

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.

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, Technical Proposal, must be authoritatively executed *in blue ink* and submitted on the Proposal form furnished by the A/E.
- 6.3 If the Part 2, 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, Technical Proposal shall be submitted by each proposer. If two or more Part 1, Technical 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.

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 from a State or National Bank or a Bid/Proposal Bond on The Texas A&M University System Bid/Proposal Bond (A&M System Form C-2), 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 guaranty 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.
- 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 – 72% **[80% - when contract time is predetermined]**
- (2) **Proposed construction contract time – 8%**
- (3) Proposer’s experience and qualifications – 14%
- (4) Litigation/claims/compliance – 2%
- (5) Proposer’s Quality Control program – 2%
- (6) Proposer’s safety record and program – 2%

- 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.

- 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.

PART 1
TECHNICAL PROPOSAL
COMPETITIVE SEALED PROPOSAL

(Firm Name)

(Address)

(City/State/Zip Code)

(Phone)

(Fax)

For

Project Name

Campus/Agency

City, Texas

Project No. xx-xxxx

Project No. **xx-xxxx**
Proposal Of: _____

(Legal Firm Name)

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

Project Name
Campus
City, 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:

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)

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 ONE – [NAME OF ALTERNATE].

The amount to be added to the Base Proposal Amount to Furnish and Install [detailed description of alternate] 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)

ALTERNATE PROPOSAL ITEM NUMBER TWO – [NAME OF ALTERNATE].

The amount to be added to the Base Proposal Amount to Furnish and Install [detailed description of alternate] 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)

ALTERNATE PROPOSAL ITEM NUMBER THREE – [NAME OF ALTERNATE].

The amount to be added to the Base Proposal Amount to furnish and install [detailed description of alternate] including all labor, materials, services, equipment and appliances 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)

ALTERNATE PROPOSAL ITEM NUMBER FOUR – [NAME OF ALTERNATE].

The amount to be added to the Base Proposal Amount to furnish and install [detailed description of alternate] including all labor, materials, services, equipment and appliances 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)

ALTERNATE PROPOSAL ITEM NUMBER FIVE – [NAME OF ALTERNATE].

The amount to be added to the Base Proposal Amount to furnish and install [detailed description of alternate] including all labor, materials, services, equipment and appliances 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)

ALTERNATE PROPOSAL ITEM NUMBER SIX – [NAME OF ALTERNATE].

The amount to be added to the Base Proposal Amount to furnish and install [detailed description of alternate] including all labor, materials, services, equipment and appliances as described and scheduled 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)

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 xx" diameter \$ _____
(Amount in Words)
_____ DOLLARS (\$ _____)
(Amount in Figures)
- b. For xx" diameter \$ _____
(Amount in Words)
_____ DOLLARS (\$ _____)
(Amount in Figures)
- c. For xx" 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 xx" diameter \$ _____
(Amount in Words)
_____ DOLLARS (\$ _____)
(Amount in Figures)
- b. For xx" diameter \$ _____
(Amount in Words)
_____ DOLLARS (\$ _____)
(Amount in Figures)
- c. For xx" diameter \$ _____
(Amount in Words)
_____ DOLLARS (\$ _____)
(Amount in Figures)

Accompanying this Proposal is a cashier's check or a Bid or Proposal Bond (TAMUS 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.

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

- (i) the Response and all statements and information prepared and submitted in response to this proposal are current, complete, true and correct;
- (ii) it is not given, nor intends to give at any time hereafter, any economic opportunity, future employment, gift, loan, gratuity, special discount trip, favor or service to a public servant in connection with the submitted response or any subsequent proposal. Failure to sign below, or signing a false statement, may void the response or any resulting contracts at the A&M System' option, and the proposer may be removed from all future proposal lists at this state agency;
- (iii) the individual signing this document and the documents made part of the proposal is authorized to sign such documents on behalf of the proposer and to bind the proposer 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 proposer and an employee of the A&M System;
- (v) proposer has not been an employee of the A&M System within the immediate twelve (12) months prior to the proposal response;
- (vi) no compensation has been received for participation in the preparation of this proposal (ref. Section 2155.004 Texas Government Code);
- (vii) all services to be provided in response to this proposal will meet or exceed the safety standards established and promulgated under the Federal Occupational Safety and Health law (Public Law 91-596) and its regulations in effect as of the date of this solicitation;
- (viii) proposer complies with all federal laws and regulations pertaining to Equal Employment Opportunities and Affirmative Action;
- (ix) to the best of its knowledge, no member of the Board of Regents of The Texas A&M University System, or the Executive Officers of the Texas A&M University System or its member institutions or agencies, has a financial interest, directly or indirectly, in the Project;
- (x) if the proposer 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 proposer's disqualification;
- (xi) under Section 231.006, Family Code, the proposer 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; and,
- (xii) under Section 2155.006, Government Code, the proposer certifies that the individual or business entity named in this bid or contract is not ineligible to receive the specified contract and acknowledges that this contract may be terminated and payment withheld if this certification is inaccurate.
- (xiii) proposer certifies it does not and will not, during the performance of any resulting contract from this RFQ, boycott Israel.
- (xiv) proposer certifies that it is not engaged in business with Iran, Sudan, or a foreign terrorist organization. Respondent acknowledges that any Agreement resulting from this RFQ may be terminated if this certification is inaccurate.
- (xv) proposer is 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).

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

[SIGNATURE PROVIDED ON FOLLOWING PAGE]

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: _____

By: _____
(Signature)

Name: _____

(Print or Type Name)

Name: _____

Title: _____

Address: _____

Phone No.: _____

FAX No.: _____

E-mail Address: _____

PART 1A
TECHNICAL PROPOSAL
BASE PROPOSAL & UNIT PRICING
COMPETITIVE SEALED PROPOSAL

(Firm Name)

(Address)

(City/State/Zip Code)

(Phone)

(Fax)

For

Project Name

Campus/Agency

City, Texas

Project No. xx-xxxx

Project No. XX-XXXX

Proposal Of: _____
(Legal Firm Name)

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

Project Name
Campus
City, 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:

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.

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

- (i) the Response and all statements and information prepared and submitted in response to this proposal are current, complete, true and correct;
- (ii) it is not given, nor intends to give at any time hereafter, any economic opportunity, future employment, gift, loan, gratuity, special discount trip, favor or service to a public servant in connection with the submitted response or any subsequent proposal. Failure to sign below, or signing a false statement, may void the response or any resulting contracts at the A&M System' option, and the proposer may be removed from all future proposal lists at this state agency;
- (iii) the individual signing this document and the documents made part of the proposal is authorized to sign such documents on behalf of the proposer and to bind the proposer 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 proposer and an employee of the A&M System;
 - (v) proposer has not been an employee of the A&M System within the immediate twelve (12) months prior to the proposal response;
 - (vi) no compensation has been received for participation in the preparation of this proposal (ref. Section 2155.004 Texas Government Code);
 - (vii) all services to be provided in response to this proposal will meet or exceed the safety standards established and promulgated under the Federal Occupational Safety and Health law (Public Law 91-596) and its regulations in effect as of the date of this solicitation;
 - (viii) proposer complies with all federal laws and regulations pertaining to Equal Employment Opportunities and Affirmative Action;
 - (ix) to the best of its knowledge, no member of the Board of Regents of The Texas A&M University System, or the Executive Officers of the Texas A&M University System or its member institutions or agencies, has a financial interest, directly or indirectly, in the Project;
 - (x) if the proposer 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 proposer's disqualification;
 - (xi) under Section 231.006, Family Code, the proposer 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; and,
 - (xii) under Section 2155.006, Government Code, the proposer certifies that the individual or business entity named in this bid or contract is not ineligible to receive the specified contract and acknowledges that this contract may be terminated and payment withheld if this certification is inaccurate.
 - (xiii) proposer certifies it does not and will not, during the performance of any resulting contract from this RFQ, boycott Israel.
 - (xiv) proposer certifies that it is not engaged in business with Iran, Sudan, or a foreign terrorist organization. Respondent acknowledges that any Agreement resulting from this RFQ may be terminated if this certification is inaccurate.
 - (xv) proposer is 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).

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

[SIGNATURE PROVIDED ON FOLLOWING PAGE]

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: _____

By: _____
(Signature)

Name: _____

(Print or Type Name)

Name: _____

Title: _____

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

Project Name

Campus/Agency

City, State

Project No. xx-xxxx

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.

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)

2015 \$ _____

2014 \$ _____

2013 \$ _____

2012 \$ _____

2011 \$ _____

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.)

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	\$	
2014	\$	
2013	\$	
2012	\$	
2011	\$	

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					
Number of lost time accidents					
Number of recordable cases					
Number of fatalities					
Number of employee direct hire fixed hours worked. (round to 1,000's)					

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

[Project Name]

[Campus/Agency]

[City], Texas

Project No. [xx-xxxx]

I. HUB PROGRAM

The purpose of the HUB Program is to promote full and equal business opportunities for all businesses in State contracting. The Texas A&M University System (“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 System has established its own HUB goals as allowed in Texas Government Code, Chapter 2161.123(d)(5). Therefore, respondents are required to use the following:

- 11.20% for heavy construction other than building contracts;
- 15% for all building construction, including general contractors and operative builders contracts;
- 11% for all special trade construction contracts;
- 35% for professional services contracts;
- 11% for all other services contracts; and
- 46% 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 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, jzimmermann@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. It is not necessary to include percentages within section 2b at this time. The State of Texas HUB Subcontracting Plan forms shall be accessed at the following site:
<http://www.tamus.edu/business/hub-procurement/hub-programs-3/system-offices-hub-program/>
 - 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 state that it intends to meet or exceed the stated A&M System HUB goal of 15% for building construction. This statement is a commitment to the HUB Subcontracting goal. The awarded Respondent must show the full good faith effort to include documentation for each opportunity that was not awarded to a HUB subcontractor. This documentation may include all bid responses received for each of these opportunities.
 - 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 award notification. 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. 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 reasons for proposed change(s) shall be requested on a separate process through e-Builder.

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.

IV. REPORTING REQUIREMENTS

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 on the Progress Assessment Report (PAR) form through the pay application process in e-Builder. This form is located at the following link: <https://www.tamus.edu/business/hub-procurement/hub-programs-3/system-offices-hub-program/>. During the course of the contract, the System shall monitor and document the performance of the contractor through e-Builder. The System may also request payment documentation in accordance with the Comptroller of Public Accounts HUB Rules that confirms the performance of the contractor.

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.

If the contractor fails to fulfill the HSP requirements 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.

(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) |

PART 3
HUB SUBCONTRACTING PLAN
for
CONSTRUCTION SERVICES

(Firm Name)

(Address)

(City/State/Zip Code)

(Telephone)

(Fax)

(E-Mail Address)

for

[Project Name]

[Campus/Agency]

[City], Texas

Project No. [xx-xxxx]

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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. 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 reasons for proposed change(s) shall be requested on a separate process through e-Builder.

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.

IV. REPORTING REQUIREMENTS

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 on the Progress Assessment Report (PAR) form through the pay application process in e-Builder. This form is located at the following link: <https://www.tamus.edu/business/hub-procurement/hub-programs-3/system-offices-hub-program/>. During the course of the contract, the System shall monitor and document the performance of the contractor through e-Builder. The System may also request payment documentation in accordance with the Comptroller of Public Accounts HUB Rules that confirms the performance of the contractor.

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.

If the contractor fails to fulfill the HSP requirements 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.

(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) |