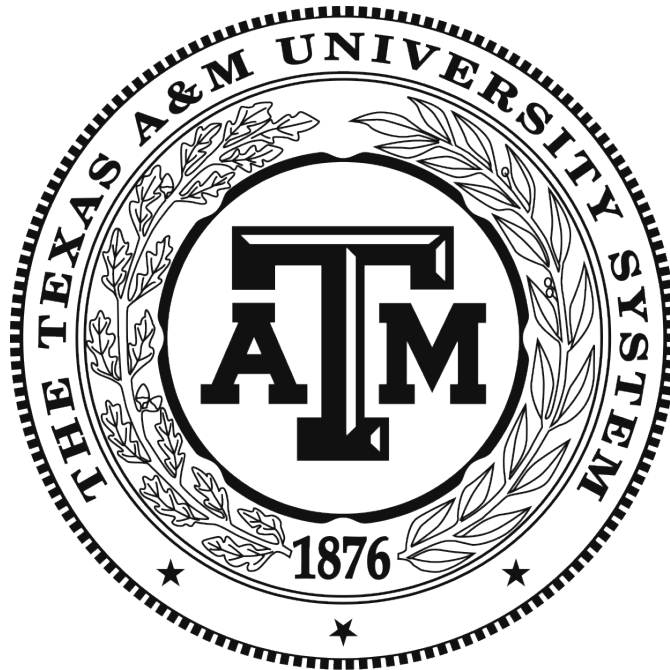


**REQUEST FOR QUALIFICATIONS  
FOR  
DESIGN-BUILD SERVICES**

CUP Generator Replacement Project  
Texas A&M University  
College Station, Texas  
Project No. 02-3345



DEADLINE FOR SUBMITTAL:  
**2pm, Thursday , September 30, 2021**

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

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## 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 a Design-Build (DB) firm for the 02-3345 CUP Generator Replacement Project (Project), in accordance with the terms, conditions, and requirements set forth in this Request for Qualifications.

This Request for Qualifications (RFQ) is the first step of a two-step selection process for selecting a Design-Build firm. The RFQ provides the information necessary to prepare and submit Qualifications for consideration by the Owner. The Owner may select up to five (5) of the top ranked Qualifications respondents to response to a Request for Proposals.

In the second step of the process, Request for Proposals (RFP) the selected Qualifications respondents will be required to submit additional information to the Owner. The second step may also include an interview. The Owner will rank the respondents in the order that they provide the “best value” for the Owner based on all information received.

#### 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 DB 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 addendums 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, Thursday, September 30, 2021.**

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:

Robert Hartman  
The Texas A&M University System  
Office of Facilities Planning & Construction  
301 Tarrow Street, 2<sup>nd</sup> Floor  
College Station, Texas 77840-7896  
Phone: (979) 458-7086  
e-mail: [Robert.Hartman@tamus.edu](mailto:Robert.Hartman@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 Design-Build Services and therefore a HUB Subcontracting Plan (HSP) is required. The HSP for this RFQ shall only address the selection of Architect/Engineer Professional Services team.** Failure to submit a comprehensive, acceptable HSP 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.

**Pre-construction and construction services will be addressed in the subsequent RFP.**

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. The HSP may be prepared by either the Design-Build firm listing the Prime A/E with all of the subconsultants or the Prime A/E may prepare the HSP listing all of the subconsultants.

For information regarding The Texas A&M University System HUB Program and HUB Subcontracting requirements, please contact Mr. Keith Williams, HUB Coordinator,

Procurement & Business Services, [soprocurement@tamus.edu](mailto:soprocurement@tamus.edu), (979) 458-3265. **We encourage all respondents to submit a draft HUB Plan to the email address listed herein for our review at least two days prior to the due date.**

### **1.12 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. 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.

### **1.13 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 Central Utility Plant (CUP) uses one gas turbine generator and two steam turbine generators to produce power for the campus. This project includes the replacement/upgrade of the existing 5 MW Steam Turbine Generator 4 (STG004) along with its auxiliary equipment and balance of plant modifications, including a new surface condenser.

Scope of work includes:

-Demolition and removal of the existing CUP 5 Megawatt Steam Turbine Generator #4 (STG004). Additional STG auxiliary equipment to be removed includes the surface condenser, condensate pumps, and associated piping, electrical wiring and raceway, and controls wiring and raceway.

- Upgrade existing Cooling Towers 41/42/43 with new fill, structural repairs, 3 new fans and new pumps/motors with Variable Frequency Drives.
- Install new 5-10 megawatt steam turbine generator and associated equipment at the STG004 location. Building modifications will be required.
- Replace existing Boiler 12 feed water pump starter with new 4160 volt Variable Frequency Drive.
- Remove existing 1.25 megawatt Emergency Generator at the Central Utility Plant.
- Install new Emergency Generator (up to 4 megawatt capacity) at the Agronomy Road Substation.

The Planning Amount for this project is \$26,500,000. The Planning Amount includes an Amount Available for Construction Contract (AACCC) of \$20,375,000. 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 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 | 10.11.2021           |
| ▪ Owner receives Request for Proposals                            | 10.19.2021           |
| ▪ Owner interviews Respondents                                    | 10.28.2021           |
| ▪ Owner executes Agreement  | 12.14.2021           |
| ▪ Start of Schematic Design                                       | 12.20.2021           |
| ▪ Owner approves Schematic Design Documents                       | 04.04.2022           |
| ▪ Owner approves Design Development Documents                     | 07.11.2022           |
| ▪ Owner approves Construction Documents                           | 10.24.2022           |

# 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, Civil, Fire & Life Safety, MEP, 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 respondent'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 respondent's 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 respondent's 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 an Organization Chart for the team proposed for the project.
- 3.1.5 Provide resumes of key personnel from the respondent's and consultants who will be assigned to this Project. Resumes limited to two (2) pages per person.

3.2 CRITERIA TWO: RESPONDENT'S ABILITY TO PROVIDE SERVICES

- 3.2.1 Describe your management philosophy for the Design-Build construction delivery method.
- 3.2.2 Identify the total number and dollar amount of contracts you currently have in progress.
- 3.2.3 Identify the percent of work and trades you normally perform with your own forces.
- 3.2.4 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.
- 3.2.5 Identify if your company has ever defaulted, failed to complete any work or otherwise been discharged prior to completion of the project? If yes, stipulate when, where and why.
- 3.2.6 Identify if your company has ever paid liquidated damages or a penalty for failure to complete a contract on time. If yes, stipulate for which project, when and why.
- 3.2.7 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.



- 3.2.8 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: 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 respondent'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 respondent has not previously provided services for The Texas A&M University System, then identify and describe the respondents'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
- Project HUB goal and achieved percentages

### 3.5 CRITERIA FIVE: RESPONDENT'S KNOWLEDGE OF BEST PRACTICES

- 3.5.1 Describe your fiduciary responsibilities as a Design-Build contractor using GMP contracts for publicly funded projects.
- 3.5.2 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.
- 3.5.3 The Owner intends to accept a Guaranteed Maximum Price prior to commencement 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.

### 3.6 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? Identify any difficulties or unique challenges that you anticipate in the DB process for this project. How does

this team intend to manage and resolve these issues? What assistance will you require from the Owner?

- 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 or subcontractors, and describe the methods your firm used to resolve those conflicts.
- 3.6.3 Describe your procedures, objectives, and personnel responsible for reviewing design and construction documents and for providing feedback regarding cost, schedule, and constructability to the A/E and the Owner on this project.
- 3.6.4 Provide an example of a successful constructability program used to maintain project budgets without sacrificing quality.
- 3.6.5 Describe your Bid/Proposal package strategy for completion of the Construction Documents and for procuring Cost of the Work subcontractors, vendors, suppliers, etc.
- 3.6.6 Describe your process for attracting qualified and experienced mechanical, electrical, and plumbing subcontractors to submit proposals for this project.

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 RFQ 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 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 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.

(xiii) Respondent certifies that it is not involved in human trafficking. Respondent acknowledges that any Agreement resulting from this RFQ may be terminated if this certification is inaccurate.

(xiv) Respondent certifies that the requirements of Subchapter J, Chapter 552, and *Texas Government Code*, (added by SB 943 during the 86<sup>th</sup> Legislative Session) may apply to this RFQ and resultant agreement and the Respondent agrees that the resultant agreement can be terminated if the Respondent knowingly or intentionally fails to comply with a requirement of that subchapter.

(xv) Respondent is responsible to ensure that employees participating in work for any A&M System member have not been designated by the A&M System as Not Eligible for Rehire as defined in System policy [32.02, Section 4](#). Non-conformance to this requirement may be grounds for termination of any resultant agreement.

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.

The architect/engineer team member has been chosen based on demonstrated competence and qualifications. An architect shall have responsibility for compliance with the requirements of Texas Occupation Code, Chapter 1051. An engineer shall have responsibility for compliance with the requirements of the Texas Occupation Code, Chapter 1001.

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 §20.285(d)(1), 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 specific goals and therefore respondents are required to use the following:

1. 11.2% for heavy construction other than building contracts;
2. 26.0% for all building construction, including general contractors and operative builders contracts;
3. 11.0% for all special trade construction contracts;
4. 38.0% 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 § 20.285.

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 a good faith effort was made to comply with the HUB requirements identified in TAC, Section §20.285, and the HSP shall include the information and documentation as stated within the HSP and Method A or Method B attachments.

TAMUS will review the information/documentation submitted and use it as a basis to determine if a good faith effort was made by the Respondent to utilize HUB subcontractors/suppliers on this project. If it is determined that a good faith effort was not made, the Respondent's qualification submittal will be determined to be non-responsive and the submittal shall be rejected and the reasons for rejection recorded in the project files. An accepted HUB Subcontracting Plan will become a part of any contract with the Respondent resulting from this solicitation and then can only be modified by contract change order.

For information regarding The Texas A&M University System HUB Program and HUB subcontracting plan requirements, please contact Mr. Keith Williams, HUB Coordinator, [kwilliams@tamus.edu](mailto:kwilliams@tamus.edu), (979) 458-3265.

## II. HUB SUBCONTRACTING PLAN (HSP) PROCEDURES

The procedures for the Good Faith Effort (GFE) submittal requirements of this Request for Qualifications are stated below. An HSP is required as part of bids, proposals, offers, or other 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:

- a. Letter of transmittal attesting that the respondent has read and understands the Policy on Historically Underutilized Businesses (see Attachment A1 within this attachment);
- b. 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;

<https://www.tamus.edu/business/hub-procurement/hub-programs-3/>

2. To meet The A&M System's good faith effort requirements, the respondents shall follow, but is not limited to, procedures listed below when developing an HSP:
- a. Divide the contract work into reasonable portions to the extent consistent with prudent industry practice in Section 2 b.
  - b. Meet and/or exceed 38.0% for professional service related subcontracting opportunities.
  - c. Provide notice to trade organizations or development centers that assist in identifying HUBs by disseminating subcontracting opportunities to their membership/participants. The notice shall, in all instances, include the scope of work, information regarding location to review plans and specifications, information about bonding and insurance requirements, and identify 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 (CMBL), HUB Directory, internet resources, and/or other directories as identified by the State of Texas or the A&M System Office of HUB & Procurement Programs when searching for HUB subcontractors.

**NOTE: A complete list of all certified HUBs may be electronically accessed through the Internet at;**

<https://mycpa.cpa.state.tx.us/tpasscmbsearch/index.jsp>

- f. Documentation showing correspondence between prime and potential HUB subcontractors includes but not limited to contact information, date of delivery confirmation, etc.
- g. Provide written justification of the selection process if a non-HUB subcontractor is selected in Method B, Section B-4 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. Prior to contract award, the HSP and supporting documentation shall be reviewed and evaluated by the TAMUS HUB Program 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.
5. If the HUB Office determines that a submitted HSP was not developed in good faith, the HUB Office shall treat the lack of good faith as a material failure to comply with advertised specifications, and the subject bid or other response shall be rejected. The reason(s) for rejection shall be recorded in the procurement file.
6. 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 TAMUS HUB Program Office before the change will be effective under the contract. The architect/engineer (A/E) must comply with provisions of TAC §20.285 relating to development and evaluation of HSP, in order to substitute or subdivide the work and/or substitute or add subcontractors prior to any alteration of the HSP. TAMUS shall document changes to the HSP by contract change order and the reasons for proposed change(s) shall be requested within the process required by FP&C. In the event that a change is necessary, the requested changes will not reduce the level of HUB participation that was a part of the qualification submittal at the time of contract award.  
  
If the A/E selected decides to subcontract any part of the contract after the award, 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 §20.285, 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 §20.285.
7. 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.
8. 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.

9. 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; <https://www.tamus.edu/business/hub-procurement/hub-programs-3/>). 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)

The Texas A&M University System  
Moore/Connally Building  
301 Tarrow, Suite 273  
College Station, Texas 77840  
Attn: Jeff Zimmermann

Subject: HSP Letter of Transmittal  
Project No. 02-3345 CUP Generator Replacement Project

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 02-3345 CUP Generator Replacement Project.

This letter shall attest that (company name) has read and understands The Texas A&M University System's Policy on Utilization of Historically Underutilized Businesses (HUBs) as stated within the solicitation. (Company name) also understands the HUB participation goal for this solicitation is as stated within Attachment A and will make a full good faith effort to obtain that goal. For any questions regarding this HUB Subcontracting Plan my contact information is below.

Sincerely,

*(Signature)*

*(Printed Name)*

*(Printed Title)*

*(Email)*

*(Phone)*