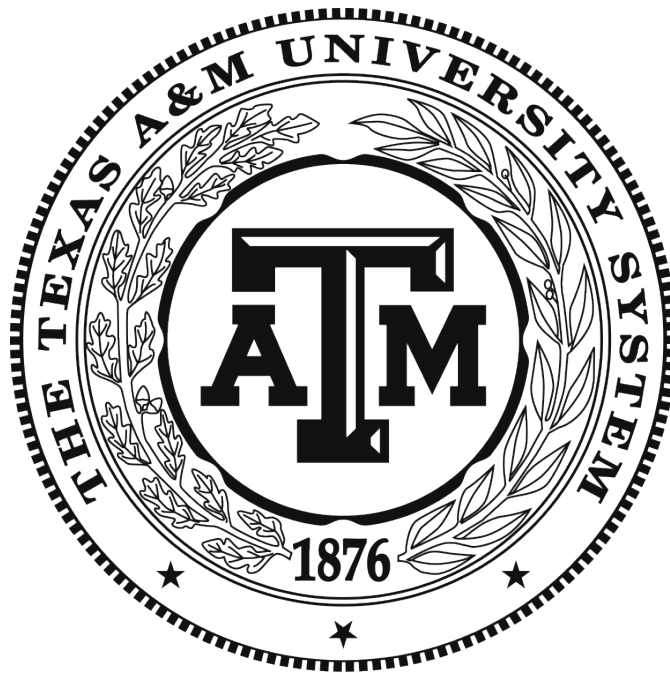


**REQUEST FOR QUALIFICATIONS
FOR
ARCHITECT/ENGINEER PROFESSIONAL SERVICES**

New Event Center/Arena
Texas A&M University-Commerce
Commerce, Texas
Project No. 21-3390



DEADLINE FOR SUBMITTAL:
2pm Tuesday November 15, 2022

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

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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-Commerce are soliciting statements of qualifications for selection of an Architect/Engineer (A/E) firm for the New Event Center/Arena (Project) at Texas A&M University-Commerce, Commerce, Texas, 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 three (3) or more of the top 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 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 Services Agreement (Attachment C - A/E Services 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 addenda 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 Qualifications uploaded to e-Builder until **2pm Tuesday November 15, 2022.**

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).

1.6 Contacts

Any questions regarding this RFQ shall be directed to:

Don Montgomery
The Texas A&M University System
Office of Facilities Planning & Construction
301 Tarrow Street, 2nd Floor
College Station, Texas 77840-7896
Phone: (979) 458-7052
e-mail: donald.montgomery@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 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.

Prepare the HSP 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.

Respondents are highly encouraged to submit a draft HSP to email address soprocurement@tamus.edu for review by the A&M System HUB Program Office at least two days prior to the due date.

1.12 Required Notices of Workers' Compensation Insurance Coverage

The Texas Department of Insurance Division of Workers' Compensation has adopted a rule, 28 Texas Administrative Code, Section 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 Texas Labor Code Section 406.096, which requires workers' compensation insurance coverage for all persons providing services on a building or construction project for a governmental entity.

1.13 State Registration of Engineering Firms

Texas Occupations Code Section 1001.405, 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.

1.14 State Registration of Architectural Firms

The Texas Board of Architectural Examiners as adopted a rule, 22 Texas Administrative Code Section 1.124, relating to Business Registration. The rule requires that any firm or business entity providing architectural services to the public, other than a sole proprietor doing business under his/her name, must annually register information regarding the firm or business entity with the Texas Board of Architectural Examiners.

EXECUTIVE SUMMARY

2.1 Project Description, Scope and Budget

The new Texas A&M University-Commerce Event Center/Arena is a 64,000 SF large-volume, two-level complex. The facility will be used for men's and women's basketball, volleyball, and special events. The program includes an arena with a seating capacity of 3500, press rooms and suites, team locker rooms, coach offices, auxiliary gyms, support spaces, a plaza, outdoor stage, 834 parking spaces, retail spaces for outdoor dining/entertainment, and future planning for a restaurant and hotel. The budget for this project is \$58,000,000 with an Amount Available for Construction Contract (AACC) of \$43,500,000.

The Planning Amount for this project is \$58,000,000. The Planning Amount includes an Amount Available for Construction Contract (AACC) of \$43,500,000. 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 short list | 11.29.2022 |
| ▪ Owner interviews Respondents | 12.06.2022 |
| ▪ Owner executes Agreement | 01.31.2023 |
| ▪ Start of Schematic Design | 02.07.2023 |
| ▪ Owner approves Schematic Design Documents | 07.12.2023 |
| ▪ Owner approves Design Development Documents | 11.13.2023 |
| ▪ Owner approves Construction Documents | 03.11.2024 |

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 Acoustical Engineer, Architect, AV & IT, Civil, Fire & Life Safety, Food Service, 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 statement)

- 3.1.1 Provide a statement of interest for the project including a narrative describing the Prime Firm's and consultants' 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 related to this project. For all consultants named in this response indicate if they provided services on any of these projects. Additionally, list a maximum of three (3) projects for each named consultant identified in the Section 3 note above. List projects in order of relevance, 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, 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

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 Higher Education Projects

3.4.1 Identify and describe the Prime Firm's past experience on projects for the A&M System or peer institutions of higher education, 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.

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 actual percentages achieved

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.

3.4.2 Provide a Proposed Team Experience Matrix following the format and notes below to summarize the project information provided in Criteria Three and Four as well as up to two projects from team member resumes from Criteria One.

Proposed Team Experience Matrix

Role (1)	Name (2)	Years with Firm	Years of Experience	Project 1	Project 2	Project 3	Project 4	Project 5	Project 1	Project 2	Project 3	Project 4	Project 5	Project 1	Project 2	
				Relevant Experience – Firm (3)					Higher Ed Experience – Firm (4)					Other (5)		
<i>Example:</i>																
<i>Project Manager</i>	<i>John Doe</i>	<i>18</i>	<i>26</i>	<i>PM</i>	<i>PA</i>		<i>CA</i>	<i>PM</i>	<i>PM</i>	<i>PM</i>	<i>PM</i>	<i>PA</i>	<i>PA</i>			<i>PM</i>
<i>Project Architect</i>	<i>Jane Smith</i>	<i>12</i>	<i>30</i>	<i>PA</i>	<i>CA</i>	<i>CA</i>		<i>PA</i>			<i>PA</i>	<i>CA</i>			<i>PA</i>	
<i>MEP Consultant</i>	<i>Firm XYZ Engineering</i>	<i>-</i>	<i>-</i>	<i>X</i>		<i>X</i>			<i>X</i>		<i>X</i>					
				(6)	(6)	(6)	(6)	(6)	(6)	(6)	(6)	(6)	(6)	(6)	(6)	(6)
Principal in Charge (PIC)																
Project Manager (PM)																
Project Architect (PA)																
Project Designer (PD)																
Subject Expert/Consultant (SC)																
Construction Admin. (CA)																
Consultant Firm																

Notes:

- 1) Identify the proposed **role** for no more than eight team members including Principal-In-Charge/Project Executive, Project Manager, Project Architect, Project Designer, Interior Designer, Construction Administrator, Cost Estimator, Acoustics Consultant, Structural Engineering Firm, Civil Engineering Firm, Landscape Architectural Firm, AV/IT Consultant Firm, Fire & Life Safety Consultant. Consultant firms can be listed as a firm rather than an individual.
- 2) Name of each individual assigned to this role on the project.
- 3) Firm’s relevant experience with this project type from Criteria Three above.
- 4) Firm’s experience with institutions of Higher Education from Criteria Four above.
- 5) This category is for any individual team member’s relevant experience while with another firm from resumes in Criteria One above, maximum of two projects total.
- 6) In each square, list the experience of the individual for each listed project using the code indicated (PIC, PM, PA, etc.).

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 Three and Four, provide examples of how these techniques were used and what degree of accuracy was achieved.

3.5.2 Describe your experience with energy conscientious and sustainable design.

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 Three and Four, describe any conflicts with the Owner, Consultants, Contractor, or subcontractors, and describe the methods your firm used to resolve those conflicts.

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. 3 _____	Date _____
No. 2 _____	Date _____	No. 4 _____	Date _____

Representations

By signing below, Respondent represents and certifies to each of the following statements.

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

(ii) Respondent has not given, offered to give, 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 Qualification.

(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 A&M System.

(v) In accordance with Section 2252.901 of the Texas Government Code, Respondent represents and warrants that for professional services contracts as described by Chapter 2254 of the Texas Government Code, if a former employee of the A&M System was employed by Respondent within one year of the employee's leaving the A&M System, then such employee will not perform services on projects with Respondent that the employee worked on while employed by the A&M System.

(vi) 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.

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

(viii) 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.

(ix) 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.

(x) Pursuant to Section 2271.002 of the Texas Government Code, Respondent certifies that either (i) it meets an exemption criteria under Section 2271.002; or (ii) it does not boycott Israel and will not boycott Israel during the term of the contract resulting from this solicitation. Respondent shall state any facts that make it exempt from the boycott certification in its Response.

(xi) Respondent represents and warrants that it is not engaged in business with Iran, Sudan, or a foreign terrorist organization, as prohibited by Section 2252.152 of the Texas Government Code.

(xii) Under Section 2155.0061 of the Texas Government Code (Related to Persons Involved in Human Trafficking), the Respondent certifies that the individual or business entity named in this Response 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.

(xiii) In accordance with Section 552.372 of the Texas Government Code, Respondent agrees to (1) preserve all contracting information related to the contract that may result from this solicitation as provided by the records retention requirements applicable to the Owner for the duration of the contract, (2) promptly provide to the Owner any contracting information related to the contract that is in the custody or possession of the Respondent on request of the Owner, and (3) on termination or expiration of the contract, either provide at no cost to the Owner all contracting information related to the contract that is in the custody or possession of the Respondent or preserve the contracting information related to the contract as provided by the records retention requirements applicable to the Owner. Except as provided by Section 552.374(c) of the Texas Government Code, the requirements of Subchapter J, Chapter 552, Government Code, may apply to the contract that may result from this solicitation and the Respondent agrees that the contract can be terminated if the Respondent knowingly or intentionally fails to comply with a requirement of that subchapter.

(xiv) Respondent accepts responsibility to ensure that employees participating in work resulting from this solicitation 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.

(xv) In accordance with Section 669.003 of the Texas Government Code, relating to contracting with the executive head of a state agency, Respondent certifies that it is not (1) the executive head of the Agency, (2) a person who at any time during the four years before the date of the contract was the executive head of the Agency, or (3) a person who employs a current or former executive head of the Agency.

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.

Pursuant to Section 2155.004(a) of the Texas Government Code, Respondent certifies that neither Respondent nor any person or entity represented by Respondent has received compensation from Owner to participate in the preparation of the specifications or solicitation on which this Response or contract is based. Under Section 2155.004(b) of the Texas Government Code, Respondent certifies that the individual or business entity named in this Response or contract is not ineligible to receive the specified contract and acknowledges that the contract may be terminated and payment withheld if this certification is inaccurate.

Under Section 2274.002, Texas Government Code (enacted by SB 19, 87th Texas Legislature, Regular Session (2021)), Respondent verifies (1) it does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association and (2) it will not discriminate during the term of this contract against a firearm entity or firearm trade association. Respondent acknowledges this contract may be terminated and payment withheld if this verification is inaccurate.

Respondent certifies that it does not require its customers to provide any documentation certifying the customer's COVID-19 vaccination or post-transmission recovery on entry to, to gain access to, or to receive service from the Respondent's business. Respondent acknowledges that such a vaccine or recovery requirement would make Respondent ineligible for a state-funded contract.

Respondent represents and warrants that: (1) it does not, and will not for the duration of a contract, boycott energy companies or (2) the verification required by Section 2274.002 of the Texas Government Code does not apply to the contract. If circumstances relevant to this provision change during the course of the contract, Respondent shall promptly notify Owner.

Submitted by:

(Company Name)

(Authorized Signature)

(Printed Name/Title)

(Date)

(Email)

(Street Address)

(Mailing Address)

(City, State, Zip Code)

(Telephone Number)

(Facsimile Number)

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, HSP (Section 1.11), and Execution of Offer do not count as pages. The HSP 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 as directed. Incomplete Qualifications will be considered non-responsive and subject to rejection.
- 4.1.4 Qualifications and any other information submitted by Respondents in response to this RFQ shall become the property of the Owner.
- 4.1.5 Qualifications that are qualified with conditional clauses, alterations, items not called for in the RFQ documents, or irregularities of any kind are subject to rejection by the Owner, at its option.
- 4.1.6 The Owner makes no representations of any kind that an award will be made as a result of this RFQ. The Owner reserves the right to accept or reject any or all Qualifications, waive any formalities or minor technical inconsistencies, or delete any item/requirements from this RFQ when deemed to be in Owner's best interest.
- 4.1.7 Qualifications shall consist of responses to the criteria identified in Section 3 of the RFQ. It is not necessary to repeat the criteria details in the Qualifications; however, it is essential to reference the criteria number with the corresponding response.
- 4.1.8 Failure to comply with all requirements contained in this RFQ may result in the rejection of the Qualifications.
- 4.1.9 Additional attachments shall NOT be included with the Qualifications. Only the responses provided by the Respondent to the criteria identified in Section 3 of this RFQ will be used by the Owner for evaluation.
- 4.1.10 Separate and identify each response to Section 3 criteria of this RFQ.
- 4.1.11 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 HSP.

**ATTACHMENT A
HUB SUBCONTRACTING PLAN FOR
PROFESSIONAL SERVICES**

I. HUB PROGRAM

The purpose of the Historically Underutilized Business (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 architect/engineer) 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 A&M System 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 A&M System has established agency specific goals and therefore Respondents are required to use the following:

1. 10% for heavy construction other than building contracts;
2. 26% for all building construction, including general contractors and operative builders contracts;
3. 10% for all special trade construction contracts;
4. 38% for professional services contracts;
5. 11% for all other services contracts; and
6. 45% for commodities contracts.

A 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.

The A&M System 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 the A&M System to contract directly with HUBs or indirectly through subcontracting opportunities in accordance with the Texas Government Code, Chapter 2161, Subchapter F and TAC Section § 20.285.

The total expected value of this contract is \$100,000 or more and the A&M System 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.

The A&M System 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 HSP 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 A&M System HUB Program and HUB subcontracting plan requirements, please contact Porschia Tolbert, HUB Program Director, soprocurement@tamus.edu.

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. **The A&M System 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 through 4 and either Method A or Method B of the HSP.

The A&M System HSP form to be used is located at the following site;

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

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% for professional services 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 HUB Program Office 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/tpassecmblsearch/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 HSP, the A&M System 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 A&M System 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 A&M System 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 A&M System 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. The A&M System 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 the A&M System. 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. The A&M System requires a Respondent to whom a contract has been awarded, to report to the A&M System 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, the A&M System shall notify the A/E of any deficiencies. The A&M System shall require the A/E to submit documentation and explain why the failure to fulfill the HSP should not be attributed to a lack of good faith effort by the A/E.
9. During the term of the contract, the A&M System 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 the A&M System 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/>). The A&M System 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, the A&M System 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, the A&M System shall give the A/E an opportunity to submit documentation and explain to the A&M System why the failure to fulfill the HSP should not be attributed to a lack of good faith effort by the A/E.

If a determination is made that the contractor failed to implement the plan in good faith, the A&M System, in addition to any other remedies, may bar the A/E from further contracting opportunities with the A&M System.

(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: Porschia Tolbert

Subject: HSP Letter of Transmittal
Project No. _____

Dear Ms. Tolbert:

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 _____.

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)