

## **THE TEXAS A&M UNIVERSITY SYSTEM INSTRUCTIONS FOR COMPETITIVE SEALED PROPOSALS**

### **1.0 GENERAL:**

- 1.1 In accordance with Sec. 51.783, Texas Education Code, the Board of Regents of The Texas A&M University System is requesting Competitive Sealed Proposals (CSP) from general construction contractors.
- 1.2 All data submitted with a Proposal, except as noted herein, is deemed to be a part of the terms and conditions of the Contract.
- 1.3 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 our 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 Request for Competitive Sealed Proposals (RFCSP) and therefore a HUB Subcontracting Plan (HSP) is required. Refer to the procedures outlined in Part 3.

### **2.0 RECEIPT OF PROPOSALS:**

- 2.1 Proposals will be received at the time, place and under conditions set forth in the published RFCSP.
- 2.2 Proposal documents are obtainable from the Architect/Engineer (A/E) under conditions set forth in the RFCSP.

### **3.0 INFORMATION INQUIRIES:**

- 3.1 Information inquiries regarding the CSP process should be directed to the Executive Director for the Office of Facilities Planning & Construction at telephone: (979) 458-7000.
- 3.2 See "Supplemental Instructions for Competitive Sealed Proposals" for information inquiries regarding the technical aspects of the Drawings and Specifications.
- 3.3 Information inquiries regarding the HUB Program and HSP process should be directed to the HUB Program Director as listed in Part 3, HUB Subcontracting Plan for Construction Services.

### **4.0 DISCREPANCIES AND INTERPRETATIONS:**

- 4.1 Proposer must notify the Project Manager and the A/E, in writing, at least eight (8) business days prior to the scheduled Proposal opening date, if discrepancies, ambiguities or omissions are found in the Proposal documents, or if further information or interpretation is desired.
- 4.2 Answers to inquiries will be provided in writing to all proposers in addenda form. All provisions and requirements of such addenda will supersede or modify affected portions

of the Proposal documents. All addenda will be incorporated into and bound with the Contract Documents. No other explanation or interpretation will be considered binding.

## **5.0 SUBMITTAL PROCEDURE:**

- 5.1 There are two parts to the Competitive Sealed Proposal: Part 1A and Part 1B. Submit one (1) original Competitive Sealed Proposal by the time stated per part sealed in a unimailer envelope furnished by the A/E or available at The Texas A&M University System Office of Facilities Planning & Construction.
- 5.2 Enclose the Bid/Proposal Bond or other acceptable Proposal guaranty in the small envelope affixed to the outside of the unimailer envelope for Part 1A.
- 5.3 Complete the proposer identification information on the unimailer envelope.
- 5.4 Submit Part 2, Technical Proposal, Proposer's Qualifications by the time stated and in the quantity called for in the Supplemental Instructions for Competitive Sealed Proposals.
- 5.5 Submit Part 3, Technical Proposal, HUB Subcontracting Plan for Construction Services by the time stated and in the quantity called for in Section 2.5 of the Supplemental Instructions for Competitive Sealed Proposals. The HSP shall be submitted as a separate document with sections appropriately tabbed.
- 5.6 If the Proposal is submitted by mail, place the unimailer envelope in a mailing envelope addressed per the Supplemental Instructions for Competitive Sealed Proposals. Delivery of all Proposal parts prior to the advertised time set for the Proposal receipt and subsequent submittal deadlines is the responsibility of the proposer.

## **6.0 PREPARATION OF COMPETITIVE SEALED PROPOSAL:**

- 6.1 The Proposal must be based on conditions at the project site, the project Drawings and Specifications and any addenda issued.
- 6.2 The Proposal, Part 1, (TAMUS Form C-4 CSP) must be authoritatively executed *in blue ink* and submitted on the Proposal form furnished by the A/E.
- 6.3 If the Proposer's Qualifications form does not provide sufficient space to adequately respond to a question, the proposer should attach additional 8 1/2" X 11" white paper sheets as required, referencing the page and question numbers to which the response pertains.
- 6.4 A Proposal showing omissions, alterations, conditions, or carrying riders or other qualifiers which modify the Proposal form may be rejected as irregular.
- 6.5 The various sections of the Part 2 and Part 3 Proposal data should be separated by tabbed dividers. The tabs must identify the sections by name rather than simply a number or alphabet.

- 6.6 If the proposer chooses to issue a "No Response" (N/R) to a question on the Proposal, an explanation of this action is required. Failure to do so may be viewed by the Owner as an incomplete response and may subject the entire Proposal to rejection.
- 6.7 Only one Part 1 Proposal shall be submitted by each proposer (A&M System Form C-4 CSP). If two or more Part 1 Proposals are submitted, either in one envelope or in separate envelopes, such multiple Proposals may be subject to rejection. The blank Proposal form bound in the Specification is for the proposer's information only.
- 6.8 A fully completed and executed Part 3, HUB Subcontracting Plan acceptable to the Owner must be submitted as directed in the Supplemental Instructions for Competitive Sealed Proposals. Failure to submit a Part 3, HUB Subcontracting Plan will constitute an irregular proposal which will be rejected. The HSP shall not be modified after the time set for receipt except as set forth in the Part 3, HUB Subcontracting Plan for Construction Services.
- 6.9 The proposer may modify a Part 1 Proposal by means of marking an add or deduct to a line in the Part 1 Proposal on the outside of the unimailer in ink with individuals initials prior to the advertised time set for the receipt of Proposals in the published RFCSP. The add or deduct must not reveal the Proposal price but should identify the addition or subtraction or other modification(s) so that the final prices will not be known until the sealed Proposal is opened. Any such modification shall be confirmed on company letterhead and executed by a company officer and received by the presiding official within two (2) working days after the date of the Proposal opening, otherwise the Proposal modification will be ignored and the total Proposal may be rejected.
- 6.10 Proposals received after the advertised time for the Proposal receipt will be ineligible and will be returned unopened.
- 6.11 Before publicly opening the proposals, the HUB Coordinator official shall make a cursory review of the proposer's HSP to determine if a good faith effort has been made and for preliminary acceptability. If no HSP is submitted or if the submitted Plan is not complete and cannot be made complete under this procedure or is not indicative of a good faith effort as defined in the Part 3, HUB Subcontracting Plan Submittal instructions and the Owner's Policy on Utilization of HUBs, the HUB Program Director will publicly announce this to those in attendance at the opening, reject the proposal and return all submitted proposal parts to the proposer unopened.
- 6.12 After all Proposals are publicly opened, but before they are read aloud, they will be examined by the presiding official to determine if they are complete, in proper form and properly signed. If an error or omission is discovered and classified by the presiding official as a technicality which the Owner has reserved the right to waive, the proposer's representative may be permitted to make the appropriate correction. Any such correction will be announced and explained to those present at the Proposal opening. A Proposal which is not and cannot be made eligible for consideration under this procedure will not be read, nor will the Proposal prices be revealed.
- 6.13 A proposer will receive no compensation or reimbursement of expenses incurred in the preparation of a CSP submission.

6.14 The Owner reserves the right to reject any or all Proposals.

## **7.0 PUBLIC INFORMATION AND NOTICE OF CONFIDENTIALITY**

7.1 The Owner considers all Proposal information, documentation and supporting materials submitted in response to this RFCSP to be non-confidential and/or non-proprietary in nature, and therefore, shall be subject to the public disclosure under the Texas Public Information Act (*Texas Government Code*, Sec. 552.001, et seq.) after the execution of the contract. Further, Proposers are hereby notified that the Owner will be required to post any resultant contract from this RFP on the Internet website of Owner pursuant to Texas Government Code, Section 2261.253 (a)(1).

7.2 The Proposer must identify and designate those portions of their technical Proposal which contains trade secrets or other proprietary data. If the Proposal includes such data, the proposer shall:

1. Mark the cover sheet of the Technical Proposal with the following phrase: "This Proposal includes data that shall not be disclosed outside The Texas A&M University System and the A/E design team and shall not be duplicated, used or disclosed in whole or in part for any purpose other than to evaluate this Proposal."
2. Mark each sheet and the specific data on that sheet that the proposer wishes to restrict with the following phrase: "Use or disclosure of this specifically marked data is subject to the restrictions regarding confidentiality cited on the cover sheet of this Proposal."

## **8.0 PROPOSAL GUARANTY:**

- 8.1 A certified or cashier's check on a State or National Bank or a Bid/Proposal Bond on The Texas A&M University System (A&M System) Form C-2, Bid/Proposal Bond, from a Surety authorized to transact business in the State of Texas, with a rating of A- or better with A.M. Best Company and listed in the Department of Treasury list of companies holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies in the amount of not less than five percent (5%) of the greatest total amount of the proposed contract amount, payable without recourse to the order of the Board of Regents of The Texas A&M University System, must accompany the Proposal as a guarantee that, if awarded the Contract, the proposer will promptly enter into and execute the Contract and Performance and Payment Bonds on the forms provided.
- 8.2 The Bid or Proposal Bond must be accompanied by a properly dated and executed Power of Attorney with a live Surety seal on each document. Failure to do so will constitute an irregular Proposal which may be rejected. Use of a Surety company's bond form is not acceptable and will cause the Proposal to be rejected.
- 8.3 Should the successful proposer fail to execute the Contract and Bonds within fifteen (15) days after the date of transmittal of the Contract Documents for execution, the Proposal Guaranty becomes the property of the Owner, not as a penalty, but as liquidated damages.

- 8.4 Proposal guaranties of all proposers will be retained until after the Contract and Bonds have been executed.

## **9.0 PRE-QUALIFICATION OF PROPOSER**

- 9.1 The Owner, at its option, may elect to pre-qualify proposers. If pre-qualification is to be accomplished, proposers will be required to submit all or specific parts of the information required by the RFCSP with the exception of pricing information. Pre-qualification may not be a conclusive determination that a proposer offers the best value to the Owner.
- 9.2 A pre-qualified Proposal may be rejected on the basis of subsequently discovered information, but failure to pre-qualify does not prevent a subsequent determination that a proposer offers the best value to the Owner regarding a specific proposal.

## **10.0 PROPOSER REQUIREMENTS:**

- 10.1 As required by Chapter 231, Texas Family Code, a Proposal for a contract to be paid from state funds must include the name and social security number of the sole proprietor, each partner, shareholder or owner with an ownership interest of at least 25 percent of the business entity submitting the Proposal.
- 10.2 The Texas Family Code requires each Proposal to include the following statement: "Under Section, 231.006, Family Code, the vendor or applicant certifies that the individual or business entity named in this contract Proposal 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." Proposer agrees with this certification statement upon submittal of a properly executed Proposal.
- 10.3 All proposals that have a contract value of \$100,000 or more shall contain a Historically Underutilized Business (HUB) Subcontracting Plan. Each Proposer must have made a good faith effort in developing the HSP. The instructions for preparing the HSP are located in the Part 3, HUB Subcontracting Plan of the C-4 CSP form.
- 10.4 Out of state corporate proposers must submit a Certificate of Good Standing or a Certificate of Authority with their Proposal. This certificate may be applied for through the office of the Texas Secretary of State.

## **11.0 OWNERSHIP OF THE COMPETITIVE SEALED PROPOSAL**

- 11.1 Submitted Proposals, documentation and supporting materials shall become the property of the Owner.

## **12.0 SITE INVESTIGATION:**

- 12.1 It is the responsibility of each proposer to examine the project site, existing improvements and adjacent property and be familiar with existing conditions before submission of a Proposal.

- 12.2 After investigating the project site and comparing the Drawings and Specifications with the existing conditions, the proposer should immediately notify the A/E, in accordance with paragraph 4.0 of these Instructions for Competitive Sealed Proposals, of any conditions for which requirements are not clear; or about which there is any question regarding the extent of the Work involved.
- 12.3 Should the successful proposer fail to make the required investigation and should a question arise after award of contract as to the extent of the Work involved in any particular case, after receiving recommendations from the A/E, the Owner will make the interpretation of the Contract Documents.

### **13.0 EVALUATION AND CONTRACT AWARD PROCESS:**

- 13.1 Proposals will be opened publicly to identify the names of the proposer and their respective proposed contract amount and contract time. Other contents of the Proposals will be afforded security sufficient to preclude disclosure of the contents prior to award or rejection action.
- 13.2 Proposals will be evaluated by the Owner and the A/E. The criteria for evaluation and selection of the successful proposer for this award will be based upon the factors listed below:
  - (1) Proposed construction contract amount – 74%
  - (2) Proposed construction contract time – 8%
  - (3) Proposer's project schedule/record of maintaining schedule – 6%
  - (4) Proposer's experience and qualifications – 7%
  - (5) Litigation/claims/compliance – 2%
  - (6) Proposer's Quality Control program – 1%
  - (7) Proposer's safety record and program – 1%
  - (8) Proposal submittal/response – 1%
- 13.3 After opening the Proposals, the Owner will evaluate and rank each Proposal with respect to the published selection criteria described under Section 13.2. After opening and ranking, an award may be made on the basis of the initially submitted Proposal, without discussion, clarification or modification, or the Owner may discuss with the selected proposer, offers for cost adjustment and other elements of the Proposal. Other than the data read at the Proposal opening, the Owner will not disclose any information derived from the Proposals submitted by competing firms in conducting such discussions.

If the Owner determines that it is unable to reach a satisfactory agreement with the first ranked proposer, the Owner will terminate discussions with that proposer. The Owner will then proceed with negotiations with each successive proposer as they appear in the order of ranking until an agreement is reached, or until the Owner has rejected all Proposals. After termination of discussions with any proposer, Owner will not resume discussions with that proposer.

- 13.4 Immediately following the Owner's approval of the order of ranking of proposers and the Owner's contract award or Proposal rejection action, the proposers will be notified by electronic or facsimile message.
- 13.5 The Owner reserves the right to accept or reject any or all alternates or to accept any combination of alternates considered advantageous to the Owner.
- 13.6 The award or rejection action regarding this Proposal is at the sole discretion of the Owner and the Owner makes no warranty regarding this Proposal that a contract will be awarded to any proposer.
- 13.7 The Owner agrees that if the Contract is awarded, it will be awarded to the proposer offering the best value to the Owner. The Owner is not bound to accept the lowest priced Proposal if that Proposal is judged not to be the best value for the Owner, as determined by the Owner.

**THE TEXAS A&M UNIVERSITY SYSTEM  
SUPPLEMENTAL INSTRUCTIONS FOR COMPETITIVE SEALED PROPOSALS**

These "Supplemental Instructions for Competitive Sealed Proposals," amend and supplement the "Instructions for Competitive Sealed Proposals" and shall govern in the event of any conflict with the "Instructions for Competitive Sealed Proposals."

**1.0 PROPOSAL DOCUMENTS:**

- 1.1. Drawings and Specifications have been prepared by the architectural/engineering (A/E) firm of **VAI Architects**. Documents include Drawings and Specifications dated **December 7, 2015**.
- 1.2. Information inquiries regarding the Competitive Sealed Proposals (CSP) method of procurement should be directed to Mr. Russ Wallace, Executive Director, Office of Facilities Planning & Construction, The Texas A&M University System at (979) 458-7000.
- 1.3. Inquiries regarding the technical aspects of the Drawings, Specifications and other CSP documents should be directed to **VAI Architects, Ola Roos, 972-934-8888**.

**2.0 PROPOSAL DEADLINE AND REQUIRED SUBMITTALS:**

- 2.1. Proposals will be received by Mr. Russ Wallace, Executive Director, The Texas A&M University System, Office of Facilities Planning & Construction, 301 Tarrow Street 2nd Floor, College Station, Texas 77840-7896, in parts, at times and dates as follows:
- 2.2. **PART 1A – BASE BID AND UNIT PRICING ONLY COMPETITIVE SEALED PROPOSAL**, will be received by Mr. Wallace at the aforementioned location **until 2:00 p.m., Tuesday, January 12, 2016**, then publicly opened and read aloud after review of Part 3.

2.2.1. Part 1A Proposals must include the following:

- 2.2.1.1. One (1) executed original Competitive Sealed Proposal, PART 1A (A&M SYSTEM Form C-4 CSP), sealed in the unimailer envelope provided.
- 2.2.1.2. Certified or Cashier's Check or One (1) executed original Bid/Proposal Bond (A&M SYSTEM Form C-2 ), sealed in the small envelope affixed to the outside of the unimailer envelope.

2.2.2. **FAILURE TO SUBMIT A COMPLETE PROPOSAL WILL BE VIEWED BY THE OWNER AS A NON-RESPONSIVE PROPOSAL WHICH WILL BE SUBJECT TO REJECTION.**

- 2.3. **PART 1B – ALTERNATES ONLY, COMPETITIVE SEALED PROPOSAL**, will be received by Mr. Wallace at the aforementioned location **until 3:00 p.m., Tuesday, January 12, 2016**; then publicly opened and read aloud after review of Part 3.

2.3.1. Part 1B-ALTERNATES ONLY Technical Proposals must include the following:



- 2.3.1.1. One (1) executed original Competitive Sealed Proposal, **PART 1B (A&M SYSTEM Form C-4 CSP)**, sealed in the unimailer envelope provided, sealed in the unimailer envelope provided.
    - 2.3.2. **FAILURE TO SUBMIT A COMPLETE PROPOSAL WILL BE VIEWED BY THE OWNER AS A NON-RESPONSIVE PROPOSAL WHICH WILL BE SUBJECT TO REJECTION.**
  - 2.4. Six (6) copies of **PART 2, TECHNICAL PROPOSAL, PROPOSER'S QUALIFICATIONS**, will be received **until 2:00 p.m., Tuesday, January 12, 2016**, by Mr. Wallace at the aforementioned location. Include a copy of information on an electronic formatted media device.
  - 2.5. One (1) copy of **PART 3, TECHNICAL PROPOSAL, HISTORICALLY UNDERUTILIZED BUSINESS SUBCONTRACTING PLAN**, will be received **until 2:00 p.m., Tuesday, January 12, 2016**, by Mr. Wallace at the aforementioned location. The HUB Subcontracting Plan shall be clearly labeled "HUB Subcontracting Plan, Multipurpose and Library Building/ Central Plant Phase II Addition, Project No. **22-2997**". Sections shall be appropriately tabbed for easy reference.
    - 2.5.1. **FAILURE TO SUBMIT A COMPLETE AND ACCEPTABLE HUB SUBCONTRACTING PLAN WILL BE VIEWED BY THE OWNER AS A NON-RESPONSIVE PROPOSAL WHICH WILL BE REJECTED.**
      - 2.5.1.1. **NOTE TO GENERAL CONTRACTOR:**  
**THE HUB SUBCONTRACTING PLAN (HSP), SUBMITTED AS PART 3 OF THE CSP PROCESS, WILL BECOME A PART OF ANY CONSTRUCTION CONTRACT RESULTING FROM THIS SOLICITATION.**
  - 2.6. Proposals submitted by mail or courier shall be addressed to Mr. Russ Wallace, Executive Director, The Texas A&M University System, Office of Facilities Planning & Construction, 301 Tarrow Street 2nd Floor, College Station, TX 77840-7896. Delivery of all proposal parts prior to the submittal deadlines set forth above is the responsibility of the proposer.
  - 2.7. Proposals will be publicly opened and the names of the respondents and the monetary proposals publicly read aloud **at 3:15 p.m. on Tuesday, January 12, 2016**, in The Texas A&M University System Offices, 301 Tarrow Street, College Station, Texas 77840.
- 3.0 **PRE-PROPOSAL MEETING:**
- 3.1. A Pre-Proposal meeting will be held at **9:00AM, Tuesday, January 5, 2016** at **Texas A&M Texarkana, University Center, Eagle Hall, Texarkana, Texas, 75503-0597**, All general contractors and subcontractors planning to submit a proposal are encouraged to attend.

4.0 ESTIMATED BUDGET:

- 4.1. The Owner has established a range of **\$1,070,000** to **\$1,190,000** as the estimated construction budget for all Work including alternates as described in the Drawings, Specifications and other Contract Documents prepared by the A/E.

5.0 ESTIMATED CONSTRUCTION TIME:

- 5.1. The Owner has determined that **267** calendar days from the Notice to Proceed should be sufficient time for performing all work including alternates in accordance with the drawings, specifications and other contract documents prepared by the A/E.

6.0 EVALUATION AND CONTRACT AWARD PROCESS:

- 6.1. The A&M System reserves the right not to award the Base Bid or any or all of the Alternates.

## THE TEXAS A&M UNIVERSITY SYSTEM BID/PROPOSAL BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, \_\_\_\_\_  
(Name and Address of Bidder/Proposer)

hereinafter called the Principal, and \_\_\_\_\_

a corporation or firm duly authorized to transact surety business in the State of Texas or as listed in the current notice of the Department of Treasury list of companies holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies, hereinafter called the Surety, are held and firmly bound unto the Board of Regents of The Texas A&M University System, College Station, Texas 77840-7896, hereinafter called the Oblige, in the sum of not less than five percent (5%) of the greatest total amount of the bid or proposal, as a guarantee, the payment of which sum will and truly be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid or proposal for: Project Number \_\_\_\_\_

\_\_\_\_\_  
(Full name and location of project)

NOW, THEREFORE, if the Oblige shall award the Contract to the Principal and the Principal shall enter into the Contract in writing with the Oblige in accordance with the terms of such bid or proposal, and furnish such bonds and other instruments as may be specified in the Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, then this bond shall be null and void. If in the event of failure of the Principal to execute such Contract and furnish such bonds and other instruments required by the Contract Documents within fifteen (15) days after the date of transmittal of the Contract Documents to the Principal for execution, this bond shall remain in full force and effect and become the property of the Oblige, without recourse of the Principal and/or the Surety, not as a penalty, but as liquidated damages.

Signed this \_\_\_\_\_ DAY of \_\_\_\_\_, 20\_\_\_\_

By: \_\_\_\_\_  
(Principal)

\_\_\_\_\_  
(Signature and Title)

\* By: \_\_\_\_\_  
(Surety)

\_\_\_\_\_  
(Attorney-in-Fact)

\*Attach Power of Attorney for Surety's Attorney-in-Fact with "live seal".

**Surety Seal**

### DISCLOSURE OF GUARANTY FUND NONPARTICIPATION

In the event the Surety is unable to fulfill its contractual obligation under this bond, the Oblige is not protected by an insurance guaranty fund or other solvency protection arrangement.

**PART 1A**

**BASE PROPOSAL & UNIT PRICING**

**TECHNICAL PROPOSAL**

**COMPETITIVE SEALED PROPOSAL**

---

**(Firm Name)**

---

---

**(Address)**

---

---

**(City/State/Zip Code)**

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**(Phone)**

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**(Fax)**

For

**Multipurpose and Library Building/Central Plant Phase II Addition**

**Texas A&M University - Texarkana**

**Texarkana, Texas**

**Project No. 22-2997**

Project No. 22-2997

Proposal Of: \_\_\_\_\_

\_\_\_\_\_  
(Legal Firm Name)

**COMPETITIVE SEALED PROPOSAL**  
**to**  
**THE BOARD OF REGENTS**  
**of**  
**THE TEXAS A&M UNIVERSITY SYSTEM**  
**FOR THE FOLLOWING WORK**

**Multipurpose and Library Building/Central Plant Phase II Addition**  
**Texas A&M University Texarkana**  
**Texarkana, Texas**

The undersigned, as a designated representative of the proposer, declares such firm is the only entity, as principal, with any interest in this Proposal and the Proposal is made without collusion with any other entity. The proposer affirms that the form of Contract, Instructions for Competitive Sealed Proposals, Supplemental Instructions for Competitive Sealed Proposal, Addenda, selection criteria, estimated budget, Specifications and the Drawings pertaining to this Proposal have been examined and the firm has also examined the locations, conditions and classes of materials for the proposed Work and agrees to provide all necessary machinery, tools, apparatus and construction means to accomplish the Work described in the Contract Documents in the manner prescribed.

The proposer agrees the quantities of Work to be performed and materials to be furnished may be increased or decreased as may be considered necessary, in the sole opinion of the Owner's Representative, to complete the Work as planned and contemplated. Adjustment for changes in Work will be in accordance with the Owner's current Uniform General and Supplementary Conditions.

Proposal amounts must be shown in both words and figures. In case of discrepancy, the amount shown in words will govern.

The proposer acknowledges receipt and incorporation of the following addenda into this Proposal:

|       |       |       |       |       |       |
|-------|-------|-------|-------|-------|-------|
| No.   | _____ | _____ | _____ | _____ | _____ |
| Dated | _____ | _____ | _____ | _____ | _____ |
| No.   | _____ | _____ | _____ | _____ | _____ |
| Dated | _____ | _____ | _____ | _____ | _____ |

Is proposer a corporation? Check One: Yes ☐ No ☐.

If proposer is subject to the Texas Franchise Tax, a "Certificate of Good Standing" issued by the Texas Comptroller of Public Accounts must be submitted with the Proposal.

A "nonresident proposer" is equivalent to a "nonresident bidder," and a "Texas Resident Proposer" is equivalent to a "Texas Resident Bidder," as defined hereafter and may be awarded a Contract in accordance with Chapter 2252, Texas Government Code, as partially quoted below:

"...(3) "Nonresident bidder" refers to a person who is not a resident.

(4) "Resident bidder" refers to a person whose principal place of business is in this state, including a contractor whose ultimate parent company or majority owner has its principal place of business in this state."

In the space below, enter the address of the proposer's place of business and, if applicable, the name and address of the proposer's ultimate parent company or majority owner.

Proposer's name and address of principal place of business:

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Ultimate parent company or majority owner's name and the address of its principal place of business:

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## BASE PROPOSAL AMOUNT

Total amount for the furnishing of all labor, materials, services, equipment and appliances required in conjunction with and properly incidental to all Work (demolition, site work, general construction, mechanical, plumbing, electrical and data/telecommunications work not including Work listed as alternates) for construction of the \_\_\_\_\_, Texas, in conformance with Drawings and Specifications prepared by \_\_\_\_\_, Texas.

(Amount In Words)

\_\_\_\_\_ DOLLARS (\$\_\_\_\_\_) (Amount In Figures)

## CONSTRUCTION TIME:

The undersigned agrees to complete all Work in the following number of calendar days from the Notice to Proceed:

\_\_\_\_\_ (Words) \_\_\_\_\_ (Proposer to complete) \_\_\_\_\_ (Numerals)

## Builder's Risk Insurance:

Submit a credit amount to The Texas A&M University System for not providing the General Contractor's Builder's Risk Insurance. The Texas A&M University System has the option to insure the project under the System Builder's Risk Program which includes a \$100,000 deductible per occurrence, of which \$15,000 will be the responsibility of the contractor.

(Amount In Words)

\_\_\_\_\_ DOLLARS (\$\_\_\_\_\_) (Amount In Figures)

**UNIT PRICES:**

**ITEM NUMBER ONE--UNIT PRICE FOR ADDITIONAL OR LESSER DEPTH OF PIERS.**

The price per vertical foot for additional or lesser depth of foundation piers of the indicated diameter including excavation, concrete, reinforcing steel, etc., complete as described in the specifications will be:

- a. For 18" diameter \$ \_\_\_\_\_  
(Amount in Words)  
\_\_\_\_\_ DOLLARS (\$ \_\_\_\_\_)  
(Amount in Figures)

**ITEM NUMBER TWO--UNIT PRICE FOR ADDITIONAL OR LESSER DEPTH OF PIER CASINGS.**

The price per vertical foot for additional or lesser depth of steel casings of the indicated diameters including excavation, casing material, etc., complete as described in the specifications will be:

- a. For 18" diameter \$ \_\_\_\_\_  
(Amount in Words)  
\_\_\_\_\_ DOLLARS (\$ \_\_\_\_\_)  
(Amount in Figures)

**ITEM NUMBER THREE--UNIT PRICE FOR ADDITIONAL CONCRETE REPAIRS.**

The price per square foot for additional repair of existing concrete where existing steel reinforcing is exposed as described in the specifications and drawings will be:

- a. Square foot of repairs \$ \_\_\_\_\_  
(Amount in Words)  
\_\_\_\_\_ DOLLARS (\$ \_\_\_\_\_)  
(Amount in Figures)

Accompanying this Proposal is a cashier's check or a Bid or Proposal Bond (A&M System Form C-2) in the amount of not less than five percent (5%) of the greatest total amount of this Proposal payable without recourse to the order of the Board of Regents of The Texas A&M University System. Use of a surety company bid bond form is NOT acceptable and will constitute an irregular proposal which will be rejected.

The proposer agrees that this Proposal will not be withdrawn for a period of ninety (90) days from the date of the Proposal opening.

The proposer further agrees to pay Liquidated Damages per calendar day for failure to complete the work within the contracted time in accordance with Section 9.11 of the Uniform General and Supplementary Conditions and as established in the Contract.

The proposer's attention is called to Items 10.1 and 10.2 in the Instructions for Competitive Sealed Proposals regarding delinquent child support payments under Chapter 231, Texas Family Code.

Failure to complete all portions of this Proposal form may cause the entire Proposal to be rejected.

Proposer: Name(s) of individual(s), proprietor(s), partner(s), share holders(s), or owner(s) with an ownership interest of at least 25% of the business entity executing this Proposal.

\_\_\_\_\_  
(Legal Firm Name)

Name: \_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_

Federal Tax I. D. No. \_\_\_\_\_

Name: \_\_\_\_\_

By: \_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

\_\_\_\_\_  
(Print or Type Name)

Title: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone No.: \_\_\_\_\_

FAX No.: \_\_\_\_\_

E-mail Address: \_\_\_\_\_



**PART 1B**  
**ALTERNATES ONLY**  
**TECHNICAL PROPOSAL**  
**COMPETITIVE SEALED PROPOSAL**

---

**(Firm Name)**

---

---

**(Address)**

---

---

**(City/State/Zip Code)**

---

---

**(Phone)**

---

**(Fax)**

For

**Multipurpose and Library Building/Central Plant Phase II Addition**  
**Texas A&M University Texarkana**  
**Texarkana, Texas**  
**Project No. 22-2997**

Project No. 22-2997

Proposal Of: \_\_\_\_\_

\_\_\_\_\_  
(Legal Firm Name)

**COMPETITIVE SEALED PROPOSAL  
to  
THE BOARD OF REGENTS  
of  
THE TEXAS A&M UNIVERSITY SYSTEM  
FOR THE FOLLOWING WORK**

**Multipurpose and Library Building/Central Plant Phase II Addition  
Texas A&M University Texarkana  
Texarkana, Texas**

The undersigned, as a designated representative of the proposer, declares such firm is the only entity, as principal, with any interest in this Proposal and the Proposal is made without collusion with any other entity. The proposer affirms that the form of Contract, Instructions for Competitive Sealed Proposals, Supplemental Instructions for Competitive Sealed Proposal, Addenda, selection criteria, estimated budget, Specifications and the Drawings pertaining to this Proposal have been examined and the firm has also examined the locations, conditions and classes of materials for the proposed Work and agrees to provide all necessary machinery, tools, apparatus and construction means to accomplish the Work described in the Contract Documents in the manner prescribed.

The proposer agrees the quantities of Work to be performed and materials to be furnished may be increased or decreased as may be considered necessary, in the sole opinion of the Owner's Representative, to complete the Work as planned and contemplated. Adjustment for changes in Work will be in accordance with the Owner's current Uniform General and Supplementary Conditions.

Proposal amounts must be shown in both words and figures. In case of discrepancy, the amount shown in words will govern.

The proposer acknowledges receipt and incorporation of the following addenda into this Proposal:

|       |       |       |       |       |       |
|-------|-------|-------|-------|-------|-------|
| No.   | _____ | _____ | _____ | _____ | _____ |
| Dated | _____ | _____ | _____ | _____ | _____ |
| No.   | _____ | _____ | _____ | _____ | _____ |
| Dated | _____ | _____ | _____ | _____ | _____ |

Is proposer a corporation? Check One: Yes ☐ No ☐.

If proposer is subject to the Texas Franchise Tax, a "Certificate of Good Standing" issued by the Texas Comptroller of Public Accounts must be submitted with the Proposal.

A "nonresident proposer" is equivalent to a "nonresident bidder," and a "Texas Resident Proposer" is equivalent to a "Texas Resident Bidder," as defined hereafter and may be awarded a Contract in accordance with Chapter 2252, Texas Government Code, as partially quoted below:

"...(3) "Nonresident bidder" refers to a person who is not a resident.

(4) "Resident bidder" refers to a person whose principal place of business is in this state, including a contractor whose ultimate parent company or majority owner has its principal place of business in this state."

In the space below, enter the address of the proposer's place of business and, if applicable, the name and

address of the proposer's ultimate parent company or majority owner.

Proposer's name and address of principal place of business:

---

---

Ultimate parent company or majority owner's name and the address of its principal place of business:

---

---

### **ADD ALTERNATE PROPOSAL ITEMS:**

Refer to Specification Section 01230 for detailed description of work included in each Alternate Proposal Item.

In the spaces provided below, state amounts, both in words and figures, to be added to Base Proposal Amount, in the event that any of the described Alternate Proposal Items are accepted. Include all variations in profit, overhead, bonds, insurance and similar related items. Time of completion shall not be changed due to the acceptance of any of the Alternate bids below except for adjustments indicated for each alternate in the space provided.

A "non-response" or omission of proposal price on any Alternate may cause the total proposal to be rejected.

The Owner reserves the right to accept or reject any Alternate in the order of its own choosing.

#### **ALTERNATE PROPOSAL ITEM NUMBER (1) ONE – Exterior Sunshades - Add Alternate:**

The amount to be added to the Base Proposal Amount to Furnish and Install the scope of work for Bid Alternate Number One, including all labor, materials, services and equipment as described in the plans and specifications is:

ADD:

(Amount In Words)

\_\_\_\_\_ DOLLARS (\$ \_\_\_\_\_)

(Amount In Figures)

Adjustment to total project time for this Alternate Proposal Item, in days: ( \_\_\_\_\_ )  
(Numerals)

Accompanying this Proposal is a cashier's check or a Bid or Proposal Bond (A&M System Form C-2) in the amount of not less than five percent (5%) of the greatest total amount of this Proposal payable without recourse to the order of the Board of Regents of The Texas A&M University System. Use of a surety company bid bond form is NOT acceptable and will constitute an irregular proposal which will be rejected.

The proposer agrees that this Proposal will not be withdrawn for a period of ninety (90) days from the date of the Proposal opening.

The proposer further agrees to pay Liquidated Damages per calendar day for failure to complete the work within the contracted time in accordance with Section 9.11 of the Uniform General and Supplementary Conditions and as established in the Contract.

The proposer's attention is called to Items 10.1 and 10.2 in the Instructions for Competitive Sealed Proposals regarding delinquent child support payments under Chapter 231, Texas Family Code.

Failure to complete all portions of this Proposal form may cause the entire Proposal to be rejected.

Proposer:

\_\_\_\_\_  
(Legal Firm Name)

Name(s) of individual(s), proprietor(s), partner(s), share holders(s), or owner(s) with an ownership interest of at least 25% of the business entity executing this Proposal.

\_\_\_\_\_  
Federal Tax I. D. No. \_\_\_\_\_

Name: \_\_\_\_\_

By: \_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

\_\_\_\_\_  
(Print or Type Name)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone No.: \_\_\_\_\_

FAX No.: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**PART 2**

**TECHNICAL PROPOSAL**

**PROPOSER'S QUALIFICATIONS**

**COMPETITIVE SEALED PROPOSAL**

---

**(Firm Name)**

---

**(Address)**

---

**(City/State/Zip Code)**

---

**(Phone)**

---

**(Fax)**

---

**E-Mail Address**

**Multipurpose and Library Building/ Central Plant Phase II Addition**

**Texas A&M University Texarkana**

**Texarkana, State**

**Project No. 22-2997**

General Contractor's Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

State Comptroller Vendor Identification Number: \_\_\_\_\_

**I. GENERAL**

1. Qualification information submitted shall be applicable only to the Contractor's office that will perform this Work.
2. Attach your Project Organization Chart and detailed resumes of individuals assigned to this project including full-time project manager, full-time superintendent, full-time project scheduler/expediter, and two full-time quality control supervisors.
3. The resumes of your key personnel shall include professional affiliations.
4. Attach a proposed project schedule.

**II. HISTORY**

1. ☐ Corporation ☐ Partnership ☐ Sole Proprietorship ☐ Joint Venture ☐ Limited Liability Company

State of Organization: \_\_\_\_\_

2. In continuous business since: \_\_\_\_\_

Remarks (if required): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

3. List other fully staffed offices or fully staffed branch offices of your organization:

| <u>Name/Location</u> | <u>Branch Manager</u> | <u>Telephone Number</u> |
|----------------------|-----------------------|-------------------------|
| _____                | _____                 | _____                   |
| _____                | _____                 | _____                   |
| _____                | _____                 | _____                   |
| _____                | _____                 | _____                   |

4. Corporate Officers, Partners or Owners of Organization:

| <u>Name</u> | <u>Title</u> | <u>Construction Experience</u> |
|-------------|--------------|--------------------------------|
| _____       | _____        | _____                          |
| _____       | _____        | _____                          |
| _____       | _____        | _____                          |
| _____       | _____        | _____                          |

5. Check box(es) corresponding to the nature of your business:

- ☐ Large Business (100 or more employees)  
☐ Small Business (fewer than 100 employees)  
☐ HUB Business  
☐ Other (Define)

6. Has your organization ever defaulted or failed to complete any work awarded?

- ☐ Yes ☐ No

If yes, stipulate where and why: \_\_\_\_\_  
\_\_\_\_\_

7. Has your organization ever paid liquidated damages or a penalty for failure to complete a contract on time? ☐ Yes ☐ No

If yes, stipulate where and why: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Has your organization ever been charged with or paid a fine for non-compliance with State and/or Federal statutes or regulations? ☐ Yes ☐ No

If yes, stipulate for which project, when and why: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### III. EXPERIENCE

1. Normally performs \_\_\_\_\_% of the work with own forces.

(List Trades) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Propose to perform \_\_\_\_\_% of the work for this project with own forces.

(List Trades) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. List major construction projects your organization has in-progress using the format below:  
(Include as an attachment identified by item and sub-item.)

Name and Location of Project: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Contract Amount: \_\_\_\_\_

Percent Complete: \_\_\_\_\_

Projected Completion Date: \_\_\_\_\_

Owner Reference Contact:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Address



A/E Reference Contact:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Address

4. Total number and dollar amount of contracts currently in progress:

Number \_\_\_\_\_ \$ \_\_\_\_\_

5. Largest single contract amount currently in-progress: \$ \_\_\_\_\_

Project Name: \_\_\_\_\_

Projected Completion Date: \_\_\_\_\_

6. Volume of work completed over last 5 years: (Through 12/31)

2014 \$ \_\_\_\_\_

2013 \$ \_\_\_\_\_

2012 \$ \_\_\_\_\_

2011 \$ \_\_\_\_\_

2010 \$ \_\_\_\_\_

7. List major construction projects your organization has completed in the last 5 years with completion dates and references. Other projects of particular significance may also be listed. (Include as an attachment identified by item and sub-item.)

Name and Location of Project: \_\_\_\_\_

\_\_\_\_\_

Contract Amount: \_\_\_\_\_

Date Completed: \_\_\_\_\_

Owner Reference Contact:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Address

A/E Reference Contact:

|         |           |
|---------|-----------|
|         |           |
| Name    | Telephone |
|         |           |
| Address |           |

8. List pending claims and/or litigation at time of submitting Proposal. (Show project name, owner and summary explanation.)

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#### IV. SAFETY PROGRAM

1. List your organization's Workers Compensation Experience Modification Rate (EMR) for the last five years, as obtained from your insurance agent.

|      |    |       |
|------|----|-------|
| 2015 | \$ | <hr/> |
| 2014 | \$ | <hr/> |
| 2013 | \$ | <hr/> |
| 2012 | \$ | <hr/> |
| 2011 | \$ | <hr/> |

2. Complete matrix for the five past years, as obtained from OSHA No. 200 Log:

|  | 2015  | 2014  | 2013  | 2012  | 2011  |
|--|-------|-------|-------|-------|-------|
| Number of injuries and illnesses   | <hr/> | <hr/> | <hr/> | <hr/> | <hr/> |
| Number of lost time accidents  | <hr/> | <hr/> | <hr/> | <hr/> | <hr/> |
| Number of recordable cases   | <hr/> | <hr/> | <hr/> | <hr/> | <hr/> |
| Number of fatalities   | <hr/> | <hr/> | <hr/> | <hr/> | <hr/> |
| Number of employee direct hire fixed hours worked.<br>(round to 1,000's) | <hr/> | <hr/> | <hr/> | <hr/> | <hr/> |

3. Are regular project safety meetings held for Field Supervisor(s)? ☐ Yes ☐ No  
If yes, frequency: ☐ Weekly ☐ Bi-monthly ☐ Monthly ☐ As Needed
4. Are project safety inspections conducted? ☐ Yes ☐ No

If yes, who performs inspection?

---

How often?

---

Who is required to attend?

---

5. Does organization have a written safety program? ☐ Yes ☐ No

If yes, provide a copy. It will become a compliance document upon contract award.

6. Does your organization have a safety orientation program for new employees? ☐ Yes ☐ No

For employees promoted to Field Supervisor? ☐ Yes ☐ No

If yes, does your Supervisor Safety Program include instructions on the following:

|                          | Yes                      | No                       |
|--------------------------|--------------------------|--------------------------|
| Safety work practices    | <input type="checkbox"/> | <input type="checkbox"/> |
| Tool box safety meetings | <input type="checkbox"/> | <input type="checkbox"/> |
| First aid procedures     | <input type="checkbox"/> | <input type="checkbox"/> |
| Accident investigation   | <input type="checkbox"/> | <input type="checkbox"/> |
| Fire protection          | <input type="checkbox"/> | <input type="checkbox"/> |
| New worker's orientation | <input type="checkbox"/> | <input type="checkbox"/> |

## V. QUALITY CONTROL PROGRAM

1. Submit a complete quality control program which will become a compliance document upon contract award.
2. This plan should address all aspects of quality control including responsibility for surveillance work, acceptance, rejection, documentation and resolution of deficiencies, trend analysis and corrective action and interface with Owner's inspectors.

**PART 3**  
**HUB SUBCONTRACTING PLAN**  
for  
**CONSTRUCTION SERVICES**

---

(Firm Name)

---

(Address)

---

(City/State/Zip Code)

---

(Telephone)

---

(Fax)

---

(E-Mail Address)

for

**Multipurpose and Library Building/Central Plant Phase II Addition**  
**Texas A&M University Texarkana**  
**Texarkana, Texas**  
**Project No. 22-2997**

## I. HUB PROGRAM

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

In accordance with 34 TAC §20.14(d)(1)(D)(iii), a respondent (prime contractor) may demonstrate good faith effort to utilize Texas certified HUBs for its subcontracting opportunities if the total value of the respondent's subcontracts with Texas certified HUBs meets or exceeds the statewide HUB goal or the agency specific HUB goal, whichever is higher. 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 has determined that the agency's goals are higher than the State's goals. Therefore, respondents are required to use the following:

- 11.20% for heavy construction other than building contracts;
- 16% for all building construction, including general contractors and operative builders contracts;
- 12% for all special trade construction contracts;
- 34% for professional services contracts;
- 11% for all other services contracts; and
- 47% 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.

The 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 System to contract directly with HUBs or indirectly through subcontracting opportunities in accordance with the Texas Government Code, Chapter

2161, Subchapter F and Comptroller of Public Accounts HUB Rules, TAC Section § 20.14.

The total expected value of this contract is \$100,000 or more and The 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 Article II when developing the HSP.

All Respondents must submit a HUB Subcontracting Plan according to the procedures and steps listed below.

The Owner will review the information/documentation submitted and use it as a basis to determine if the Respondent's Plan provides evidence that a good faith effort will be made as required. If it is determined that the submitted Plan is not sufficient, the Respondent's submittal/proposal will be considered non-responsive and shall be rejected for the reasons recorded in the project files. An accepted HSP 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 requirements, please contact Mr. Jeff Zimmermann, Director of Procurement & Business Services, [jjzimmermann@tamus.edu](mailto:jjzimmermann@tamus.edu), (979) 458-6410.

## II. HUB SUBCONTRACTING PLAN (HSP) PROCEDURES

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.

The procedures for the HSP requirements of this Request for Proposal are a **two-step process** as follows; 1) Initial HSP to be submitted with this RFP, and 2) Complete HSP to be submitted within sixty (60) days of award. These two steps are defined below.

1) The following items must be submitted with your RFP response in order to meet the HUB Subcontracting Plan requirements.

- a. Cover sheet, Page 1
- b. Letter of transmittal attesting that the respondent has read and understands the Policy on Historically Underutilized Businesses (see Attachment A)
- c. State of Texas Historically Underutilized Business Subcontracting Plan: Complete the HSP form by submitting Sections 1, Section 2-a. & b. and Section 4 ONLY. The State of Texas HUB Subcontracting Plan forms shall be accessed on the following website:

<http://www.tamus.edu/business/facilities-planning-construction/forms-guidelines-wage-rates/>

The State of Texas HSP forms shall be completed for the sections noted above and according to the instructions within the form.

- d. Participation Plan explaining how the Respondent intends to make a good faith effort for each subcontracting opportunities they identify in Section 2 of the State of Texas HSP Form. This plan shall include the following:

- The Respondent shall state whether it is a Texas certified HUB.
  - The Respondent shall commit to meeting or exceeding the goal listed above in Part I for building construction.
  - Provide a sample solicitation notice letter that will be sent to HUB vendors for the subcontracting opportunities. 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.
  - Provide a sample solicitation letter that will be sent to trade organizations or development centers for the subcontracting opportunities. 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.
  - Provide a list of the trade organizations or development centers that you intend to work with in your outreach efforts.
  - Provide documentation that describes how you intend to locate the HUB vendors for solicitation – Will you use the CMBL listings? Will you advertise in trade organization newsletters or newspapers? Etc.
- 2) A complete HSP must be submitted within sixty (60) calendar days from the date of contract award. The following items must be submitted with this revised HSP in order to meet the full HUB Subcontracting Plan requirements.
- a. Complete Section 1, page 1 of the HSP form.
  - b. Complete Section 2a through d. Any changes to 2b shall be noted accordingly. Note that Method B is required so “No” should be checked on both 2c and d.
  - c. Complete Section 4
  - d. Complete Method B attachment for each opportunity listed in Section 2b. Reminder that all supporting documentation listed in Section B-3 shall be provided as part of this attachment. The following are additional items of note as part of the good faith effort required:
    - 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 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 TAMUS 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/tpasscmblsearch/index.jsp>
- The respondent shall provide the notice described in this section to **three (3) or more** HUBs for **each** subcontracting opportunity as stated in Section B3a. 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.

- The respondent shall provide notice to trade organizations or development centers that assist in identifying HUBs by disseminating opportunities to their membership/participants.
- The respondent shall negotiate in good faith with qualified HUBs, not rejecting qualified HUBs who were also the best value responsive bidder.
- Provide written justification of the selection process if a non-HUB subcontractor is selected in Section B-4c.

### III. HSP CHANGES

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 contractor must comply with provisions of TAC §20.14 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 System shall document changes to the HSP by contract change order. The reasons for proposed change(s) shall be requested on a Form C-27b Consultant/Subcontractor Substitution Form and recorded in the procurement file. In the event that a change is necessary, the requested changes shall not reduce the level of HUB participation that was a part of the proposal at the time of construction contract award unless approved by the TAMUS HUB Program Office.

The contractor 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.

The System requires a respondent to whom a contract has been awarded, to report to the System the identity and the amount paid to its subcontractors, HUBs and non-HUBs. If the contractor fails to fulfill the HSP specified in the contract, the System shall notify the contractor of any deficiencies. The System shall require the contractor 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 contractor.

If a determination is made that the contractor failed to implement the HSP in good faith, the System, in addition to any other remedies, may report nonperformance to the Comptroller of Public Accounts in accordance with 34 TAC, Chapter §20.105 (relating Debarment).

During the term of the contract, the System shall determine whether the value of the subcontracts to HUBs meets or exceeds the HSP provisions specified in the contract.

### IV. REPORTING REQUIREMENTS

Each contractor that enters into a contract shall report to the 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 HSP Prime Contractor Progress Assessment Report Form located at the following link: <http://www.tamus.edu/business/facilities-planning-construction/forms-guidelines-wage-rates/> . The System may request payment documentation in accordance with the Comptroller of Public Accounts HUB Rules that confirms the performance of the



contractor. During the course of the contract, the System shall discuss the performance of the contractor and document the contractor performance in the contract file.

**Note:** When the prime contractor/vendor 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 contractor must report to the Owner the value of the contract that was actually performed by the HUB prime contractor and the amount to be performed by its HUB subcontractors.

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

**(Attachment A)**

(SUBMIT ON YOUR BUSINESS LETTERHEAD)

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

Subject: HUB Subcontracting Plan  
Project Number: [XX-XXXX]  
[PROJECT NAME]  
[CITY], Texas

Dear Mr. Zimmermann:

I am pleased to forward this HUB Subcontracting Plan as an integral part of our written response submitted in connection with your Construction Services solicitation for Project Number [XX-XXXX].

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

Sincerely,

(Signature)  
(Printed Name)  
(Printed Title) |