Cecile E. Young, Executive Commissioner

Request for Qualifications (RFQ) For Indefinite Delivery Indefinite Quantity (IDIQ) Professional Architectural and Engineering Services

RFQ No. HHS0010333

Date of Release: May 25, 2021
Responses Due: Wednesday, June 16, 2021 by 10:30 AM Central Time

NIGP Class/Item Codes:

906 – 10 Buildings, Architectural Design Services
906 – 27 Energy Management, Architectural Services
906 – 28 Energy Conservation; New Energy Sources, Solar, etc., Architectural Services
906 – 29 Environmental and Energy, Architectural Services
906 – 44 Heating; Ventilating; Air Conditioning, Architectural Services
907 – 83 Testing Services
925 – 07 Air Conditioning, Heating and Ventilating Engineering
925 – 17 Civil Engineering
925 – 31 Electrical Engineering, Including Cogeneration Design Services
925 – 35 Environmental Engineering
925 – 39 Fire Protection Engineering
925 – 46 Geotechnical Engineering
925 – 55 Inspecting, General Engineering
925 – 56 Inspecting, Structural Engineering
925 – 67 Mechanical Engineering
925 – 81 Roofing Engineering
992 – 47 HVAC System Testing, Balancing and Troubleshooting Services

ARTICLE I. EXECUTIVE SUMMARY, DEFINITIONS, AND AUTHORITY

1.1 EXECUTIVE SUMMARY

The Texas Health and Human Services Commission ("HHSC" or "Owner") issues this Request for Qualifications (RFQ) to solicit qualifications from architectural and engineering design professionals interested in providing design and associated construction administration services on construction projects. The relevant facilities are sometimes referred to herein as "HHS Agency facilities," the singular "Agency facility," or "Agency facilities."

HHSC seeks design professionals to provide the specified services on an Indefinite Delivery/Indefinite Quantity (IDIQ) contract basis. Projects typically range from approximately $25,000 to $5,000,000 in construction value for replacement, repair, renovation, and rehabilitation projects, with limited new construction, primarily for health care and related occupancies.

1.1.1 This Solicitation is being issued to select a Professional Services provider for architectural and/or engineering services relating to construction, replacement, repair, renovation, and rehabilitation projects as provided by *Texas Government Code* Chapter 2254, Subchapter A.

1.1.2 The Owner will select professional firms under contract that are deemed 'most qualified' for future projects based on the published selection criteria and on Owner's determination of 'most qualified' and proximity locale in relation to the specific Agency facility campus. The Owner will first attempt to negotiate an Activation (as defined below) of the contract with the selected firm, and if the Owner is unable to reach an agreement on the Activation with the selected firm, the Owner will formally end negotiations with that Respondent and proceed to the next qualified Respondent in the order of determination by Owner.

HHSC intends to select design professionals for each discipline identified in this RFQ on a regional basis. The HHS Agency facilities comprise approximately 1,450 buildings at 25 facilities in 4 regions located throughout Texas.

HHSC is seeking design professionals in the particular disciplines identified below:

1. **Environmental Engineering;**
2. **Architectural;**
3. **Civil Engineering;**
4. **Mechanical, Electrical and Plumbing Engineering;**
5. **Fire Protection Engineering;**
6. **Roofing Consulting;**
7. **Building Envelope Analysis;**
8. **HVAC Testing and Balancing; and**
9. **Geotechnical and Materials Testing.**

Respondents will refer to the attached **Exhibit E, Professional Design Services Discipline and Region Designation**, for further description of the disciplines in which HHSC seeks to engage design professionals through this RFQ process, and other requirements for the Solicitation Response.

Responses to this RFQ must be received no later than Day/Date/Time at the designated address as set forth in this RFQ.

To be considered for a contract award, Respondents must complete, execute, and submit the attached **Exhibit A**, **Affirmations and Solicitation Acceptance for State Architectural/Engineering and Construction Projects (sometimes referred to as "Solicitation Affirmations"),** and must provide all other required information and documentation as set forth in this Solicitation.

Information regarding HHSC and its programs is available online and can currently be accessed at the HHSC website, hhs.texas.gov.

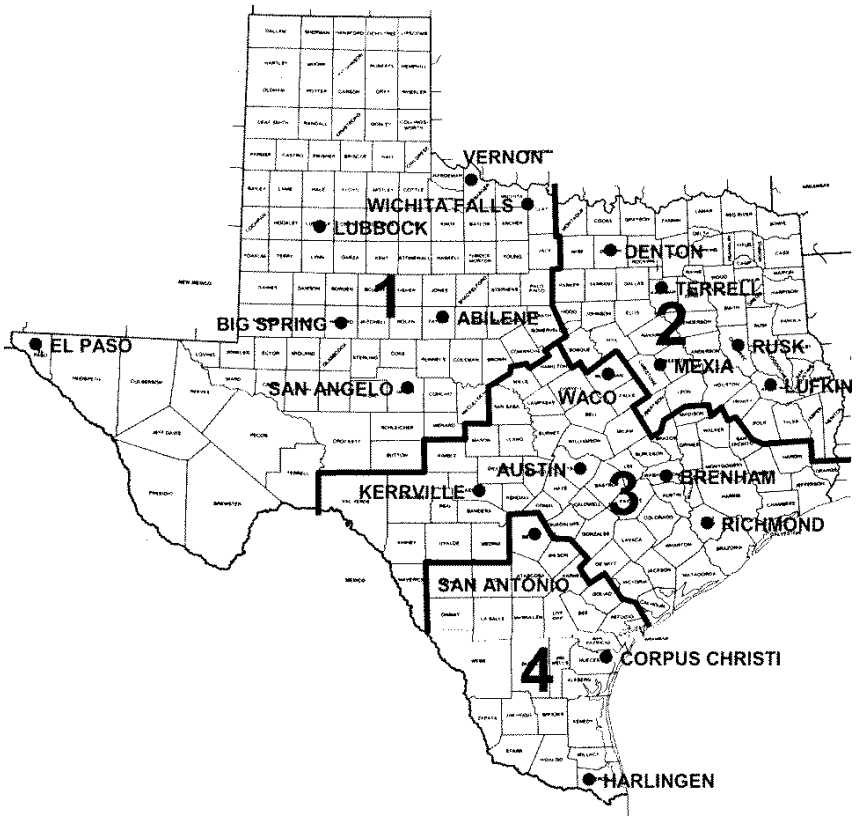
The State has been divided into four (4) regions as shown on the map below, with HHSC Agency facilities located within each region as follows:

Region 1: Abilene State Supported Living Center (Abilene, TX), Big Spring State Hospital (Big Spring, TX), El Paso State Center (El Paso, TX), El Paso Psychiatric Center (El Paso, TX), Lubbock State Supported Living Center (Lubbock, TX), North Texas State Hospital – Vernon Campus (Vernon, TX), North Texas State Hospital – Wichita Falls Campus (Wichita Falls, TX), and San Angelo State Supported Living Center (Carlsbad, TX).

Region 2: Denton State Supported Living Center (Denton, TX), Lufkin State Supported Living Center (Pollok, TX), Mexia State Supported Living Center (Mexia, TX), Rusk State Hospital (Rusk, TX) and Terrell State Hospital (Terrell, TX).

Region 3: Austin State Supported Living Center (Austin, TX), Austin State Hospital (Austin, TX), Central Office (Austin, TX), Brenham State Supported Living Center (Brenham, TX), Kerrville State Hospital (Kerrville, TX), Richmond State Supported Living Center (Richmond, TX) and Waco Center for Youth (Waco, TX).

Region 4: San Antonio State Supported Living Center (San Antonio, TX), San Antonio State Hospital (San Antonio, TX), and Texas Center for Infectious Diseases (San Antonio, TX), Corpus Christi State Supported Living Center (Corpus Christi, TX) and Rio Grande State Center (Harlingen, TX).



Regions and HHS Agency Facility Locations

1.2 DEFINITIONS

As used in this Solicitation, unless the context clearly indicates otherwise, the following terms and conditions have the meanings assigned below:

"**Activation**" means the agreement that defines individual projects released under the IDIQ base contract for a specific HHS Agency facility in a specific region. Each Activation will identify the scope of the project to be completed, the construction budget, and a negotiated fee with requirements for meetings, document milestones, and reimbursement.

"**Addendum**" means a written clarification or revision to this Solicitation issued by the HHSC and posted to the ESBD.

"**A/E**" also known as Architect/Engineer, means each Respondent, if any, awarded a Contract as a result of this Solicitation.

"**ESBD**" means the Electronic State Business Daily, the electronic marketplace where State of Texas bid opportunities over $25,000 are posted. The ESBD may currently be accessed at http://www.txsmartbuy.com/esbd.

"**Health and Human Services Commission**" or "**HHSC**" or "HHS" means the administrative agency established under Chapter 531, Texas Government Code or its designee. As stated above, "Health and Human Services Commission" also may be referred to as "Owner".

"**HUB**" means Historically Underutilized Business, as defined by Chapter 2161 of the Texas Government Code.

"Owner" means "Health and Human Services" or "HHSC".

"Proposal" means all information and materials submitted by a Respondent in response to this Solicitation. Also referred to as "Solicitation Response."

"**Respondent**" means **any person or entity that submits a Proposal in response to this Solicitation. Unless the context clearly indicates otherwise, all terms and conditions of this Solicitation and resulting Contract that refers to Respondent apply with equal force to A/E.**

"**Solicitation**" or "**RFQ**" means this Request for Qualifications, including all attachments, exhibits, and addenda posted on the ESBD.

"**SOQ**" means Statement of Qualifications.

"Solicitation Response" means all information and materials submitted by a Respondent in response to this Solicitation. Also referred to as "Proposal."

"**State**" means the State of Texas and its instrumentalities, including HHSC, State Supported Living Centers (SSLCs), State Hospitals (SHs), and any other state agency, its officers, employees, or authorized agents.

1.3 AUTHORITY

As referred to above, HHSC is soliciting the services listed herein under Title 10, Chapter 2254 of the Texas Government Code.

ARTICLE II. DESCRIPTION OF SERVICES

2.1 DESCRIPTION OF SERVICES/

The Texas Health and Human Services Commission (HHSC) is requesting qualifications from professional firms engaged in **Architectural, Environmental Engineering, Civil Engineering, Mechanical, Electrical and Plumbing, Fire Protection Engineering, Roofing Consulting, Building Envelope Analysis, HVAC Testing and Balancing, and Geotechnical and Materials Testing** that are interested in providing design, construction documents, and associated construction administration services, including Construction Manager-at-Risk (CMR) construction administration, on an Indefinite Delivery/Indefinite Quantity contract award basis for capital construction projects.

2.2 CONTRACT AWARD, TERM AND AMOUNT

2.2.1 Contract Award and Execution

HHSC intends to award one or more Contracts as a result of this Solicitation. Any award is contingent upon approval of the Executive Commissioner or designee, and the negotiation of a mutually agreeable Contract.

A/E's selected by HHSC for an award will be expected to negotiate in good faith with HHSC to agree upon a final Contract with a minimum of modifications in HHSC's specified terms and conditions as set forth in the **Draft Architectural/Engineering Agreement** and attachments, attached hereto as **Exhibit "C"**.

HHSC reserves the right to cancel, make partial award, or decline to award a contract under this Solicitation at any time at its sole discretion.

2.2.2 Contract Term

The initial term (also referred to as the base term) of any Contract resulting from this Solicitation will be for a period of two (2) years, beginning September 1, 2021, and expiring August 31, 2023. HHSC, at its sole option, may extend the term of any Contract awarded pursuant to this Solicitation for up to two (2) additional years.

Following the base term and any allowable extensions, HHSC may extend any resulting Contract for the purpose of completing an assigned Activation or as necessary to ensure continuity of service, to process a new solicitation, to secure a new contract, for purposes of transition, or as otherwise determined by HHSC to serve the best interest of the State of Texas.

2.2.3 Contract Amount

A/E's selected under this Solicitation (if any) will be compensated on a negotiated fee basis for each Activation for a specific project, depending on the scope of work and length of time involved.

2.3 NO GUARANTEE OF VOLUME, USAGE OR COMPENSATION

HHSC makes no guarantee of volume, usage, or total compensation to be paid to any A/E under any awarded Contract, if any, resulting from this Solicitation. Additionally, all HHSC contracts are subject to appropriations, the availability of funds, and termination.

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ARTICLE III. ADMINISTRATIVE INFORMATION

3.1 SCHEDULE OF EVENTS

EVENT	DATE/TIME
Solicitation Release Date	May 25, 2021
Pre-proposal Webinars #1- Optional	Friday, May 28, 2021 at 9:00 AM Central Time
Pre-proposal Webinars #2- Optional	Tuesday, June 1, 2021 at 9:00 AM Central Time
Deadline for Submitting Vendor Questions	Friday, June 4, 2021 by 5:00 PM Central Time
Deadline for submission of Solicitation Responses [NOTE: Responses must be RECEIVED by HHSC by the deadline.]	Wednesday, June 16, 2021 by 10:30 AM Central Time
Anticipated Notice of Intent to Award	June 30, 2021
Anticipated Contract Start Date	September 1, 2021

Respondents must submit their Solicitation Responses to HHSC in accordance with the due date and time indicated in this Schedule of Events or as changed via an Addendum posted to the ESBD.

NOTE: All dates are tentative and HHSC reserves the right to modify these dates at any time. At the sole discretion of HHSC, events listed in the Schedule of Events are subject to scheduling changes and cancellation. Scheduling changes or cancellation determinations made prior to the Deadline for Submission will be published by posting an Addendum to the ESBD. After the Deadline for Submission, if there are delays that significantly impact the anticipated award date, HHSC, at its sole discretion, may post updates regarding the anticipated award date to the Procurement Forecast on the HHS Procurement Opportunities web page. Each Respondent is responsible for checking the ESBD and Procurement Forecast for updates.

By submitting a Solicitation Response, Respondent represents and warrants that any individual submitting the Solicitation Response and any related documents on behalf of the Respondent is authorized to do so and to bind the Respondent under any contract that may result from this Solicitation.

3.2 OPTIONAL PRE-PROPOSAL WEBINARS

Pre-proposal Webinars will be held at the dates and times described below. **Attendance at one of the pre-proposal webinars is OPTIONAL.**

Optional Pre-Proposal Webinars:

Pre-Proposal Webinar #1: Friday, May 28, 2021 at 9:00 AM Central Time
OR
Pre-Proposal Webinar #2: Tuesday, June 1, 2021 at 9:00 AM Central Time

Please register for the webinar at:
https://attendee.gotowebinar.com/rt/7777249678804761103.

After registering, you will receive a confirmation e-mail containing information about joining the webinar.

3.3 CHANGES, AMENDMENTS OR MODIFICATIONS TO SOLICITATION

HHSC reserves the right to change, amend, modify or cancel this Solicitation and will post all changes, amendments, modifications and cancellation notices on the ESBD with notice by e-mail to (1) the original vendor list that received notice of the posting of the Solicitation (those on the Centralized Master Bidders List (CMBL)) and those included by appropriate agency approval), (2) the attendees and call participants of any conference for vendors (for those attendees and participants that provided email addresses), and (3) vendors that submitted proper and timely questions or requests for clarification.

It is the responsibility of each Respondent to periodically check the ESBD for any additional information regarding this Solicitation. Failure to check the ESBD will in no way release any Respondent or awarded A/E from the requirements of posted Addenda or additional information. HHSC will not be responsible or liable in any regard for the failure of any individual or entity to receive notification of any posting to the ESBD or for the failure of any Respondent or awarded A/E to stay informed of all postings to the ESBD. If the Respondent fails to monitor the ESBD for any changes or modifications to this Solicitation, such failure will not relieve the Respondent of its obligation to fulfill the requirements as posted.

3.4 IRREGULARITIES

Any irregularities or lack of clarity in this Solicitation should be brought to the attention of the Point of Contact listed in Section 3.6.1 as soon as possible so corrective addenda may be furnished to prospective Respondents.

3.5 INFORMALITIES

HHSC reserves the right to waive minor informalities in a Solicitation Response if it is in the best interest of HHSC. A "minor informality" is an omission or error that, in HHSC's determination if waived or modified when evaluating Solicitation Responses, would not give a Respondent an unfair advantage over other Respondents or result in a material change in the Solicitation Response or Solicitation requirements.

3.6 INQUIRIES

3.6.1 Point of Contact

All requests, questions or other communication about this Solicitation shall be made in writing via email, addressed to the person listed below as HHSC's Point of Contact.

Attempts to ask questions by phone or in person will not be allowed or recognized as valid.

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.

Colin Gresham, CTCD, CTCM

Colin.gresham@hhs.texas.gov

Respondents shall NOT use this e-mail address for submission of a Solicitation Response. Follow the instructions for submission outlined in Section 3.7.

Vendors, potential respondents and their representatives shall not contact other HHSC personnel regarding this Solicitation, except as stated in Section 3.6.2 below.

This restriction (on only communicating in writing with the HHSC sole point of contact identified above) does not preclude discussions between Respondent and agency personnel for the purposes of conducting business unrelated to this Solicitation.

Failure of a Respondent or its representatives to comply with these requirements may result in disqualification of the Respondent's Solicitation Response.

3.6.2 Exception to Point of Contact

The only exception to the Point-of-Contact is for questions regarding the process and proper completion of the HSP, which may be submitted directly to the HHSC HUB Coordinator, Cheryl Bradley at Cheryl.bradley@hhs.texas.gov with a **required** courtesy copy (cc) to the Point of Contact. Failure to provide a required courtesy copy to the Sole Point of Contact may result in disqualification of the Respondent's Proposal.

3.6.3 Questions

HHSC will allow written questions and requests for clarification regarding this Solicitation if submitted by e-mail to the Point of Contact (Section 3.6.1) by the deadline established in the Schedule of Events (Article III) or deadlines established in subsequent Addenda, if any, posted to the ESBD. Responses to questions or other written requests for clarification will be consolidated and posted in one or more Addendum on the ESBD; they will not be provided individually to requestors.

All questions and requests for clarification must include the following information:

- RFQ Number
- Section or paragraph number from this Solicitation

- Page number of this Solicitation
- Exhibit and section or paragraph number from the Exhibit
- Page number of the Exhibit
- Language, topic, section heading being questioned
- Question for HHSC

Requestor Contact Information must be included in the body of the e-mail submitted with questions:

- Company Name
- Company Representative Name
- Phone Number
- E-Mail address

Questions or requests for clarification received after the deadline set in the Schedule of Events (Article III above), may be reviewed by HHSC, but will not be answered.

3.6.4 Ambiguity, Conflict, Discrepancy

A potential Respondent must notify the Point of Contact of any ambiguity, conflict, discrepancy, exclusionary specifications, omission or other error in the Solicitation in the manner and by the deadline for submitting Vendor questions.

Each Respondent submits its Solicitation Response at its own risk.

If a Respondent fails to properly and timely notify the Point of Contact of any ambiguity, conflict, discrepancy, exclusionary specification, omission or other error in the Solicitation, Respondent, whether awarded a contract or not: (1) will have waived any claim of error or ambiguity in the Solicitation and any resulting Contract, (2) will not contest the interpretation by HHSC of such provision(s), and (3) will not be entitled to additional compensation, relief, or time by reason of ambiguity, conflict, discrepancy, exclusionary specification, omission, or other error or its later correction.

3.7 SOLICITATION RESPONSE AND SUBMISSION

3.7.1 Number of Copies

Respondent must submit an original Solicitation Response which includes all required documents.

Note: A Solicitation Response received without the completed and signed **Exhibit A**, Affirmations and Solicitation Acceptance for State Architectural/Engineering and Construction Projects will be disqualified.

Respondent must submit a copy of its complete Solicitation Response in searchable portable document format (.pdf) on a USB flash drive labeled Original Copy. Respondent must submit the Public Information Act Copy of the Solicitation Response, if applicable, (see Section 7.1.4) in searchable portable document format (.pdf), on a separate USB flash drive labeled Public Information Act Copy.

Failure to submit all required documents in required format(s) may result in disqualification of a Respondent's Solicitation Response without further consideration. A Respondent will prepare a Solicitation Response that clearly and concisely represents its qualifications and capabilities under this Solicitation. Respondent should focus on the instructions and requirements stated in this Solicitation.

Submit one electronic copy of the Original Solicitation Response and, if applicable, one electronic copy of the Public Information Act ("PIA") Copy, on one USB Flash Drive(s) that are labeled "Proposal" (and "PIA Proposal" if one is submitted). The Respondent's signed **Exhibit A, Affirmations and Solicitation Acceptance for State Architectural/Engineering and Construction Projects** must be included with the proposal response.

3.7.2 Solicitation Response Organization

A Respondent must submit its original Solicitation Response with tabbed sections and organized in the order specified in Section 5.1.

The copies should be saved to the USB flash drive in separate files replicating the order specified in Section 5.1.

The entire Solicitation Response and the copy submitted on USB flash drives must be submitted in one package to HHSC at the address listed below in Section 3.7.3.

3.7.3 Submission of Response

3.7.3.1 Response Delivery and Location:

Responses and HSP must be received by the Owner in accordance with *Texas Administrative Code* Title 34, Part 1, Chapter 20, Subchapter D, Division 1, §20.285(b)(2), by or before the date and time set forth in Section 3.1 – Schedule of Events and at the location described below.

Express / Overnight and Hand Delivery Address:

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

USPS Mail Address:

HHSC Procurement and Contracting Services
Bid Room
Attn: Colin Gresham
P.O. Box 149166
Austin, TX 78714-9166

Each Response must be labeled:

RFQ No. HHS0010333
Purchaser's Name Colin Gresham
Due Date and Time: June 16, 2021 by 10:30 AM Central Time
Name of Respondent: XXXXX

The Owner will not acknowledge or consider Responses that are delivered by telephone, facsimile (fax), or electronic mail (e-mail).

Properly submitted Responses will not be returned to the Respondents.

3.7.3.2 Late Responses

The Owner will not be held responsible for any Response that is mishandled prior to receipt by Owner. It is Respondent's responsibility to mark appropriately and deliver the Response to the Owner by the specified date and time. The Bid Room Coordinator will identify the official time clock at the Response submittal location identified above. Responses become the property of Owner and will not be returned.

3.7.3.3 Withdrawal of Response

Prior to the RFQ submission deadline, a Respondent may: (1) withdraw its Response by submitting a written request to the Owner's Point-of-Contact provided in Section 3.6.1; or (2) modify its Response by submitting a written amendment to Owner's Point-of-Contact provided in Section 3.6.1.

3.7.4 Discrepancies

Discrepancies or disparities between the contents of original Solicitation Responses and copies will be interpreted in favor of HHSC. If Respondent fails to designate an "ORIGINAL," then HHSC may reject the Solicitation Response or select a copy to be used as the original.

3.7.5 Exceptions

HHSC may more favorably consider Solicitation Responses that offer no or few exceptions, reservations, or limitations to the requirements and the terms and conditions of the Solicitation.

Respondents are highly encouraged, in lieu of including exceptions in their Solicitation Responses, to address all issues that might be advanced by way of exception through the submission of such issues as questions to HHSC, as specified in Section 3.6.3. **If a Respondent includes any exception in its Solicitation Response, it may result in the Respondent not being awarded a Contract.**

If a Respondent includes exceptions in its Solicitation Response, Respondent is required to complete and submit the Exceptions Form attached hereto as **Exhibit F, Exceptions Form,** and must provide all information requested on the form. (The required information includes the Solicitation Section Number, Solicitation Section Title, Language to which Exception

is Taken, Proposed Language, and a Statement as to whether or not, by indicating only "yes" or "no," the Respondent still wants to be considered for a contract award if the exception is denied.) Any exception noted by a Respondent on the Exception Form that does not provide all required information without qualification, in the required format, may be rejected without consideration.

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

A Solicitation Response should be responsive to the Solicitation as worded, without any expectation that any or all terms, conditions, or provisions of the Solicitation will be negotiated. Furthermore, all Solicitation Responses constitute binding offers contingent upon being accepted by HHSC without any negotiation.

Any Solicitation Response to this Solicitation that includes any type of disclaimer or other statement indicating that the Response does not constitute a binding offer may be disqualified.

3.7.6 Assumptions

Respondent**s** must identify on the **Exhibit F, Exceptions Form** any business, economic, legal, programmatic, or practical assumptions that underlie the Respondent's response to the Solicitation. HHSC reserves the right to accept or reject any assumptions. All assumptions not expressly identified and incorporated into any contract resulting from this RFQ are deemed rejected by HHSC.

ARTICLE IV. SOLICITATION RESPONSE EVALUATION

4.1 EVALUATION CRITERIA

4.1.1 Information Regarding Pricing and Selection

HHSC will evaluate Solicitation Responses in accordance with Chapter 2254, Subchapter A, Professional Services, of the Texas Government Code.

Solicitation Responses must not include any information regarding the Respondent firm's fees, pricing or other compensation.

HHSC will make the selection of one or more Respondents (if any) to contract with HHSC on the basis of demonstrated competence and qualifications, and subject to the negotiation of a fair and reasonable pricing arrangement.

4.1.2 Minimum Qualifications

Respondents must meet the minimum qualifications listed below in this Section.

The minimum qualifications for a Solicitation Response are the following:

a) Each Respondent must (i) submit a completed Solicitation Response in accordance with Article VII (ii) certify that Respondent has a licensed architect or registered engineer licensed in the State of Texas who will be assigned to any HHSC

project, and (iii) certify that it has been in business continuously and without interruption for a minimum of five (5) years.

b) Each Respondent must have demonstrated relevant experience in each discipline for which it proposes to contract with HHSC.

c) Each Respondent must submit documentation demonstrating that Respondent is financially solvent and adequately capitalized.

d) Each Respondent must submit documentation demonstrating that Respondent is authorized to do business in the State of Texas by submitting 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.

e) Each Respondent must 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 RFQ process. The Owner reserves the right to contact any other references at any time during the RFQ process".

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4.1.3 Evaluation Criteria

HHSC will evaluate and score all Solicitation Responses on a consistent basis in accordance with the following criteria:

Level One review will begin with determining whether a Respondent meets the minimum eligibility requirements listed in Section 4.1.2, Minimum Qualifications.

Level Two will continue with further evaluation of documents submitted by each Respondent as indicated below and in accordance with **Exhibit H – Evaluation Criteria and Tool**. The categories shown below are reviewed with a base score and weighted with a significance factor to determine final score in each category.

Level Two: a) Specialized expertise in relation to selected discipline;

b) Relevant experience related to behavioral health and assisted living facilities;

c) Design professional capabilities on similar projects;

d) Relevant expertise of key personnel in relation to selected discipline;

e) Proximity to Region and Facility Locations, stated above in Section 1.1, that Respondent wants to be considered for.

Level Three review, if required, will include HHCS's review of the references given in the Respondent firm's response, usually by phone contact, to conduct an interview and research the firm's past performance.

4.1.4 Other Information

HHSC may contact the references provided by Respondent in response to this Solicitation, contact Respondent's clients, or solicit information from any available source, including the Comptroller's Vendor Performance Tracking System.

4.2 INITIAL COMPLIANCE SCREENING

HHSC will perform an initial screening of all Solicitation Responses received. Respondents are on notice that any Solicitation Responses i) that are submitted without a signed Exhibit A, Affirmations and Solicitation Acceptance for State Architectural/Engineering and Construction Projects, ii) that do not meet the requirements of Section 4.1.2, Minimum Qualifications, or iii) that do not include all required forms and information may be subject to rejection without further evaluation.

4.3 QUESTIONS OR REQUESTS FOR CLARIFICATION BY HHSC

HHSC reserves the right to ask questions or request clarification from any Respondent at any time during the Solicitation process.

ARTICLE V. STATEMENT OF QUALIFICATIONS

5.1 NARRATIVE AND COMPANY INFORMATION EVALUATION CRITERIA 20%

Respondent must provide satisfactory evidence of its ability to manage and coordinate the types of activities described in this Solicitation and to produce the specified services on time. As a part of the Solicitation Response above, Respondent must provide the following information, properly tabbed and in the order listed:

5.1.1 Table of Contents and Letter of Interest/Company Narrative

Respondent must provide a Table of Contents listing all divisions and exhibits contained in its Solicitation Response and identifying the various subdivisions by page numbers.

Respondent must provide a detailed letter of interest describing the Respondent company and, in accordance with **Exhibit E, Professional Design Services Discipline and Region Designation**, identifying the discipline(s) in which the design professional proposes to provide services to HHSC, the region(s) for which the Respondent wants to be considered, and the location of the Respondent's office(s) that will provide the services, including the name of the contact person at that office. <u>If a Respondent submits Solicitation Responses for services in multiple disciplines, then each Response must be a separate submittal responding to the requirements listed</u>.

5.1.2 Company Profile **Evaluation Criteria 10%**

Respondent must provide a company profile including the following information:

(a) The company ownership structure (corporation, partnership, LLC, or sole proprietorship). The Respondent firm must be the entity that will perform the majority of the work under a Contract, throughout the duration of the Contract;

(b) The year the Respondent company was founded and/or incorporated. If Respondent is incorporated, it must indicate the state where the company is incorporated and the date of incorporation;

(c) The location of the Respondent company headquarters and any field office(s) that may provide services for any Contract resulting from this Solicitation;

(d) The number of employees in the Respondent company, both locally and nationally, and the location(s) from which employees may be assigned to work on a project under a Contract with HHSC;

(e) The name, address, and telephone number of Respondent's point of contact for any Contract resulting from this Solicitation; and

(f) Respondent must indicate whether it has ever been engaged under a contract by any Texas state agency. If "Yes," then Respondent will specify when, for what duties, and for which agency.

Note: If Respondent is an out-of-state company, then it must provide a Certificate of Authority from the Texas Secretary of State to do business in Texas.

5.1.3 Discipline, Relevant Qualifications and Experience **Evaluation Criteria 70%**

Respondent shall complete and submit the **Exhibit E, Professional Design Services Discipline and Region Designation**, for the preferred disciplines for which Respondent wishes to be considered. **Respondents shall submit no more than two (2) preferred disciplines per Region from the disciplines listed in the Exhibit E.**

For each discipline selected on the Exhibit E, Professional Design Services Discipline and Region Designation, Respondent shall demonstrate relevant qualifications and experience, including resumes of key individuals, relevant projects completed, and the number of professional services and support staff at each office.

5.1.4 Insurance. Respondent will provide in its Solicitation Response a written statement of its capacity to carry the types and amounts of insurance as required in Section 3.5.11 of **Exhibit C, Draft Architectural/Engineering Agreement**, and of its ability and agreement to comply with all other requirements of **Section 3.5.11 of Exhibit C.**

5.1.5 Information and Disclosure. Respondent must provide a completed Respondent Information and Disclosures form describing any potential conflicts of interest. This form is attached to this RFQ as **Exhibit D, Respondent's Information, Disclosures and Financial Form.**

5.1.6 Exhibit G, Professional Design Services Statement of Professional Services Certification. Respondent must provide a notarized **Exhibit G,** Professional Design

Services **Statement of Professional Services Certification** signed by the officer or principal of Respondent who will sign any Contract resulting from this RFQ, indicating that neither the Respondent firm nor any of its professional employees have been disciplined by their professional board Texas Board of Architectural Examiners, (https://www.tbae.texas.gov/), or Texas Board of Professional Engineers, (https://pels.texas.gov/), as applicable, within the last (5) years. Respondent must also include a statement that the person in charge of the project team has not been disciplined by his or her governing board within the last five (5) years.

5.1.7 Litigation and Contract History

Respondent must include in its Solicitation Response a complete disclosure of any alleged or significant contractual failures. In addition, Respondent must disclose any civil or criminal litigation or investigation pending over the last five (5) years that involves Respondent or in which Respondent has been judged guilty or liable, or in which there has been a jury finding of Respondent's guilt or liability. Failure to comply with the terms of this provision may disqualify Respondent. HHSC may reject any Solicitation Response based upon Respondent's prior history with the State of Texas or with any other party that demonstrates, without limitation, unsatisfactory performance, adversarial or contentious demeanor, or significant failure(s) to meet contractual obligations.

5.1.8 AFFIRMATIONS

Respondent must complete and submit with its Solicitation Response the attached **Exhibit A, Affirmations and Solicitation Acceptance for State Architectural/Engineering and Construction Projects.**

5.1.9 Exhibit B, 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 disqualification of a Proposal.

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

ARTICLE VI. 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 that is for services that would require a person to register as a lobbyist under Chapter 305 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 RFQ, 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 on the Texas Ethics Commission's website:
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 potential awardee does not timely submit a completed, certified, and signed TEC Form 1295 to the Owner, the Owner is prohibited by law from executing a Contract, even if the selected Respondent is otherwise eligible for award.

ARTICLE VII. GENERAL TERMS AND CONDITIONS

7.1 GENERAL CONDITIONS

7.1.1 Costs Incurred

Respondents understand that issuance of this Solicitation or retention of Proposals in no way constitutes a commitment by Owner to award a Contract. Owner accepts no obligations for costs incurred in preparing and submitting a Proposal, including, but not limited to,

preparing for or participating in oral presentations and site visits. Proposals shall be submitted at the sole expense of the Respondent. All Proposals shall be prepared simply and economically, providing a straightforward, concise delineation of the Respondent's capabilities to satisfy the requirements of this Solicitation.

7.1.2 A/E Responsibility

HHSC will look solely to the A/E for the performance of all contractual obligations that may result from an award based on this Solicitation. A/E will not be relieved of its obligations for any nonperformance by its subcontractors.

7.1.3 Standards of Conduct for Vendors

Pursuant to Title 1 of the Texas Administrative Code (TAC), Part 15, Chapter 391, Subchapter D, Rule §391.405(a), contractors, respondents, and vendors interested in working with HHS are required to implement standards of conduct to apply to all matters involving, or related to, those solicitations and contract(s) between themselves and HHS. These standards must adhere to ethics requirements adopted in rule, in addition to any ethics policy, or code of ethics approved by the HHSC Executive Commissioner and must be at least as restrictive as those applicable to HHS personnel in the applicable ethics law and policy provisions.

The standards of conduct must include the ten standards of ethical conduct set forth in Section I of the HHS Ethics Policy and requirements to comply with ethical standards set forth in federal and state law (including, but not limited to, 1 TAC pt. 15, ch. 391, subch. D).

The standards of conduct, together with the responsibilities and restrictions incorporated herein, also apply to subcontractors of A/E, respondents and vendors.

Standards of conduct of any contractor, respondent, vendor, or A/E may be reviewed and/or audited by the State Auditor and HHSC. Additionally, pursuant to Title 1 TAC Part 15, Chapter 391, Subchapter D, Rule §391.405(a), HHS may examine a respondent's standards of conduct in the evaluation of a bid, offer, proposal, quote, or other applicable expression of interest in a proposed purchase of goods or services.

Any vendor or contractor or A/E that violates a provision of Title 1 TAC Part 15, Chapter 391, Subchapter D may be barred from receiving future contracts or have an existing contract canceled. Additionally, HHSC may report the vendor's actions to the Comptroller of Public Accounts for statewide debarment, or law enforcement.

7.1.4 Public Information Act - Respondent Requirements Regarding Disclosure

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. Other legal authority also requires HHSC to post contracts and proposals on its public website and to provide such information to the Legislative Budget Board for posting on its public website.

Under the PIA, certain information is protected from public release. If Respondent asserts that information provided in its Solicitation Response is exempt from disclosure under the PIA, Respondent must:

a) Mark Original Proposal:

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

b) Certify in Original Proposal – Solicitations Affirmations (attached as Exhibit A to this Solicitation):

Certify, in the designated section of the Solicitation Affirmations, Respondent's confidential information assertion and the filing of its Public Information Act Copy; and

c) Public Information Act Copy of Proposal:

If desired, 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:

1) 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);
2) Each portion Respondent claims is exempt from public disclosure must be redacted (blacked out); and
3) 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 Subsection (a)(2), above. The only difference in required markings and information between the original Proposal and the "Public Information Act Copy" of the proposal will be redactions - which can only be included in the "Public Information Act Copy." There must be no redactions in the original Proposal.

By submitting a response to this Solicitation, Respondent agrees that, if Respondent does not mark the original Proposal, provide the required certification in the HHS Solicitation Affirmations, and submit the Public Information Act Copy, Respondent's Proposal will be considered to be public information that may be released to the public in any manner including, but

not limited to, in accordance with the Public Information Act, posted on HHSC's public website, and posted on the Legislative Budget Board's public website.

If any or all Respondents submit partial, but not complete, information suggesting inclusion of confidential information and failure to comply with the requirements set forth in this section, HHSC, in its sole discretion and in any solicitation, reserves the right to (1) disqualify all Respondents that fail to fully comply with the requirements set forth in this section, or (2) offer all Respondents that fail to fully comply with the requirements set forth in this section additional time to comply.

Respondent should not submit a Public Information Act Copy indicating that the entire Proposal is exempt from disclosure. Merely making a blanket claim that the entire Proposal is protected from disclosure because it contains any amount of confidential, proprietary, trade secret, or privileged information is not acceptable, and may make the entire Proposal subject to release under the PIA.

Proposals should not be marked or asserted as copyrighted material. If Respondent asserts a copyright to any portion of its Proposal, by submitting a Proposal, Respondent agrees to reproduction and posting on public websites by the State of Texas, including HHSC and all other state agencies, without cost or liability.

HHSC will strictly adhere to the requirements of the PIA regarding the disclosure of public information. As a result, by participating in this solicitation process, Respondent acknowledges that all information, documentation, and other materials submitted in the proposal in response to this Solicitation may be subject to public disclosure under the PIA. HHSC does not have authority to agree that any information submitted will not be subject to disclosure. Disclosure is governed by the PIA and by rulings of the Office of the Texas Attorney General. 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. HHSC assumes no obligation or responsibility relating to the disclosure or nondisclosure of information submitted by Respondents.

For more information concerning the types of information that may be withheld under the PIA or questions about the PIA, please refer to the Public Information Act Handbook published by the Office of the Texas Attorney General or contact the attorney general's Open Government Hotline at (512) 478-OPEN (6736) or toll-free at (877) 673-6839 (877-OPEN TEX). To access the Public Information Act Handbook, please visit the attorney general's website at http://www.texasattorneygeneral.gov.

7.2 Respondent Waiver – Intellectual Property

RESPONSE TO THIS SOLICITATION CONSTITUTES AN IRREVOCABLE WAIVER AND AGREEMENT BY THE SUBMITTING PARTY TO FULLY INDEMNIFY THE STATE FROM ANY CLAIM OF INFRINGEMENT BY THE STATE REGARDING THE INTELLECTUAL PROPERTY RIGHTS OF THE SUBMITTING PARTY OR ANY THIRD PARTY FOR ANY MATERIALS SUBMITTED TO THE STATE BY THE SUBMITTING PARTY.

7.3 PROTEST

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 C.

ARTICLE VII. SUBMISSION CHECKLIST

This checklist identifies documents that must be submitted with the Respondent's Solicitation Response in order to be considered responsive. Any Solicitation Response received without these requisite documents in this order may be deemed nonresponsive and may not be considered for a contract award. This checklist is for the convenience of Respondent; each individual Respondent should ensure that there is not additional information required to be submitted by the individual Respondent based on the entirety of this Solicitation.

Original Solicitation Response Package

The Respondent's Solicitation Response package must include tabbed sections as listed below.

1. **Solicitation Response**
   a. Letter of Interest (Section 5.1.1) ____
   b. Company Profile (Section 5.1.2) ____
   c. Exhibit E, Professional Design Services Discipline and Region Designation (Section 5.1.3) ____
   d. Relevant Qualifications and Experience (Section 5.1.3.1) ____
   e. Exhibit B, HUB Subcontracting Plan (Section 5.1.9) ____
   f. Insurance Statement (Section 5.1.4) ____
   g. Exhibit D, Respondent's Information, Disclosures, and Financial Form (Section 5.1.5) ____
   h. Exhibit F, Exceptions Form, *if applicable* (Section 3.7.5) ____
   i. Exhibit G, Professional Design Services Statement of Professional Services Certification (Section 5.1.6) ____

j. Litigation and Contract History (Section 5.1.7) ____

k. Exhibit A, Affirmations and Solicitation Acceptance for State Architectural/Engineering and Construction Projects (Section 5.1.8) ____

LIST OF EXHIBITS TO THIS RFQ:

Exhibit A, Affirmations and Solicitation Acceptance for State Architectural/Engineering and Construction Projects
Exhibit B, HUB Subcontracting Plan Requirements
Exhibit C, Draft Architectural/Engineering Agreement
Exhibit D, Respondent's Information, Disclosures and Financial Form
Exhibit E, Professional Design Services Disciplines and Region Designation
Exhibit F, Exceptions Form, if applicable
Exhibit G, Professional Design Services Statement of Professional Services Certification
Exhibit H, Evaluation Criteria and Tool