAM

The purpose of the HUB Program is to promote full and equal business opportunities for all businesses in State contracting.

In accordance with 34 TAC §20.14(d)(1)(D)(iii), a respondent (prime contractor) may demonstrate good faith effort to utilize Texas certified HUBs for its subcontracting opportunities if the total value of the respondent's subcontracts with Texas certified HUBs meets or exceeds the statewide HUB goal or the agency specific HUB goal. When a respondent uses this method to demonstrate good faith effort, the respondent must identify the HUBs with which it will subcontract. If using existing contracts with Texas certified HUBs to satisfy this requirement, only contracts that have been in place for five years or less shall qualify for meeting the HUB goal. This limitation is designed to encourage vendor rotation as recommended by the 2009 Texas Disparity Study.

The Texas A&M University System (TAMUS) has established agency's goals and therefore respondents are required to use the following:

1. 11.2% for heavy construction other than building contracts;
2. 15.0% for all building construction, including general contractors and operative builders contracts;
3. 11.0% for all special trade construction contracts;
4. 34.0% for professional services contracts;
5. 11.0% for all other services contracts; and
6. 44.0% for commodities contracts.

A Historically Underutilized Business (HUB) is defined by statute as an entity with its principal place of business in this state that is: (a) a corporation formed for the purpose of making a profit in which at least 51% of all classes of the shares of stock or other equitable securities are owned by one or more persons who are economically disadvantaged because of their identification as members of certain groups, including Black Americans, Hispanic Americans, Women, Asian Pacific Americans, Native Americans and Service Disabled Veterans and have suffered the effects of discriminatory practices or similar insidious circumstances over which they have no control; and have a proportionate interest and demonstrate active participation in the control operation and management of the corporation's affairs; (b) a sole proprietorship created for the purpose of making a profit that is 100% owned, operated, and controlled by a person described in subdivision (a) of the subsection; (c) a partnership formed for the purpose of making a profit in which 51% of the assets and interest in the partnership is owned by one or more persons and demonstrate active participation in the control, operation and management of the partnership's affairs; (d) a joint venture in which entity in the joint venture is a HUB under this subsection; or, (e) a supplier contract between a HUB under this subsection and a prime contractor under which the HUB is directly involved in the manufacture or distribution of the supplies or materials or otherwise warehouses and ships the supplies.

TAMUS shall make a good faith effort to meet or exceed either the State of Texas Disparity Study goals or the agency's goal, and to assist HUBs in receiving a portion of the total contract value of all contracts that the agency expects to award in a fiscal year. It is the policy of TAMUS to contract directly with HUBs or indirectly through subcontracting opportunities in accordance with the Texas Government Code, Chapter 2161, Subchapter F and Comptroller of Public Accounts HUB Rules, TAC Section § 20.14.

The total expected value of this contract is \$100,000 or more and TAMUS has determined that subcontracting opportunities are probable for this contract. Therefore, the Respondent is required to submit a HUB Subcontracting Plan (HSP) with their proposal. The Respondents will use the procedures prescribed in Section II below when developing the HSP.

All Respondents must give clear evidence that good faith effort was made to comply with the HUB requirements identified in TAC, Section §20.14, and the HSP shall include the documents shown in Article II, Paragraphs 4.b.i, ii and iii.

The Owner will review the information submitted and use it as, X-" 4 P043# "\$0 "V, %. P With ON34 was made by the Respondent to utilize HUB subcontract 3-SU+703- . \$ 4 "- ;. \$4; 4- HUBs and that a good faith effort was not made by the Respondent to do so. The Respondent shall not be held responsible and the submitted proposal shall not be considered for award. As accepted HUB Subcontract 4; 4\$%97, \$! "77 X0; . # 0 , part of any contract with the Respondent resulting from this solicitation shall not be subject to change or cost.

Even though the Respondent can provide and intends to complete all subcontract 4; 4\$%. ++. 34\$40- ! "4 "4 own employees and resources without using any subcontract 340 L 9 -UX# "40P ! "4 40 Respondent's submitted proposal shall only include the documents 054 -\ ! \$ "34; 70 HB Paragraphs 4.b.i and iii.

For information regarding the Texas A&M University System HUB 93. % # , \$P L 2 I subcontracting opportunities, please contact Mr. JONATHAN HUBBARD "30; 4 3893. ; U30# 054, \$P Business Services JLH@tamus.edu (979) 458-8400.

II. HUB SUBCONTRACTING PLAN (HSP) PROCEDURES

The procedures for the Good Faith Effort (GFE) submitted with the proposal shall be applicable expression of interest valued at \$100,000 or more. Responses that do not include the HSP or if the agency determines that the HSP was not developed in good faith shall be rejected as a material failure to comply with the advertised specifications.

1. TAMUS requires the following items to be submitted as part of your HSP for this Professional Services RFQ:

- i. Letter of transmittal attesting that the respondent has read and understands the Policy on Historically Underutilized Businesses (see Attachment A1 within this attachment);
- ii. State of Texas Historically Underutilized Business Subcontracting Plan that shows how the respondents made a good faith effort by completing sections 1 thru 4 and either Method A or Method B of the HSP.

The State of Texas HSP form to be used is located at the following site;

2= To the A&M System's good with the requirements the response shall follow
but is not limited to procedures listed below when developing an HSPJ

- a= Divide the contract work into reasonable portions to the extent consistent with public industry practice in Section 28K=
- b= Meet and/or other 34-0% No professional service related subcontracting opportunities=
- c= Provide notice to the organizations or development centers that assist in the HSPJ HUBs by providing subcontracting opportunities to the membership/past= The notice shall in all instances include the scope of work, location, pricing, location to view plans and specifications, location about working and insurance requirements and provide a contact person= Respondent must provide notice to organizations or development centers not less than seven (7) working days prior to submission of the response (bid, proposal, offer, or other applicable expression of interest).
- d. Notify HUB vendors of the subcontracting opportunities that the respondent intends to subcontract. The preferable method of notification shall be in writing. The respondent shall provide potential HUB subcontractors reasonable time to respond to the respondent's notice. "Reasonable time to respond" in this context is no less than seven (7) working days from receipt of notice, unless circumstances require a different time period, which is determined by the agency and documented in the contract file.

The respondent shall provide the notice described in this section to **three (3) or more** HUBs for **each** subcontracting opportunity that provide the type of work required for each subcontracting opportunity identified in the contract specifications or any other subcontracting opportunity the respondent cannot complete with its own equipment, supplies, materials, and/or employees. **The A&M System encourages respondents to seek and find a "Diverse Group" of Historically Underutilized Businesses in each category in which a subcontract of services is solicited.**

- e. The respondent shall use the State of Texas Centralized Master Bidders List (CMBD) HUB Director's office and/or other methods as provided by the State of Texas or the A&M System Office of HUB & Procurement Programs when searching for HUB subcontractors=

**NOTE: A 632166 B7-CR166R-HUB 12/21/21 56 61666666 94465568
 616666 616 126666-21**

<https://www.tamulouisbusinessprocurement.com/procurement/programs/ASystem/OWcsHub/programS>

- f= Documentation showing compliance with the and potential HUB subcontractors includes but is not limited to contact information, past or present compliance=
- g= Provide written justification of the selection process if a HUB subcontract is selected in Method B Section B@C=

3. In making a determination whether a good faith effort has been made in the completion of the required HUB subcontracting plan, TAMUS shall review the supporting documents submitted explaining the ways the respondent has made a good faith effort according to each criterion listed above.
 4. If the Respondent is completing as self-performing a statement which attests that the respondent shall perform the subcontracting opportunities identified by the agency, with its own employees and resources (See State of Texas HSP Form, page 2, Sections 2a and page 3, Sections 3 and 4).
 5. Prior to contract award, the HSP and supporting documentation shall be reviewed and evaluated by the Office of HUB and Procurement Programs (HUB Office) to determine if a good faith effort has been made in accordance with bid specifications and State of Texas HUB rules. If accepted, the HSP shall become a provision of the TAMUS contract. Any change in a sub consultant or vendor, as requested by the Respondent, will not reduce the HUB participation level presented in the initial proposal offering without prior approval from the HUB Office.
- ~~B= If the HUB Office determines that a submitted HSP was not developed in good faith the HUB Office shall deem the lack of good faith as a material failure to comply with all other specifications and the subject HSP or other response shall be rejected. The reason(s) for rejection shall be recorded in the procurement file.~~
- ~~B= If at any time during the term of the contract it becomes necessary to make a change to the approved HSP such proposed change must be received for review and approval by the HUB Office before the change will be made to the contract. The architect-engineer (A/E) must comply with provisions of TAC §20-04 relating to development and evaluation of HSPs in order to submit or submit the work as a subcontract or all subcontracts prior to any alteration of the HSP. TAMUS shall receive all changes to the HSP by contract change orders and the reasons for proposed change(s) shall be requested of a Consultant/Engineer/Architect/Supplier Form C-2B and recorded in the procurement file (<http://www.tamus.org/procurement/submit/programs/ASystem@MCOs@MCOprograms>). If the Office that a change is necessary the requested changes will not reduce the level of HUB participation that was a part of the proposal at the time of contract award.~~
- If the A/E selects or elects to subcontract any part of the contract, the A/E must comply with provisions of this document relating to developing and submitting a subcontracting plan prior to any modifications or performance involving subcontracting work can be authorized by TAMUS. If the A/E subcontracts any of the work without prior authorization and without complying with TAC Section §20.14, the A/E is deemed to have breached the contract and be subject to any remedial actions provided by Texas Government Code, Chapter 2161, and TAC §20.14. TAMUS may report non-performance relative to its contracts to the Comptroller of Public Accounts in accordance with TAC Chapter §113, Subchapter F (relating to the Vendor Performance and Debarment Program).
8. The A/E will be required to submit a revised HSP for additional subcontracting opportunities that were not identified in the original HSP and created when the original scope of work expands through a change order, contract amendment or a contract renewal.
 9. TAMUS requires a respondent to whom a contract has been awarded, to report to TAMUS the identity and the amount paid to its subcontractors, HUBs and non-HUBs. If the A/E

fails to fulfill the HSP specified in the contract, TAMUS shall notify the A/E of any deficiencies. TAMUS shall require the A/E to submit documentation and explain why the failure to fulfill the HUB Subcontracting Plan should not be attributed to a lack of good faith effort by the A/E.

10. If a determination is made that the A/E failed to implement the HSP in good faith, TAMUS, in addition to any other remedies, may report nonperformance to the Comptroller of Public Accounts in accordance with TAC, Chapter 113, Subchapter F (relating to Vendor Performance and Debarment Program).
11. During the term of the contract, TAMUS shall determine whether the value of the subcontracts to HUBs meets or exceeds the HSP provisions specified in the contract.

III. REPORTING REQUIREMENTS

Each A/E that enters into a contract shall report to TAMUS all subcontracting/supplier payments. The report will include the volume of work performed under the contract, the portion of the work that was performed with its own employees/resources, HUB and Non-HUB subcontractors and suppliers (See prime contractor Progress Assessment Report Form located at the following link; <http://www.tamus.edu/offices/fpc/forms/>). TAMUS may request payment documentation in accordance with the Comptroller of Public Accounts HUB Rules that confirms the performance of the A/E. During the course of the contract, TAMUS shall discuss the performance of the A/E and document the A/E performance in the contract file.

Note: When the prime A/E is a HUB, it must perform at least 25% of the total value of the contract with its own or leased employees, as defined by the Internal Revenue Service, in order for the Owner to receive 100% HUB credit for the entire contract.

If a HUB prime contractor's HSP identifies that it is planning to perform less than 25% of the total value of contract with its own or leased employees, the HUB A/E must report to the Owner the value of the contract that was actually performed by the HUB prime A/E and the amount to be performed by its HUB subcontractors.

The HUB Office shall audit the A/E's compliance with the HSP. If the A/E is found deficient, TAMUS shall give the A/E an opportunity to submit documentation and explain to TAMUS why the failure to fulfill the HSP should not be attributed to a lack of good faith effort by the A/E.

(Attachment A1)

(SUBMIT ON YOUR BUSINESS LETTERHEAD)

Jeff Zimmermann
The Texas A&M University System
Moore/Connally Building
301 Tarrow, Suite 361
College Station, Texas 77840-7896

Subject: HUB Subcontracting Plan
Project No. 02-3274
Swimming & Diving Expansion
Texas A&M University
College Station, Texas

Dear Mr. Zimmermann:

I am pleased to forward this HUB Subcontracting Plan as an integral part of our written response submitted in connection with your Professional Services solicitation for Project Number 02-3274

I have read and understand The Texas A&M University System's Policy on Utilization of Historically Underutilized Businesses (HUBs) and the goals for HUB participation.

Sincerely,

(Signature)
(Printed Name)
(Printed Title)