Phil Wilson, Acting Executive Commissioner

REQUEST FOR COMPETITIVE SEALED PROPOSALS FOR A GENERAL CONTRACTOR

Site Electrical and Water Distribution Replacement
Project No. 18-117-ELC

RFP No. HHS0007812

Date of Release: Friday May 22, 2020
Proposals Due: Thursday, June 25, 2020
HUB Subcontracting Plans Due: Friday, June 26, 2020

NIGP Class/Item Codes:
936-09 Alarm Equipment, Fire, etc. Maintenance and Repair
910-63 Public Utilities: Water, Sewer and Gas Maintenance and Repair Services
936-33 Fire Protection Equipment and Systems Including Fire Hydrants, Fire Sprinkler Systems…
285-86 Transformers, Power Distribution, Including Fluid Filled, Pad and Pole Mount

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REQUEST FOR COMPETITIVE SEALED PROPOSALS

SECTION 1 – GENERAL INFORMATION, HISTORICAL BACKGROUND, AND REQUIREMENTS

1.1 General Information

The Health and Human Services Commission ("**Owner**"), for and on behalf of its Health and Specialty Care System Division ("**HSCS**"), is soliciting Competitive Sealed Proposals ("**Proposals**") for selection of a General Contractor ("**Contractor**") to provide general construction and construction administration services to the Owner for **Project No.** 18-117-ELC, Site Electrical and Water Distribution Replacement (the "**Project**"), in accordance with the terms, conditions, and requirements set forth in this Solicitation.

1.1.1 This Solicitation is being issued to select a Contractor for the Project as provided by *Texas Government Code* Chapter 2269, Subchapter D.

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-qualified 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 Historical Background

The Owner is responsible for oversight of all Texas Health and Human Services agencies, which includes overseeing and coordinating the planning and delivery of health and human services programs throughout the state of Texas. For more information about the Owner, its programs, or its facilities, please visit https://hhs.texas.gov.

As part of its responsibilities, the Owner owns and operates 13 state supported living centers and 10 state hospitals (the "**Facilities**") across the state of Texas. The Owner offers programs at the Facilities 24 hours a day, 7 days a week, 365 days a year in both urban and rural settings. Facility programs and operations fall under the direction of HSCS. There are 24 campuses [note one facility has two separate campuses] with a total of 1,490 buildings encompassing approximately 9 million square feet of space. Construction dates for the Facilities range from 1857 to 2000, with new or planned construction at six new buildings in Austin, San Antonio, Houston, and Rusk. The majority of Facilities 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 Facilities (depending on program) may be subject to Centers for Medicare and Medicaid Services and/or The Joint Commission standards and inspections.

1.3 Definitions

Refer to **Exhibit C**, Attachment B, Texas Uniform General Conditions for Construction Contracts with HHSC Supplementary General Conditions ("**General Conditions**"), for additional definitions. Additionally, as used in this RFP or any exhibit or attachment incorporated and made a part of this Solicitation, unless the context clearly indicates otherwise, the following terms and conditions have the meanings assigned below:

"**Addendum/Addenda**" means written clarification(s) or revision(s) to this RFP issued by the Owner.

"**Confidential Information**" means any communication or record (whether oral, written, electronically stored or transmitted, or in any other form) deemed confidential under state or federal confidentiality laws.

"**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 $100,000.00 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. Also, may be referred to as "**Submittal**" in this Solicitation, exhibits, attachments or Addenda.

"**Public Information Act Copy**" means an additional copy of a Respondent's Proposal that has been redacted (blacked out) by the Respondent as set out in **Section 1.4.1.2** of this Solicitation.

"**Respondent**" means the entity responding to this RFP.

"**RFP**" means this Request for Competitive Sealed Proposals including any exhibits, attachments and Addenda, if any. Also may be referred to as "**Solicitation**" in this RFP, exhibits, attachments or Addenda.

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

"**Texas Health and Human Services agencies**" as used in this Solicitation, exhibits, attachments or Addenda, means both the HHSC and the Texas Department of State Health Services, separately or combined.

1.4 Public Information

1.4.1 Proposals and contracts are subject to the Texas Public Information Act ("**PIA**"), *Texas Government Code* Chapter 552, and may be disclosed to the public upon request, unless an exception to disclosure applies. Information pertaining to Proposals and the Contract will be withheld or released only in accordance with the PIA. Subject to the PIA, certain information may be protected from public release. Respondents are advised to consult with their legal counsel concerning disclosure issues resulting from this process and to take precautions to safeguard trade secrets and proprietary or otherwise confidential information. Furthermore, other legal authority also requires the Owner to post certain Proposals and contracts on HHSC's website (https://contracts.hhs.texas.gov/) and to provide such information to the Legislative Budget Board for posting on its website.

If a Respondent wishes to protect portions of its Proposal from public disclosure, the Respondent should familiarize itself with the law and submit its Proposal as follows:

1.4.1.1 **Mark Original Proposal:**

a) Mark the original Proposal, on the top of the front page, the words "**CONTAINS CONFIDENTIAL INFORMATION**" in bold, capitalized letters (the size of, or equivalent to, minimum 12-point Times New Roman font or larger); and
b) Identify, adjacent to each portion of the Proposal that Respondent claims is exempt from public disclosure, the claimed exemption from disclosure (NOTE: no redactions should be made in the original Proposal).

1.4.1.2 **Public Information Act Copy of Proposal:**

Submit a separate "Public Information Act Copy" of the original Proposal (in addition to the original and all copies otherwise required under the provisions of this Solicitation). The "Public Information Act Copy" must meet the following requirements:

a) The copy must be clearly marked as "**PUBLIC INFORMATION ACT COPY**" on the front page in large, bold, capitalized letters (the size of, or equivalent to, 12-point Times New Roman font or larger);
b) Each portion of the Proposal Respondent claims is exempt from public disclosure must be redacted (blacked out); and
c) Respondent must identify, adjacent to each redaction, the claimed exemption from disclosure. Each identification provided as required

in subsection (c) of this Section must be identical to those set forth in the original Proposal as required in **Section 1.4.1.1(b)**, above.

d) The only difference in required markings and information between the original Proposal and the "Public Information Act Copy" of the Proposal will be the redactions - which can only be included in the "Public Information Act Copy." There must be no redactions (blacked out information) in the original Proposal.

1.4.2 In accordance with *Texas Government Code* §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 Office® Word® format or Adobe® Portable Format ("**PDF**") that is accessible by the public at no additional charge to the State.

1.4.3 Effective on or after January 1, 2020 (86th Legislature), *Texas Government Code* Chapter 552, Subsection J, added requirements regarding document retention and public disclosure for entities in a contract with a stated expenditure of, or results in an expenditure of, at least $1 million. These requirements may apply to responses to this Solicitation and Respondent agrees that the Contract can be terminated if Respondent knowingly or intentionally fails to comply with a requirement of Subchapter J.

1.4.4 Owner will not consider any Proposal that is copyrighted in its entirety; however, this exclusion does not encompass limited copyrighted information within the Proposal (e.g. marketing materials, drawings, designs, submittals, etc.), which may be considered by the Owner on a case by case basis.

1.5 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 including, but not limited to, Attachment B to **Exhibit C** of this Solicitation, General Conditions, and awarded under this RFP as a fixed price contract.

1.6 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 ESBD. It is the responsibility of Respondent to periodically check the ESBD to ensure full compliance with the requirements of this RFP.

1.7 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.

1.8 Questions

The Owner will allow written questions and requests for clarification of this RFP. Questions must be submitted in writing and sent by email to the Owner's Point-of-Contact listed in **Section 1.13**. 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) Question(s)

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, e-mail address and name of contact person when submitting questions.

1.9 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 for one or more questions at the Owner's sole discretion.

1.9.1 Requests for clarification regarding Project Drawings and Specifications (Attachment(s) H of **Exhibit C** shall be communicated through the Owner's Point-of-Contact, identified in **Section 1.13** below. Any response from the Owner 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 Proposal Form (**Exhibit F**).

1.9.2 Respondents shall consider only those clarifications and interpretations to the Project Drawings and Specifications that the Project Architect/Engineer issues through the Point-of-Contact, identified in **Section 1.13** below, by Addendum. 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.

1.10 Exceptions

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

1.10.1 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.

1.10.2 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.

1.10.3 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.

1.10.4 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.

1.10.5 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.**

1.11 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.

1.12 Submission of Proposals

1.12.1 **Proposal and HSP Deadline and Location:** The Owner will receive Proposals, and HSPs in accordance with *Texas Administrative Code* Title 34, Part 1, Chapter 20, Subchapter D, Division 1, §20.285(b)(2), at the times and location described below.

Proposal: June 25, 2020 by 2:00 P.M. CST
HSP: June 26, 2020 by 2:00 P.M. CST

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

Label: RFP No. HHS0007812
Purchaser's Name Thomas Spears
Due Date and Time: XXXXX
Name of Company: XXXXX

1.12.1.1 Submit one electronic copy of the Original Proposal and if applicable, one electronic copy of the Public Information Act Copy, on one or two USB Flash Drive(s) that are labeled "Proposal" and "PIA Copy." The Respondent's signed Pricing Proposal Form must be included within the Proposal.

1.12.1.2 Submit one electronic copy of the **Exhibit B**, HSP, on one separate USB Flash Drive(s) that is labeled "HSP."

1.12.1.3 Submit security bond in separate sealed envelope within the Proposal package referenced in **Section 1.12.5**.

1.12.2 Proposals and HSPs 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 1.12.1** will identify the official time clock at the Proposal submittal location identified above.

1.12.3 The Owner will not acknowledge or receive Proposals and HSPs that are delivered by telephone, facsimile (fax), or electronic mail (e-mail).

1.12.4 Properly submitted Proposals and HSPs will not be returned to the Respondents.

1.12.5 Proposals and HSP materials must be enclosed in a sealed envelope, box, or container addressed to the Bid Room Coordinator identified in **Section 1.12.1**; **the Proposal package must clearly identify the Submittal deadline, the RFP**

Number, Point-of-Contact, and the name and return address of the Respondent.

1.12.6 Properly submitted Proposals will be opened publicly and the names and any monetary proposals will be read aloud after the HSPs, if applicable to the RFP, are received and confirmed by the Owner.

1.12.7 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.

1.13 Point-of-Contact

All requests, questions, or other communication about this RFP shall be made in writing via email to the following individual, as the Owner's representative and Point-of-Contact for this RFP. The Owner takes no responsibility for a potential Respondent's emails that are captured, blocked, filtered, quarantined, or otherwise prevented from reaching the proper destination server by any HHSC antivirus or other security software. All other communications between Respondents and other Owner staff members or the project Architect/Engineer(s) concerning the RFP are strictly prohibited. **Failure to comply with these requirements may result in disqualification of Respondent's Proposal.**

Thomas Spears, CTPM
512-406-2506
Thomas.Spears@hhsc.state.tx.us

1.13.1 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 Marcus Gomez at 512-406-2570, or marcus.gomez@hhsc.state.tx.us

1.14 Prohibited Communication

On issuance of this RFP, except for the written inquiries for questions and clarifications, the Owner, its representative(s), or authorized representatives will not answer any questions or otherwise discuss the contents of this RFP with any potential Respondent or its 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.

1.15 Evaluation of Proposals

Proposals shall be evaluated in accordance with *Texas Government Code* Chapter 2269. The Owner shall not be obligated to accept the lowest priced Proposal but shall make an award to the Respondent that provides the "best value" to the state of Texas. When considering "best value" and award, Owner reserves the right to set a minimum point requirement regarding the weighted qualifications criteria listed in **Section 3.2**. Proposals shall be consistently evaluated and scored in accordance with the requirements described in this RFP and in **Exhibit G**, Evaluation Criteria and Tool. 40**%** of the evaluation will be based on the

Respondent's Pricing Proposal Form (**Exhibit F**); the remaining evaluation will be based on the Respondent's qualifications. All responsive Proposals will be reviewed, evaluated, and ranked by the Owner.

1.16 Other Information

The Owner may contact references provided in response to this RFP, Respondent's clients, or solicit information from any available source, including owner's and/or Architect/Engineer's familiar with Respondent's work on past projects, opposing litigant from a public proceeding or their counsel, and the Comptroller's Vendor Performance Tracking System.

1.17 Initial Compliance Screening

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

1.18 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.

1.19 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 may require subjective judgments by the Owner.

1.19.1 The Owner reserves the right to reject any Proposal 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.

1.20 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 a Proposal, 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.

1.21 Pre-Proposal Teleconferences and Site Visits

HHSC will conduct two pre-proposal teleconferences that will be held at the dates and times described below. **Attendance at one (1) pre-proposal teleconference is mandatory**. **Call-in at 1.877.820.7831, access code 525498 for the teleconference.**

May 28, 2020 at 11:00 A.M. CST
OR
June 2, 2020 at 10:00 A.M. CST

*****SITE VISITS AND THE TEXAS PUBLIC HEALTH DISASTER NOTICE*****

The Texas Department of State Health Services has determined that COVID- 19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; the suspension of site visits at this time is a necessary precaution to reduce the transmission of COVID-19 and to protect patients, residents, contractors, and employees at the respective facility; therefore, until further notice, personal review site visits at the facility will not be conducted, and references to site visits should be disregarded unless you are notified otherwise. In lieu of the personal site visit, Respondent must carefully review Exhibit H. Exhibit H consists of photographs or a PowerPoint of the site conditions as visual aids to assist the Respondent in determining costs for the Project. The scope of work and specifications for the Project are more particularly and precisely set forth in the Attachment(s) H to Exhibit C.

1.22 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 participate in the oral presentation, if required, 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.

1.23 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.

1.24 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 business organization that submits a Proposal.

1.25 HUB Subcontracting Plan

It is the policy of the Owner, and all Texas Health and Human Services agencies, to promote and encourage contracting and subcontracting opportunities for Historically Underutilized Businesses in all contracts. Accordingly, the Owner 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 the Owner determines that subcontracting opportunities are probable, then 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 applicability of the HSP requirement is set forth in **Exhibit B**.

1.26 Protests

Protests relating to the purchase of goods and services by Owner are governed by the *Texas Administrative Code*, Title 1, Part 15, Chapter 391, Subchapter D.

SECTION 2 – PROJECT INFORMATION AND SCHEDULE OF EVENTS

2.1 Project Location, Summary, and Budget

Project Location: El Paso State Supported Living Center
Building 502, Room 125
6700 Delta Dr.
El Paso, TX 79905

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

Replace defective switchgear and transformers, replace electrical conductors serving buildings 505, 506, 508, 509, 510, 512, 513, 514 and 516. Replace underground domestic water lines and add new water lines to serve fire protection systems.

For complete project information, refer to Attachments H1 and H2 of Exhibit C, Project Specifications and Drawings.

Project Estimate: The approximate cost for construction of the Project is $425,300.00.

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2.2 Schedule of Events

Event	Date/Time
Issuance of the RFP	Friday, May 22, 2020
Pre-Proposal Conference #1	Thursday, May 28, 2020 @ 11:00 A.M.CST
OR	
Pre-Proposal Conference #2	Tuesday, June 2, 2020 @ 10:00 A.M. CST
Deadline for submitting Questions	Monday, June 8, 2020 @ 12:00 P.M.
Deadline for submission of Proposals ***(NOTE: Proposals MUST be RECEIVED by Owner by the deadline.)***	Thursday, June 25, 2020 by 2:00 P.M. CST
Deadline for submission of HSP ***(NOTE: HSPs MUST be RECEIVED by Owner by the deadline.)***	Friday, June 26, 2020 by 2:00 P.M. CST
Opening of Proposals	Monday, June 29, 2020 by 2:00 P.M. CST
Anticipated Notice of Award	Wednesday, September 29, 2020
Anticipated Contract Start Date	Wednesday, October 7, 2020

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.

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 5**;
b) Affirm by its signature on **Exhibit F**, Respondent's Pricing Proposal Form, 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) Affirm by its signature on **Exhibit F** that it has been in business for a minimum of five years, or the principals/owners must have a minimum of five years recent ownership/executive management experience in a previous company that provided construction services of similar scope and complexity;
d) Affirm by its signature on **Exhibit A**, Affirmations and Solicitation Acceptance for State Architectural/Engineering and Construction Projects, acceptance to be bound by all state of Texas required contract clauses.

e) Submit its "certificate of status" issued by the Texas Secretary of State, or if a general partnership or sole proprietorship, its "assumed name certificate" issued by a Texas county, showing Respondent is authorized to do business in the State of Texas;

f) Submit a letter of intent from a surety company indicating Respondent is financially solvent, adequately capitalized, and able 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;

g) Submit a compliant HSP, as set forth in **Section 1.25**;

h) Submit references for three 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; and

i) Submit a security bond in the form of a cashier's check, certified check, or original bid bond payable to the Health and Human Services Commission, in an amount not less than **5%** of the largest possible total proposed cost, including consideration of alternates, to be held by the Owner's representative in accordance with Section 6 of **Exhibit F**. No other form of security will be accepted.

3.2 Selection Criteria

Proposals 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**.

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**, Evaluation Criteria and Tool. Each Respondent must provide all information required for evaluation as set forth within **Exhibit G**. The evaluation criteria categories are:

a) **Respondent's Ability to Provide Relevant Construction Services and Respondent's Proposed Team's Relevant Experience - Evaluation Criterion 1.1, 1.2, and 1.3** (30% Value)

b) **Respondent's Quality and Safety Program - Evaluation Criterion 2** (5% Value)

c) **Respondent's Financial Stability and Risk - Evaluation Criterion 3.1 and 3.2** (10% Value) (**Exhibit E**, Respondent's Information, Disclosures, and Financial Form)

d) **Respondent's Proposed Methodology - Evaluation Criterion 4** (15% Value)

e) **Respondent's Pricing Proposal - Evaluation Criterion 5** (40% Value) (**Exhibit F**, Respondent's Pricing Proposal Form)

SECTION 4 – FORMAT OF PROPOSALS AND SUBMISSION CHECKLIST

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 consist of answers to questions and statements referenced throughout the RFP. It is not necessary to repeat the RFP requirement in the Proposal response; however, the RFP section number should be included in the corresponding answer or with any submitted information.

4.1.3 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.

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

4.1.5 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.

4.1.6 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 items/requirements from this RFP when deemed to be in Owner's best interest.

4.1.7 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**.

4.1.8 Proposals received without the information and documentation required in this RFP **may be DISQUALIFIED. The Owner, in its sole discretion, will review all Proposals received and determine if any Proposals will be disqualified or if additional time will be permitted for submission of the incomplete or missing documentation. If additional time will be permitted, Respondents will be notified in writing of the opportunity to provide the missing documentation by a specified deadline. Failure by a Respondent to submit the requested documentation by the deadline WILL result in disqualification.**

4.2 Formatting and Page Size

4.2.1 Proposals shall be digitally formatted for letter-size (8-1/2" x 11") and combined into a single document, when possible, with divider pages before each section.

4.2.1.1 **ALL DOCUMENTS SHALL BE SUBMITTED AS A SEARCHABLE ADOBE® PDF FILE. HOWEVER, IF RESPONDENT IS UNABLE TO SUBMIT A SEARCHABLE PDF FILE, IT SHOULD SUBMIT DOCUMENTS IN MICROSOFT OFFICE® FORMATS (WORD® AND EXCEL®) OR IN A FORM THAT MAY BE READ BY MICROSOFT OFFICE® SOFTWARE, EXCLUDING ANY DOCUMENTS WITH SIGNATURES THAT SHALL BE SUBMITTED AS A PDF FILE.**

4.2.1.2 **HHSC IS NOT RESPONSIBLE FOR DOCUMENTS THAT CANNOT BE READ OR CONVERTED. UNREADABLE PROPOSALS MAY BE, AT HHSC'S DISCRETION, REJECTED AS NONRESPONSIVE.**

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

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

4.4 Pagination

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

4.5 Submittal Checklist

4.5.1 **Solicitation Proposal Package**. The Respondent's Proposal package must include one "**Original**" Proposal and, if applicable, one "**Public Information Act Copy**" Proposal, if applicable, and be submitted in accordance with **Section 1.12.1**.

4.5.2 Respondent shall organize its Proposal in accordance with the checklist below, which is being provided for Respondent's convenience only. Each Respondent is solely responsible for ensuring its Proposal is submitted in accordance with all RFP requirements. In no event will the Owner be responsible or liable for any missing RFP requirements or errors within a Respondent's Proposal package. The Proposal package must be submitted in the following order:

Proposal Package and Response Submittal Order	Include
USB Flash Drive (Labeled "Proposal")	
1. Proposal Cover	
2. Cover Letter	
3. Table of Contents	
4. **Criterion 1.1, 1.2, 1.3:** Respondent's Ability to Provide Relevant Construction Services and Respondent's Proposed Team Relevant Experience	
5. **Criterion 2:** Quality and Safety Programs	
6. **Criterion 3:** Respondent's Financial Stability and Risk (**Exhibit E, Part 6**)	
7. **Criterion 4:** Respondent's Proposed Methodology	
8. **Criterion 5:** Signed Respondent's Pricing Proposal Form (**Exhibit F**)	
9. Signed Affirmations and Solicitation Acceptance for State Architectural/Engineering and Construction Projects (**Exhibit A**)	
10. Exceptions Form, *if applicable* (**Exhibit D**)	
11. Respondent's Information, Disclosures, and Financial Form (**Exhibit E**)	
12. Documentation that Respondent is authorized to do business in the state of Texas.	
13. Letter of intent from a surety company	
14. References	
USB Flash Drive (Labeled "HSP")	
15. **Exhibit B,** HUB Subcontracting Plan - The HUB Subcontracting Plan should be submitted in accordance with **Section 1.12.1.3***	
Separate Envelope within Solicitation Package (Labeled "Security Bond")	
16. Security Bond	

SECTION 5 – SOLICITATION, CONTRACT, AND CONSTRUCTION DOCUMENTS

5.1 Bidding Requirements and Documents

The Solicitation documents include the bidding requirements and the proposed Contract documents in Attachment B (General Conditions) to **Exhibit C** of this Solicitation. The bidding requirements consist of the Solicitation advertisement, the RFP, the Respondent's Pricing Proposal Form, and other bidding and contract forms. The Contract documents include the performance and payment bonds, Texas Uniform General Conditions for Construction Contracts with HHSC Supplementary General Conditions, Special Conditions, Prevailing Wage Rate Determination, HUB Subcontracting Plan, other forms and documents identified in the Contract, Drawings, Specifications, and all Addenda issued prior to receipt of Proposals.

5.2 Disclosure of Interested Parties

Subject to certain specified exceptions, *Texas Government Code* §2252.908, Disclosure of Interested Parties, applies to a contract of a state agency that has a value of at least $1 million or a contract that requires an action or vote by the governing body of the agency before the contract may be signed. One of the requirements of Section 2252.908 is that a business entity

(defined as "any entity recognized by law through which business is conducted, including a sole proprietorship, partnership, or corporation") must submit a Form 1295, Certificate of Interested Parties, to the state agency at the time the business entity submits the signed contract to the agency.

Respondent represents and warrants that, if selected for award of a Contract as a result of this RFP, Respondent will submit to the Owner a Certificate of Interested Parties at the time Respondent submits the signed Contract. Form 1295 involves an electronic process through the Texas Ethics Commission ("**TEC**").

Information regarding the on-line process for completing Form 1295 is available at: https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm.

For further information:
Reference Section 2252.908 of the Texas Government Code which can be accessed at:
https://statutes.capitol.texas.gov/Docs/GV/htm/GV.2252.htm#2252.908

Texas Administrative Code, Title 1, Chapter 46, Disclosure of Interested Parties, can be accessed at: https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=4&ti=1&pt=2&ch=46&rl=Y.

If the selected Respondent does not timely submit a completed, certified, and signed TEC Form 1295 to the Owner with the signed Contract, the Owner is prohibited by law from executing a Contract, even if the selected Respondent is otherwise eligible for award. As a result, the Owner may award the Contract to the next qualified Respondent, who will then be subject to this procedure.

5.3 Construction Documents and Distribution

Electronic documents are available from the **ESBD** posting for this RFP or the Owner's Point-of-Contact listed in **Section 1.13** who can provide two sets of drawings and specifications 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, other than digital documents, will not be issued free to suppliers, material companies, or lower tier subcontractors.

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