



TEXAS

Health and Human Services

Dr. Courtney N. Phillips, Executive Commissioner

REQUEST FOR COMPETITIVE SEALED PROPOSALS FOR A CONTRACTOR

Repairs and Maintenance to B515 (Project No. 18-017-RSC)

RFP No. HHS0003704

Date of Release: Tuesday, May 28, 2019

Pre-Proposal Conference: Tuesday, June 18, 2019 @ 10:00 A.M. central time

Proposals Due: Tuesday, July 9, 2019 @ 2:00 P.M. central time

NIGP Class/Item Codes:

910-60 Plumbing Maintenance and Repair Services: Pressure Tapping Services, Pipe Freezes, Toilets, etc.

914-50 Heating, Ventilating and Air Conditioning (HVAC)

914-68 Plumbing

936-32 Fire Fighting Equipment Maintenance and Repair

936-33 Fire Protection Equipment and Systems Including Fire Hydrants, Fire Sprinkler Systems, Smoke Detectors, Jaws of Life, Fire Protection Material Treatment, Firestop and Fire Barriers, etc. Inspection, Maintenance and Repair

990-42 Fire Alarm and Safety Services, Including Installation of Equipment

Note: The Texas Comptroller of Public Accounts (“CPA”) recommends utilizing Google Chrome when navigating CPA websites. If you receive an error when opening links on the CPA’s Electronic State Business Daily website copy and paste the browser information into an Explorer browser.

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REQUEST FOR COMPETITIVE SEALED PROPOSALS

SECTION 1 – GENERAL INFORMATION AND REQUIREMENTS

1.1 General Information

The Health and Human Services Commission, for and on behalf of its Maintenance and Construction Department (“**HHSC M&C**”), is soliciting Competitive Sealed Proposals (“**Proposals**”) for selection of a General Contractor to provide general construction and general construction subcontracting services to the Owner for **Project No. 18-017-RSC**, Repairs and Maintenance to B515 (“**Project**”), in accordance with the terms, conditions, and requirements set forth in this Request for Competitive Sealed Proposals.

1.1.1 This Request for Competitive Sealed Proposals is being issued to select a Contractor for the Project as provided by *Texas Government Code* Chapter 2269.

1.1.2 The Owner will select the Proposal that offers the “best value” for the agency based on the published selection criteria and on its ranking evaluation. The Owner will first attempt to negotiate a contract with the selected Respondent. The Owner may discuss with the selected Respondent options for a scope or time modification and any price change associated with the modification. If the Owner is unable to reach a contract with the selected Respondent, the Owner will formally end negotiations with that Respondent and proceed to the next “best value” Respondent in the order of the selection ranking until a contract is reached or all Proposals are rejected and the solicitation is canceled.

1.2 Definitions

Refer to **Exhibit C**, Draft General Construction Services Contract and its attachments, for additional definitions. Additionally, as used in this RFP, unless the context clearly indicates otherwise, the following terms and conditions have the meanings assigned below:

“**Addendum**” means a written clarification or revision to this RFP issued by the Owner.

“**Contract**” means the agreement entered into by the Owner and selected Respondent, which may incorporate the contents of this RFP and the selected Respondent’s Proposal, except as specifically provided to the contrary in the Contract and any amendments to the Contract.

“**ESBD**” means the Electronic State Business Daily, the electronic marketplace where State of Texas bid opportunities over \$25,000.00 are posted. The ESBD may currently be accessed at <http://www.txsmartbuy.com/sp>.

“**HHSC**” or “**Owner**” means the Health and Human Services Commission established under *Texas Government Code* Chapter 531, its officers, employees and authorized agents.

“**HUB**” means Historically Underutilized Business, as defined by *Texas Government Code* Chapter 2161.

“**HUB subcontracting plan**” or “**HSP**” means written documentation regarding the use of subcontractors, which is required to be submitted with all responses to state agency contracts with an expected value of \$100,000 or more where subcontracting opportunities have been determined by the state agency to be probable. The HUB subcontracting plan subsequently becomes a provision of the awarded Contract, and shall be monitored for compliance by the state agency during the term of the Contract.

“**Proposal**” means all information and materials submitted by a Respondent in response to this RFP.

“**Respondent**” means the entity responding to this RFP.

“**RFP**” means this Request for Competitive Sealed Proposals including any Exhibits and Addenda, if any.

“**State**” means the State of Texas and its instrumentalities, including HHSC and any other state agency, its officers, employees, or authorized agents.

1.3 Public Information

1.3.1 Proposals are subject to the Texas Public Information Act (“**PIA**”), *Texas Government Code* Chapter 552, and may be disclosed to the public upon request. Subject to the PIA, certain information may be protected from public release. Respondents who wish to protect portions of the Proposal from public disclosure should familiarize themselves with the law. Information pertaining to the Proposal will be withheld or released only in accordance with the PIA.

1.3.2 In accordance with *Texas Government Code* Section 2252.907, Respondent shall be required to make any information created or exchanged with the State pursuant to the Contract, and not otherwise excepted from disclosure under the PIA, available in a Microsoft Word or Excel or a .pdf format that is accessible by the public at no additional charge to the State.

1.4 Type of Contract

The Contract will be in the form of the Owner’s General Construction Services Contract in **Exhibit C**, which incorporates by reference all attachments referenced therein, and awarded under this RFP as a fixed price contract.

1.5 Changes, Addenda, or Modification to RFP

The Owner reserves the right to change or modify any provision of this RFP by addenda, or to withdraw this RFP at any time prior to award if it is in the best interest of the Owner. Any such revisions will be posted on the ESD. It is the responsibility of Respondent to periodically check the ESD to ensure full compliance with the requirements of this RFP.

1.6 Informalities

The Owner reserves the right to waive minor informalities in a Proposal if it is in the best interest of the Owner. A “minor informality” is an omission or error that, in the Owner’s determination if waived or modified when evaluating Proposals, would not give a Respondent an unfair advantage over other Respondents or result in a material change in the Proposal or RFP requirements.

1.7 Questions

The Owner will allow written questions and requests for clarification of this RFP. Questions must be submitted in writing and sent by U.S. First class mail or email to the Owner’s Point of Contact listed in **Section 1.12**. Respondents’ names will be removed from questions in any responses released. Questions shall be submitted in the following format. Submissions that deviate from this format may not be accepted:

- a) Identifying RFP number
- b) Section Number
- c) Paragraph Number
- d) Page Number
- e) Text of Passage being questioned
- f) Questions

Note: Questions or other written requests for clarification must be received by the Point of Contact by the deadline in the Schedule of Events. Please provide company name, address, phone number, fax number, e-mail address and name of contact person when submitting questions.

1.8 Clarifications

Respondents must notify the Owner’s Point of Contact of any ambiguity, conflict, discrepancy, exclusionary specifications, omission or other error in the RFP in the manner and by the deadline for submitting questions. If a Respondent fails to properly and timely notify the Owner’s Point of Contact of such issues, the Respondent submits its Proposal at its own risk, and if awarded a Contract: (1) shall have waived any claim of error or ambiguity in the RFP and any resulting Contract, (2) shall not contest the interpretation by Owner of such provision(s), and (3) shall not be entitled to additional compensation, relief, or time by reason of ambiguity, error, or later correction. Responses to questions or other written requests for clarification may be posted as addenda on the ESBD. The Owner reserves the right to modify addenda prior to the deadline for submission of Proposals. It is Respondent’s responsibility to check the ESBD. The Owner also reserves the right to decline to answer any question or questions or to provide a single consolidated response of all questions it chooses to answer in any manner at the Owner’s sole discretion.

1.8.1 Requests for clarification regarding Drawings and Specifications shall be communicated through the Owner’s Point-of-Contact, identified in **Section 1.12** below, in writing to the Project Architect/Engineer. Any response from the Project Architect/Engineer will be in the form of an Addendum, which will be posted to the ESBD and shall be acknowledged by the Respondent on the Respondent’s Pricing and Delivery Proposal Form (**Exhibit F**).

1.8.2 Respondents shall consider only those clarifications and interpretations to the Drawings and Specifications that the Project Architect/Engineer issues through the Point-of-Contact, identified in **Section 1.12** below, by Addendum which will be posted seven (7) business days prior to the submittal deadline. Interpretations or clarifications in any other form, including oral statements, will not be binding on the Owner and should not be relied on in preparing Proposals.

1.9 Exceptions

The Owner will more favorably evaluate Proposals that offer no or few exceptions, reservations, or limitations to the terms and conditions of this RFP.

1.9.1 Respondent shall carefully review the Owner's draft Contract (**Exhibit C**) and all attachments. Respondent must expressly state in its Proposal all terms and conditions of the Owner's draft Contract (including any contract attachments) that Respondent will require to be changed before Respondent will sign the Contract. However, Respondent must be willing to accept Owner's draft Contract without change or modification or, if Respondent will require changes, Respondent must provide all draft language it proposes for each change requested. In addition to proposed edits, Respondent must provide a reasonable and articulable explanation of why the Respondent requests each change. Redlining Owner's draft Contract or its attachments or providing a statement with the intent or an implication that the Contract will require further discussion is insufficient.

1.9.2 If a Respondent includes exceptions in its Proposal, Respondent is required to use the Exceptions Form included as **Exhibit D** to this RFP and provide all information requested on the form. Any exception for which the Respondent does not provide all required information without qualification in the format set forth in **Exhibit D** may be rejected without consideration.

1.9.3 Respondents are highly encouraged, in lieu of including exceptions in their Proposals, to address all issues that might be advanced by way of exception by submitting such issues to the Owner as questions or requests for clarification. Any exception included in a Proposal may result in a Respondent not being awarded a Contract.

1.9.4 No exception, nor any other term, condition, or provision in a Proposal that differs, varies from or contradicts the terms and conditions in this RFP will be considered to be part of any Contract resulting from this RFP unless expressly made a part of the Contract in writing by the Owner.

1.9.5 A Proposal should be responsive to the RFP as worded, not with any assumption that any or all terms, conditions, or provisions of the RFP will be negotiated. Furthermore, all Proposals constitute binding offers. **Any Proposal submitted in response to this RFP that includes any type of disclaimer or other statement indicating that the Proposal does not constitute a binding offer may be disqualified.**

1.10 Assumptions

Respondent must identify on the Exceptions Form any business, economic, legal, programmatic, or practical assumptions that underlie the Respondent's response to the RFP. The Owner reserves the right to accept or reject any assumptions. All assumptions not expressly identified and incorporated into any Contract resulting from this RFP are deemed rejected by the Owner.

1.11 Submission of Proposals

- 1.11.1 **Proposal and HUB Subcontracting Plan (“HSP”) Deadline and Location:** The Owner will receive Proposals, and HSP in accordance with 34 *Texas Administrative Code* §20.285(b)(2), at the times and location described below.

Proposal: July 9, 2019 by 2:00 P.M. central time

HSP: July 10, 2019 by 2:00 P.M. central time

**Health and Human Services Commission
Procurement and Contracting Services
Attn: Bid Room Coordinator
1100 West 49th Street, Mail Code 2020
Austin, Texas 78756**

- 1.11.1.1 Submit one (1) original and three (3) identical hard copies of the Proposal.
- 1.11.1.2 Submit one (1) original of the HSP in a separate sealed envelope with the Proposal, labeled: HUB Subcontracting Plan and Solicitation Number, as described in **Section 1.24**.
- 1.11.1.3 Submit one (1) electronic copy of the Proposal on flash drive.
- 1.11.1.4 Submit one (1) electronic copy of the Respondent's Pricing and Delivery Proposal on flash drive.
- 1.11.1.5 Submit one (1) electronic copy of the HSP on flash drive.
- 1.11.2 Proposals and/or HSP that are received late will be returned to the Respondent unopened. The Owner will not be held responsible for any Proposal that is mishandled prior to receipt by Owner. It is Respondent's responsibility to mark appropriately and deliver the Proposal to the Owner by the specified date and time. The Bid Room Coordinator identified in **Section 1.11.1** will identify the official time clock at the Proposal submittal location identified above.
- 1.11.3 The Owner will not acknowledge or receive Proposals and/or HSP that are delivered by telephone, facsimile (fax), or electronic mail (e-mail).
- 1.11.4 Properly submitted Proposals and/or HSP will not be returned to the Respondents.

- 1.11.5 Proposals and/or HSP materials must be enclosed in sealed envelopes (box or container) addressed to the Bid Room Coordinator identified in **Section 1.11.1**; the package must clearly identify the submittal deadline, the RFP Number, Point-of-Contact, and the name and return address of the Respondent in accordance with **Section 4**.
- 1.11.6 Properly submitted Proposals will be opened publicly and the names and any monetary proposals made will be read aloud after the HSP's, if applicable to the RFP, are received and confirmed by the Owner.
- 1.11.7 Prior to the RFP submission deadline, a Respondent may: (1) withdraw its Proposal by submitting a written request to the Owner's Point of Contact; or (2) modify its Proposal by submitting a written amendment to Owner's Point of Contact. The Owner may request Proposal modifications at any time.

1.12 Point-of-Contact

All requests, questions or other communication about this RFP shall be made in writing to the following person, as the Owner's representative and Point-of-Contact for this RFP. All communications between Respondents and other Owner staff members concerning the RFP are strictly prohibited. **Failure to comply with these requirements may result in disqualification of Respondent's Proposal.**

Thomas Spears, CTPM
Health and Human Services Commission
Procurement and Contracting Services
1100 West 49th Street; Mail Code 2020
Austin, Texas 78756
512-406-2506
Thomas.Spears@hhsc.state.tx.us

- 1.12.1 The only exception to the Point-of-Contact is the HUB Coordinator. Any questions relating to the HUB Subcontracting Plan must be directed to the HUB coordinator at Linda.Rogers02@hhsc.state.tx.us with a copy to the Point-of-Contact person listed above.

1.13 Prohibited Communication

On issuance of this RFP, except for the written inquiries for questions and clarifications, the Owner, its representative(s), or partners will not answer any questions or otherwise discuss the contents of this RFP with any potential Respondent or their representative(s). Attempts to ask questions by phone or in person will not be allowed or recognized as valid. Respondent shall rely only on written statements issued by or through the Owner's Point-of-Contact. This restriction does not preclude discussions between affected parties for the purposes of conducting business unrelated to this RFP. Failure to comply with these requirements may result in disqualification of Respondent's Proposal.

1.14 Evaluation of Proposals

Responses shall be evaluated in accordance with Texas Government Code *Chapter 2269*. The Owner shall not be obligated to accept the lowest priced Response, but shall make an award to the Respondent that provides the “**best value**” to the State of Texas. Responses shall be consistently evaluated and scored in accordance with the requirements described in this RFP and in **Exhibit G** - Evaluation tool. **Forty percent (40%)** of the evaluation will be based on the Respondent’s Pricing and Delivery Proposal; the remaining evaluation will be based on the Respondent’s qualifications. All responsive Proposals will be reviewed, evaluated, and ranked by the Owner.

1.15 Other Information

The Owner may contact references provided in response to this RFP, contact Respondent’s clients, or solicit information from any available source, including the Comptroller’s Vendor Performance Tracking System.

1.16 Initial Compliance Screening

The Owner will perform an initial screening of all Responses received. Unsigned Responses and Responses that do not meet minimum qualifications or do not include all required forms and information may be subject to rejection without further evaluation.

1.17 Owner’s Reservation of Rights

The Owner may evaluate the Proposals based on the anticipated completion of all or any portion of the Project. The Owner reserves the right to divide the Project into multiple parts, to reject any and all Proposals and re-solicit for new Proposals, or to reject any and all Proposals and temporarily or permanently abandon the Project. Owner makes no representations, written or oral, that it will enter into any form of agreement with any Respondent to this RFP for any project and no such representation is intended or should be construed by the issuance of this RFP.

1.18 Acceptance of Evaluation Methodology

By submitting Proposals in response to this RFP, the Respondent accepts the evaluation process and acknowledges and accepts that determination of the “**best value**” Respondent will require subjective judgments by the Owner.

- 1.18.1 The Owner reserves the right to consider any Proposal “non-responsive” if the Proposal Cost is determined to be unreasonable or irresponsible in relation to the other submitted Proposals and/or the Owner’s estimate of the construction cost.

1.19 No Reimbursement for Costs

Respondents understand that issuance of this RFP in no way constitutes a commitment by Owner to award a Contract or to pay any costs incurred by a Respondent in the preparation of a response to this RFP. The Owner is not liable for any costs incurred by a Respondent

prior to issuance of or entering into a formal agreement, Contract, or purchase order. Costs of developing Responses, preparing for or participating in oral presentations and site visits, or any other similar expenses incurred by a Respondent are entirely the responsibility of the Respondent, and will not be reimbursed in any manner by the State of Texas.

1.20 Pre-Proposal Conference A pre-proposal conference will be held at the time and location described below.

June 18, 2019 at 10:00 A.M. central time

**Health and Human Services Commission
Rio Grande State Supported Living Center
Building 515, Room 100
1401 South Rangerville Rd.
Harlingen, TX 78552**

1.20.1 If possible, a guided tour of the Project will be included as a part of the conference agenda. This may be the only opportunity for potential Respondents to view the Project site(s) before the submittal of Proposals. **Attendance at the pre-proposal conference is strongly encouraged.**

1.21 Oral Presentations

The Owner may require an oral presentation from any or all Respondents. Respondents will be provided with advance notice of any such oral presentation and are responsible for their own presentation equipment. Failure to permit or participate in the oral presentation may eliminate a Respondent from further consideration. The Owner is not responsible for any costs incurred by the Respondent in preparation for any oral presentation.

1.22 Questions or Requests for Clarification by Owner

The Owner reserves the right to ask questions or request clarification from any Respondent at any time during the RFP process, including during oral presentations or site visits.

1.23 Eligible Respondents

Only companies or lawfully formed business organizations may apply. This does not preclude a Respondent from using subcontractors. The Owner will contract only with the individual company or formal organization that submits a Proposal.

1.24 HUB Subcontracting Plan

It is the policy of the Owner, and all Texas Health and Human Services agencies (“**HHS Agencies**”), to promote and encourage contracting and subcontracting opportunities for Historically Underutilized Businesses in all contracts. Accordingly, HHSC includes a HSP when subcontracting opportunities are probable and a contract has an expected value of \$100,000.00 or more. The HSP is applicable for the life of the contract, including any subsequent amendments and renewals after award of the contract as related to the original HSP. If HHSC determines that subcontracting opportunities are probable, then a

Respondents are required to submit a completed HSP. Failure to submit a required HSP will result in rejection of the Proposals.

Additional information regarding the optional applicability of the HSP requirement is set forth in **Exhibit B**.

SECTION 2 – EXECUTIVE SUMMARY

2.1 Historical Background

The Owner is established in accordance with *Texas Government Code* Chapter 531 and is responsible for oversight of all HHS Agencies, which includes overseeing and coordinating the planning and delivery of health and human services programs throughout the State of Texas, including state hospitals and state supported living centers. For more information about the Owner, its programs, or its facilities, please visit <https://hhs.texas.gov>.

The mission of the Owner and any Texas Health and Human Services agency is improving the health, safety, and well-being of Texans with good stewardship of public resources.

As part of its responsibilities, the Owner owns and operates 13 state supported living centers (SSLCs) and 10 state hospitals (SHs) across the State of Texas. The 23 individual SH/SSLC entities operate programs 24/7, 365 days a year on 24 separate and unique facility campuses across Texas in both urban and rural settings. Facility programs and operations fall under the direction of the Health and Specialty Care System (HSCS) division of the Texas Health and Human Services Commission. The 24 campuses contain a total of 1490 buildings encompassing approximately 9 million square feet of space. The buildings' original construction dates range from 1857 to 2000. The buildings are serviced and connected by aging utility, roadway, walkway, cabling, mechanical, electrical and plumbing systems and other such infrastructure. Many buildings have been renovated, modified and added to over time with many now serving different purposes than when originally designed and built. In addition to Life Safety Codes, State Fire Marshal and other such requirements, the facility buildings (depending on program) may be subject to Centers for Medicare and Medicaid Services and/or The Joint Commission standards and inspections.

2.2 Project Description, Scope, and Budget

Project Location: Rio Grande State Center (RSC)
1401 S. Rangerville Rd.
Harlingen, TX 78550

Project Summary: The scope of work includes, but is not limited to, the following:

Repair the residential bathrooms and replace flooring in Building 515 at RSC campus in Harlingen. This will consist of replacing plumbing in restroom walls, removal and replacement of tile walls, tile floors, countertops, ceilings, and restroom accessories. In addition, replacement of floor tile will be performed in Units I & II and the administrative wing. The construction will need to be done in phases to maintain use of portions of patient and staff areas.

Project Estimate: The approximate cost for construction of the Project is \$2,047,534.05.

2.3 Schedule of Events

Event	Date/Time
Issuance of the RFP	Tuesday, May 28, 2019
Pre-Proposal Conference	Refer to Section 1.20
Deadline for submitting Questions	June 21, 2019 by 12:00 PM Central Time
Deadline for submission of Proposals <i>(NOTE: Proposals MUST be RECEIVED by Owner by the deadline.)</i>	Refer to Section 1.11.1
Deadline for submission of HSP <i>(NOTE: HSPs MUST be RECEIVED by Owner by the deadline.)</i>	Refer to Section 1.11.1
Opening of Proposals	July 10, 2019 by 2:30 PM Central Time
Evaluation Period	Up to a maximum 45 days from opening of proposals
Anticipated Notice of Award	August 29, 2019
Anticipated Contract Start Date	August 30, 2019

Note: These dates are a tentative schedule of events. The Owner reserves the right to modify these dates at any time upon notice posted to the ESBD. Any dates listed after the Proposal submission deadline will occur at the discretion of the Owner and may occur earlier or later than scheduled without notification on the ESBD. Owner anticipates evaluation of Proposals, selection of the winning Respondent, and award of the Contract will be completed within approximately 60 days of the Proposal submission deadline.

SECTION 3 – REQUIREMENTS FOR COMPETITIVE SEALED PROPOSALS

3.1 Minimum Qualifications (Pass or Fail)

Respondents must meet the minimum qualifications listed below. The Owner, in its sole discretion, may reject Proposals that appear unrealistic in terms of technical commitment, that show a lack of technical competence, or that indicate a failure to comprehend the risk and complexity of a potential Contract.

3.1.1 Respondent must:

- a) Submit a completed Proposal in accordance with **Section 4**;
- b) Certify that Respondent’s personnel, including subcontractors, who will be assigned to the Project have all licenses and permits required to perform the work described;
- c) Certify that it has been in business for a minimum of five (5) years, or the principals/owners must have a minimum of five (5) years recent ownership/executive management experience in a previous company that provided construction services of similar scope and complexity;
- d) Be financially solvent and adequately capitalized;
- e) Be authorized to do business in the State of Texas;
- f) Submit a compliant HUB Plan (HSP) (if required for this project) - as set forth in **Section 1.24**; and

- g) Attach a letter of intent from a surety company indicating Respondent's ability to obtain performance and payment bonds for the entire construction cost of the proposed project. The information submitted must indicate Respondent's total bonding capacity, available bonding capacity and current backlog.

3.2 Selection Criteria

Responses shall be consistently evaluated and scored in accordance with the following steps:

3.2.1 Level 1 Evaluation (Pass or Fail)

Level 1 evaluation begins with determining whether a Proposal meets the minimum qualifications listed in **Section 3.1.1**.

3.2.2 Level 2 Evaluation

Level 2 continues with further review of the responsive Proposals submitted based on the evaluation criteria in **Exhibit G**. The categories are:

- a) **Respondent's Ability to Provide Construction Services (15% Value)**
- b) **Availability (5% Value)**
- c) **Financial Stability and Risk (25% Value)**
- d) **Respondent's Project Planning and Scheduling for this Project (15% Value)**
- e) **Respondent's Pricing and Delivery Proposal (40% Value)**

SECTION 4 – FORMAT OF PROPOSALS

4.1 General Instructions

4.1.1 Proposals shall be prepared **SIMPLY AND ECONOMICALLY**, providing a straightforward, **CONCISE** description of the Respondent's ability to meet the requirements of this RFP. Emphasis shall be on the quality, completeness, clarity of content, responsiveness to the requirements, and an understanding of the Owner's needs. Expensive bindings, colored displays, promotional materials, etc., are not necessary or desired. Respondent should focus on the instructions and requirements of the RFP.

4.1.2 Proposals shall include the following elements:

- Proposal and Respondent's Information addressing the evaluation criteria in **Exhibit G**.
- HSP, if applicable.
- Respondent's Pricing and Delivery Proposal and Execution of Offer - submitted in a separate, sealed envelope as set forth below (**Exhibit F**).
- Respondent's Proposed Alternates - a separate document describing technical aspects of any alternate means, methods or materials that Respondent proposes to use in executing the Project, as defined in the **Exhibit C**. This document shall be submitted with the same number of copies as the Respondent's Proposal and shall

not include any pricing information. Any price impact that the proposed alternate will have shall be clearly identified in an attachment to the Respondent's Pricing and Delivery Proposal.

- References for 3 listed projects of comparable scope and complexity. References shall be considered relevant based on specific project participation and experience with the Respondent. The Owner may contact references during any part of this RFP process. The Owner reserves the right to contact any other references at any time during the RFP process.

4.1.3 Proposals shall be a **MAXIMUM OF FIFTY (50) PRINTED PAGES**. The cover, table of contents, divider sheets, HUB Subcontracting Plan, Pricing and Delivery Proposal, and Execution of Offer **do not** count as printed pages. Each bound copy **must** be in the following order:

- Cover;
- Cover Letter;
- Table of Contents;
- **Criterion One:** Respondent's Ability to Provide Construction Services;
- **Criterion Two:** Availability;
- **Criterion Three:** Financial Stability and Risk
- **Criterion Four:** Respondent's Project Planning and Scheduling for this Project;
- **Criterion Five:** Respondent's Pricing and Delivery Proposal and Execution of Offer. Respondent's Pricing and Delivery Proposal and Execution of Offer **must** be submitted at the same time the sealed Proposal is submitted. The envelope containing these documents must clearly be labeled as "Respondent's Pricing and Delivery Proposal and Execution of Offer" and marked with the Owner's RFP Number and the Owner's Project Number and Project Name.
- Affirmations and solicitation acceptance for State Architectural/Engineering and Construction Projects (**Exhibit A**);
- Exceptions Form, *if applicable* (**Exhibit D**);
- Respondent's Information Form (**Exhibit E**);
- References; and
- **HUB Subcontracting Plan** - The HUB Subcontracting Plan should be submitted in accordance with **Section 1.11.1**.

4.1.4 Respondent shall carefully read the information contained in this RFP and submit a complete response to all requirements and questions as directed. Incomplete Proposals will be considered non-responsive and subject to rejection.

4.1.5 Proposals and any other information submitted by Respondent in response to this RFP shall become the property of the Owner.

4.1.6 Proposals that are qualified with conditional clauses, alterations, items not called for in the RFP documents, or irregularities of any kind are subject to rejection by the Owner, at its option.

4.1.7 The Owner makes no guarantee of volume, usage, or total compensation to be paid to any Respondent under any awarded Contract, if any, resulting from this RFP. Any awarded Contract is subject to appropriations and the continuing availability of funds.

The Owner reserves the right to cancel, make partial award, or decline to award a Contract under this RFP at any time in its sole discretion. Further, the Owner reserves the right to accept or reject any or all Proposals, waive any formalities or minor technical inconsistencies, or delete any item/requirements from this RFP when deemed to be in Owner's best interest.

4.1.8 Proposals shall consist of answers to questions referenced in **Exhibit G** of the RFP. It is not necessary to repeat the question in the Proposals; however, **it is essential to reference the question number with the corresponding answer.**

4.1.9 Failure to comply with all requirements contained in this RFP may result in the rejection of the Proposal.

4.2 Page Size, Binding, Dividers, and Tabs

4.2.1 Proposals shall be printed on letter-size (8-1/2" x 11") paper and assembled with spiral-type or plastic comb bindings or staples. **DO NOT USE METAL-RING HARD COVER BINDERS.**

4.2.2 Additional attachments shall NOT be included with the Proposals.

4.2.3 Separate and identify each evaluation criteria response to **Section 3** of this RFP by use of a divider sheet with an integral tab for ready reference.

4.3 Table of Contents

4.3.1 Submittals shall include a "Table of Contents" and give page numbers for each part of the Proposal.

4.4 Pagination

4.4.1 Number all pages of the Proposal sequentially using Arabic numerals (1, 2, 3, etc.); the Respondent is not required to number the pages of the HUB Subcontracting Plan.

SECTION 5 - DRAWINGS AND SPECIFICATIONS

5.1 Definitions

The RFP solicitation documents include the bidding requirements and the proposed Contract documents. The bidding requirements consist of the solicitation advertisement, the RFP, the Respondent's Pricing and Delivery Proposal Form, and other sample bidding and contract forms. The proposed Contract documents consist of the General Construction Services Contract, performance and payment bonds, Texas Uniform General Conditions for Construction Contracts with HHSC Supplementary General Conditions, Prevailing Wage Rate Determination, HUB Utilization Policy (**Exhibit B**), other forms and documents identified in the Contract, drawings, specifications, and all Addenda issued prior to receipt of Proposals.

5.2 Construction Documents and Distribution

Documents are available from the ESBD posting, regional plans rooms and applicable offices of minority affairs and development in cities, which are likely to be home locations of Respondents listed in **Exhibit H** or the Project Architect/Engineer who can provide two sets of drawings and specifications (Construction Documents) to a Respondent who is a prime contractor and one set to a Respondent who is a major subcontractor (mechanical and electrical trades) who propose to submit a Proposal. Documents will not be issued free to suppliers, material companies, or lower tier subcontractors.

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615 N. Upper Broadway Ste. 1250
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ariojas@clkarch.com

5.3 Deposits

Each Respondent who is a prime contractor will be furnished two sets of documents, and each Respondent who is a major subcontractor one set of documents, upon the receipt of a deposit of \$100.00 made payable to the Architect listed in **Section 5.2** per set of documents of the work upon which it proposes to submit a Proposal. All mailing/delivery costs shall be borne by the Respondent.

5.3.1 Deposits shall be by corporate check, cashier's check, or money order; no cash or personal checks will be accepted.

5.3.2 Additional sets may be requested, and will be provided upon receipt of the full deposit identified above.

5.4 Deposit Return and Reproduction Costs

Deposits will be returned upon return of all documents in good condition, as determined by the Project Architect/Engineer, within ten (10) work days after opening of Proposals; except that, should the Respondent fail to submit a Proposal or return documents, the cost of reproduction and mailing will be deducted from the amount of the deposit and the balance will be refunded to the Respondent.

5.5 Additional Sets of Documents

Additional sets of RFP solicitation documents, if available, may be obtained from the Project Architect/Engineer, at the Respondent's expense, upon receipt of a check covering the cost of reproduction and mailing. The extra sets do not become the Respondent's property, but are and shall be the Project Architect's/Engineer's exclusive property and shall be returned to the Project Architect/Engineer after Proposals have been received.

5.6 Documents on File

Complete sets of drawings and specifications are on file in the Regional Plan Rooms located within the Project region, where contractors and subcontractors may examine them there. The Owner has provided a sample list of regional plan rooms in **Exhibit H**, but this list is not exhaustive of all regional plan rooms or offices of minority affairs and development that may be available. If Respondent is unable to locate a set of drawings and specifications at a regional plan room, it is their responsibility to contact the Owner's Point-of-Contact.

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