

State Preservation Board

P.O. Box 13286

Austin, TX 78711

REQUEST FOR QUALIFICATIONS

For

CONSTRUCTION MANAGER-AT-RISK for TEXAS CAPITOL ROOF REPLACEMENT and REHABILITATION



RFQ #809-22-0003

Date Issued: September 20, 2021

Optional Pre-Submission Meeting: 10:00AM, October 4, 2021

Qualifications and HUB Subcontracting Plan

Due Date: 2PM, October 25, 2021

ESBD POSTING: Documents are available for review on the state of Texas Electronic State Business Daily (ESBD) at <http://www.txsmartbuy.com/esbd>. Select 'TX State Preservation Board - 809' from the **Agency Name** drop-down box and 'Posted' from the **Status** drop-down box. Documents are also available on the SPB website at <https://tspb.texas.gov/spb/procure/procure.html>

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REQUEST FOR QUALIFICATIONS
Construction Manager-at-Risk
Texas Capitol Roof Replacement and Rehabilitation
Date Issued: September 20, 2021
Submittals Due: 2:00PM, CT, October 25, 2021

SECTION 1
GENERAL INFORMATION AND REQUIREMENTS

- 1.1 **REQUEST:** The State Preservation Board (SPB or Owner) is soliciting qualifications for selection of a Construction Management firm to serve in an At-Risk role (CMR) in providing preconstruction and construction phase services for the Roof Replacement and Rehabilitation Project (the Project) at the Texas Capitol (the Capitol) located in Austin, TX. This procurement will be a two-step award process.
- a. Step #1 of the solicitation will include a submittal of company information including experience and qualifications focusing on projects of similar size, scope, historic value, and complexity.
 - b. In step #2 of the solicitation process, the highest ranked five or fewer short-listed Respondents from Step #1 will be invited to provide a proposed project approach including schedule, fees, and potentially to participate in interviews. The additional information will be evaluated and figured into the Step #1 results for a final overall ranking of the short-listed firms.

Respondents in both steps will be evaluated as described in Section 4.11.

- 1.2 **GENERAL SCOPE:** Texas Capitol Roof Replacement and Rehabilitation construction scope of work includes full replacement of the 70-year-old, 79,300 square foot standing seam copper roof including gutters, crickets, with associated rehabilitation of wood deck, decorative metal, replacement of roof equipment, lighting, access hatches, and catwalks, rehabilitation of three skylights covering 9,225 square feet with consideration of full replacement as an add alternate, and addition and improvement of fall protection anchors and lightning protection.

Preconstruction services consist of coordination with the Owner and Design Engineer through completion of the Construction Documents, including design and constructability review and comment on progress Construction Documents, detailed scheduling in coordination with operational requirements at the Capitol, and exploration of the most efficient means of construction access for the Project. The CMR will provide two cost estimates during the preconstruction/design phase.

- 1.3 **COST OF WORK:** Respondents should consider the Cost of Work to be eleven million seven hundred twenty-five thousand dollars (\$11,725,000), exclusive of preconstruction and construction fees, General Conditions costs, and contingencies.
- 1.4 **CONTRACT TERM:** The procurement schedule of events allows for CMR contract execution by January 20, 2022. The milestone for Final Completion is May 15, 2025, with CMR Contract termination by June 15, 2025, for a total possible term of 41 months. See Section 2.4 and Attachment I: Proposed Schedule, for additional details.

- 1.5 **FUNDING:** While this Project was fully funded by the 87th legislature and funds are currently available, this contract is contingent upon the continued availability of funding. If funds become unavailable through lack of appropriations, legislative budget cuts, amendment of the Appropriations Act, state agency consolidations, or any other disruption of current appropriations, provisions of the Termination Article in the CMR Service Contract shall apply.
- 1.6 **AGENCY POINT OF CONTACT:** The contact listed below shall be the sole point of contact during this solicitation. Any discussions regarding this solicitation with other agency personnel or SPB contractors may be grounds for disqualification.
- Linda Gaby, CTCM, CTPM SPB.Bids@tspb.texas.gov**

- 1.7 **DEFINITIONS:** The following definitions apply to the Request for Qualifications (RFQ):

TERM	DEFINITION
Addendum	A modification of the specifications issued by SPB.
Electronic State Business Daily (ESBD)	The designated website that state agencies, universities, and municipalities use to post formal solicitations (over \$25K), addenda to posted solicitations, and awards. The link to the ESBD is http://www.txsmartbuy.com/esbd
Good Faith Effort	Effort required by vendors when completing the Attachment B: HUB Subcontracting Plan, which demonstrates the Respondent has completed one of the following for the planned subcontracting needs: A) Using strictly HUBs for all subcontracting needs, B) Meeting stated agency goal for HUB subcontracted needs using both HUB and Non-HUB vendors, C) Performing "Traditional Good Faith Effort" of notifying two minority/women trade organizations and soliciting bids from three HUBs for each subcontracting opportunity, and allowing seven business days for response, D) Self-Performing Contract (performing all work with own materials and labor), or E) Utilizing a Mentor Protégé relationship (a formal agreement that is recognized by the State of Texas Comptroller of Public Accounts. For a listing of Mentor Protégé agreements click on link: https://mycpa.cpa.state.tx.us/mentorprotege/ctg/menproPairs/
Guaranteed Maximum Price (GMP)	The maximum sum that SPB shall be responsible to pay for the completion of the Project, subject to any Change Orders, any excess of which shall be the obligation solely of the CMR. The GMP excludes Preconstruction Services Fees.
Historically Underutilized Business (HUB)	Pursuant to Texas Government Code (TGC), Chapter 2161, means a business that is at least 51% owned by an Asian Pacific American, a Black American, a Hispanic American, a Native American, an American Woman, and/or a United States Veteran with a minimum 20% Disability rating; is an entity with its principal place of business in Texas; and has an owner residing in Texas with proportionate interest that actively participates in the control, operations, and management of the entity's affairs.
HUB Subcontracting Plan (HSP)	The Historically Underutilized Business (HUB) Subcontracting Plan (HSP) required by TGC, Chapter 2161 and by Title 34, Chapter 20, Part 1, Subchapter D, §20.281- §20.298 of the Texas Administrative Code (TAC).

TERM	DEFINITION
Owner	The State Preservation Board (SPB)
Project Manager	The individual designated by the Owner authorized to represent the Owner during the performance of the contract.

**SECTION 2
PROJECT DESCRIPTION**

- 2.1. BACKGROUND & HISTORY: The construction of the Texas Capitol was completed in 1888. The roof famously leaked during a storm on its opening day on May 16, 1888, and continued to be reported as needing replacement for decades after. The original standing seam copper roof was extensively repaired in 1924, then replaced in 1949; this standing seam copper roof is still in place.

Some elements of the roof were repaired as part of the major 1990-1995 Capitol Restoration to address major leaks, but full replacement was deferred, focusing funding on the then much-needed Interior Restoration and construction of the Capitol Extension. Work included rehabilitation of gutters, lining of some downspouts, reconstruction of crickets behind pavilions, reconstruction/repair/repainting of decorative metal elements, replacement of the east and north skylights, and refurbishment of the 1949 corrugated wire glass west skylights. Additional improvements included construction of catwalks and opening the roof for insertion of mechanical equipment into the attic...all working around and retaining the 1949 standing seam copper field. Mastics and felts containing asbestos were abated in areas being disturbed during this work.

Decorative metal sections of the roof were repaired and repainted in 2010, while similar work was performed on the dome. Note that any dome work in this package is limited and minor.

- 2.2. SCOPE OF THIS PROJECT: The roof currently leaks extensively, requiring ad-hoc water management throughout the attics, and putting at risk historic structural elements, art, furnishings, modern equipment, and people below. This Project intends to remove and replace the standing seam copper roof in its entirety, along with crickets and gutters, and repair or replacement of substrates and decorative metal where necessary. Base plans will include refurbishment of three skylights with existing glazing units, with consideration of an add alternate for full replacement. Miscellaneous rooftop elements will be refurbished or replaced. Minor masonry work will occur on pediments. Improved lightning protection and fall protection anchors will be considered as part of this Project while we have this opportunity to upgrade these roof systems. The goal is to comprehensively address all issues and extend the life of the roof another 75 years, into the 22nd century. Work items are detailed in Section 3.1.
- 2.3. TREATMENT OF HISTORIC MATERIALS: The Capitol is a publicly owned National Historic Landmark. This Project will be guided by the Secretary of the Interior's Standards for Treatment of Historic Properties (the Standards) to retain the original configuration, detailing, and character of the roof, and as much original, remaining construction material as possible, while constructing a modern, code compliant, and watertight roof assembly to protect the historic building below.

Overall, the roof retains its 1888 configuration and detailing, and some original material. Much of the decorative metal work was replicated in the 1990's restoration, including the vertical decorative panels at the corner pavilions, skylight ridge vents, and smaller cupola. However, large portions of the two larger cupolas/mechanical vent structures at the far end of the east and west

wings retain their original, 1888 construction materials. The original longleaf pine deck below remains largely intact, though repaired with modern materials in a number of places. The Project will take a few small opportunities to restore historically accurate detailing from the Capitol's 1915 interpretation period at the trim on the rolled barrel roof on the four corner pavilions.

The State Preservation Board staff will be reviewing and approving the design and construction practices against the Standards. There is no formal permit process, but ensuring appropriate treatment of historic materials, massing, and character is part of every step of the Owner's review, approval, and acceptance at each project phase.

- 2.4. ENVIRONMENTAL: The 1990's restoration included asbestos abatement, limited to areas being altered, such as valleys, ridges, crickets, and some sections of gutters. Roofing felts and mastic containing asbestos remain at undisturbed areas of the standing seam roof field, and a majority of the gutters. The Owner will engage a hazardous materials consultant to review previous documentation, review and sample remaining materials, and develop abatement specifications. The CMR will be required to engage an abatement contractor to remove all asbestos in coordination with roof replacement. The CMR must also report any additional suspect materials immediately.
- 2.5. DESIGN: Wiss, Janney & Elstner is the Design Engineer and has been engaged with the Project for several years. Their initial 50% Design Development drawings (Attachment G) are currently being expanded to include additional scope.
- 2.6. PROJECT BUDGET: The total Construction Budget for the Project, including CM's general conditions, preconstruction and construction fees, cost of work, and all contingencies, is approximately \$15,475,000. Cost of Work, exclusive of preconstruction and construction fees, General Conditions costs, and any construction contingencies, is currently \$11,725,000. It is based on preliminary design drawings and a basic level of research into major construction elements.
- 2.7. PROJECT SCHEDULE, The CMR could be contracted as soon as January 20, 2022. The CMR can propose preconstruction, bid/GMP, and construction periods and phasing as it sees fit in its Project Approach Schedule, adhering to the milestone dates in the Proposed Schedule (Attachment I).

All work must be contracted by June 15, 2023. These final contracts can include contingencies to manage change through completion of the project. The milestone for Final Completion is May 15, 2025.

The Construction schedule has been considered by the Design Engineer, and active site work is expected to take at least two years from Notice to Proceed to Substantial Completion.

The schedule will be impacted by two Legislative Sessions occurring before the Final Completion date: The 88th Legislative Session January 10-May 29, 2023, and the 89th Legislative Session January 14-June 2, 2025. In addition, while atypical, the Governor may call any number of 30-day Special Sessions at any time. All efforts must be made to continue progress toward completion while not disturbing the important work of the Legislature proceeding below. Most important is to avoid work on the east and west skylights above the legislative chambers, gutters adjacent to upper floor windows, and any work impacting function of major HVAC and Life Safety systems. Addressing this issue is an element in Preconstruction Services.

In addition to the parameters above, the Respondent's Proposed Schedule should be informed by the proposed team's availability and the CMR's analysis of the bid market for the specialized trades necessary for this unique Project.

- 2.8. QUALITY CONTROL: Quality control is fundamental to any construction project, and will be essential and critically important to this Project in particular. Difficulty of access, complexity of addressing warranty issues within a holistic waterproofing system, and the desired longevity of 75 years to maximize return on taxpayer dollars demands the highest levels of quality control. The Design Engineer will be engaged for extensive Construction Administration services to respond to Project issues as they arise, and extensive testing and observation will be included in the specifications and project plan. There are limited opportunities for corrective action prior to removal of access systems.
- 2.9. SITE CONDITIONS: The Capitol is a working State office building and tourist attraction, in the center of a dense urban environment. The site is both heavily secured while also very accessible to the public. The site is staffed with security resources 24 hours a day/7 days a week. Personnel background checks are generally not required, but could be solicited at any time in case of heightened security awareness. Building operations will continue throughout the course of the Project. Access to the site for vehicles, deliveries and equipment is controlled. The Owner will work closely with the CMR to facilitate whatever access, lay-down areas, temporary site facilities, etc. are required to complete the work, within the limitations of the site and operations. The Capitol's accessible north entrance must remain open at all times. Except for scaffolding erection, the other three entrances to the historic Capitol must remain open to the public throughout the Project. Short-term closures of openings will need to be approved in advance and planned early in the access planning process. Work areas should be secured from public access at all times. See Owner's Requirements in the CMR Services Contract Template (Attachment L) for more detailed site conditions and requirements.

SECTION 3 SCOPE OF WORK

3.1 SCOPE OF CONSTRUCTION:

1. Architectural Copper Roof
 - a. Replace the 79,300 square feet of copper standing seam roof in its entirety, properly detailing all seams and transitions. Work requires specialized soldering experience.
 - b. Replace crickets at back of corner pavilions.
 - c. Replace and rehabilitate gutters.
 - d. Repair roof deck as required.
 - e. Replace roof deck over machine rooms to provide code-compliant fire rating.
2. Decorative Painted Galvanized Sheet Iron Roof Elements
 - a. Repair, and repaint decorative metal elements.
 - b. Alter decorative roof elements to minimize open areas in historic mechanical cupolas to limit water infiltration while continuing to serve modern mechanical equipment.
 - c. Repair sealant joints in dome, where readily accessible.
 - d. Improve pigeon block screening at base of dome
3. Rehabilitate three skylights measuring a total of 9,225 square feet, with consideration of full replacement as an add alternate.
 - a. West skylight consisting of two planes at the peak of the roof, having circa 1949 corrugated wire glass, lapped and clamped, measuring 3,600 square feet measured in horizontal plane.
 - b. North skylight consisting of four planes in hip formation atop a decorative lantern structure, having circa 1990 insulated glazing units in butt formation with silicone sealant, measuring 1,840 square feet measured in horizontal plane.
 - c. East skylight consisting of two planes at the peak of the roof, having circa 1990 insulated glazing units in butt formation with silicone sealant, measuring 2,920 square feet measured in horizontal plane.
4. Roof Equipment, Catwalks and Stairs
 - a. Replace roof-mounted mechanical equipment.
 - b. Replace existing roof-mounted flood lighting with LED lighting.
 - c. Potentially replace pole-mounted ground lighting with LED as an add alternate.
 - d. Rehabilitate, expand, and paint catwalks.
 - e. Enlarge an existing roof hatch and replace ladder below with a stair.
 - f. Replace access ladders with stairs.
 - g. Repaint miscellaneous metals
5. Abate asbestos-containing mastics and felts at areas not previously disturbed.
6. Upgrade/add lightning protection if determined necessary and feasible per risk assessment and design analysis being performed under WJE's contract. Scope estimate currently holds an amount for this potential work.
7. Potentially add fall protection devices for future maintenance work; feasibility review currently underway.
8. Tighten openings at the base of the dome to block bird entry.
9. Interior Attic Work
 - a. Clear attic spaces of clutter and guano.
 - b. Paint diaphragm at top of rotunda.
 - c. Rebuild section of deck and stairs at interstitial space.

10. Masonry

- a. Cut granite masonry joints at the top of the south pediment to proper joint configuration and seal with non-staining silicone to protect the skyward-facing joints from water intrusion.
- b. Install stainless steel water diverters atop the north and south pediments to direct water to the back of the pediment, onto the roof, to minimize existing weathering patterns where it is currently sheet draining at the exterior façade of the stone.

11. Ground Level

- a. Address drainage issues at ground level outflows outside the building envelope (currently being studied).
- b. Waterproof the small concrete cap over the roof of the 1936 underground vault.
- c. Landscape restoration from expected damage due to access requirements.

12. The CMR is responsible for all access systems from ground to roof, spanning skylights, and within attic for enclosures and access during asbestos abatement and skylight rehabilitation or replacement.

13. The CMR is responsible for installing and maintaining temporary and permanent weather protection of the Capitol at all times during the entire duration of the Project.

3.2 PRECONSTRUCTION PHASE SERVICES BY CMR:

Services are detailed extensively in the Attachment L, CMR Services Contract Template, and include:

1. Provide a system for the Project Team to collectively track issues throughout the Preconstruction Phase that can be carried into the Construction Phase.

Initial Review:

2. Conduct a review of the design documents for clarity, consistency, constructability, and coordination to minimize omissions in the documents and provide input on planning, value analysis, materials, methods, systems, restoration approaches, schedules, labor, site and other conditions as they affect constructability, cost, and quality.
3. Provide Quality Assurance recommendations to ensure compliance with Design Documents, quality of materials, and high quality execution of details.
4. Evaluate site and provide detailed recommendations on site usage for laydown areas, CM's site facilities, site security, temporary utilities, and access systems for maximum efficiency.
5. Develop two preliminary, independent construction estimates of the 50% and 95% design documents, including cost of proposed access systems, site facilities, and all other construction costs required to perform the Project.
6. Participate with the SPB and Design Engineer in reconciling their estimate with the CMR estimate and identify potential cost savings opportunities.

Construction Planning

7. Provide a Constructability Program for the Project.
8. Develop Proposed Schedule from the Project Approach section of the RFQ Step #2 Response into a Preliminary Project Schedule. Define critical path tasks. Advise particularly on phasing of work and GMPs, and staging of work, with particular emphasis on expediting work and working around legislative sessions and maintaining safe building access throughout the Project.

9. Develop a Weather Protection Plan that ensures the Capitol and all its critical finishes and furnishings are protected from the weather during the removal and replacement of the roof systems at all times.
10. Prepare an OSHA-compliant safety program for the Project.
11. Prepare a Fire Safety program acceptable to the State Fire Marshal. Given hot soldering work on a wood deck, overnight fire watches will be considered based on the work plan.
12. Develop a final Construction Planning and Subcontractor Buyout Strategy.

Final Planning:

13. Develop the Preliminary Project Schedule into a completed CPM Work Progress Schedule for use in the Construction Phase, taking subcontractor feedback into account.

Respondents should plan for weekly Project Team meetings with Owner, Owner's representatives, and the Design engineer throughout the Preconstruction Services phase. Remote online meetings will be considered to minimize travel time or utilize remote staff prior to start of construction. Interim email communications are desired to record development and communicate to the team collectively.

3.3 BID AND AWARD PHASE SERVICES BY CMR:

1. Develop the bid documents, working with the SPB and the Design Team, for selection of subcontractors and issue the Contract Documents for bidding. Comply with requirements for solicitation of bids and proposals as required by Texas Government Code Section 2269.256 and in accordance with the Historically Underutilized Business Subcontracting Plan requirements.
2. Schedule and conduct pre-bid conferences, including the Design Engineer and Owner, with subcontractors and suppliers, with recorded documentation.
3. Conduct post bid interviews with winning bidders, Design Engineer, and Owner PM to confirm agreement on scope of work.
4. Prepare recommendations for contract award to SPB in at least one GMP package, or multiple if proposed as part of Project Approach and approved by the SPB.
5. Review contracts as necessary with all subcontractors.
6. Coordinate with the Design Engineer and SPB to schedule and conduct pre-construction meetings by trade.

3.4 CONSTRUCTION PHASE SERVICES BY CMR:

1. Provide full-time, on-site qualified Senior Construction Manager for planning, management, and coordination of work to manage the quality control, cost control, schedule control and weather protection plan to ensure the successful completion of the Project.
2. Staff the Project appropriately for each phase of work as indicated in your Detailed General Conditions Proposal (Attachment E).
3. Secure the executed contracts, material payment and performance bonds, insurance, etc. from the awarded firms and submit them to the SPB for each phase. Review the contracts and ensure the SPB of CM contract compliance.
4. Develop procedures and schedules for the processing of submittals, shop drawings, payment applications, etc. with the Design Engineer and the SPB.
5. Maintain a Document Control system which will track all RFI's, submittals, change orders, correspondence, claims, etc., using software that tracks documents by issue.
6. Ensure timely response to all project documentation per the State's Uniform General Conditions.

7. Advise on cost- and time-saving opportunities throughout construction.
8. Coordinate site construction management services including but not limited to: conduct regular job site construction meetings; maintain daily on-site project logs and schedule reports; work with Owner on quality assurance testing and inspection programs; monitor construction/contractor work performance for construction document compliance on an ongoing basis.
9. Provide weekly written progress reports in a form acceptable to the SPB.
10. Maintain and update the Project CPM Schedule and a weekly/monthly look-ahead schedule.
11. Develop and maintain the Weather Protection Plan to ensure the Capitol, including the building, finishes, equipment, furnishings, etc. are protected from the weather at all times while the existing roof is removed and replaced throughout the entire duration of the Project.

3.5 SUBCONTRACTORS:

Subcontractors providing services shall meet the same requirements and level of experience as required of the Respondent. No subcontract shall relieve the primary Respondent of responsibility for the service. If the Respondent uses a subcontractor for any or all of the work required, the following conditions shall apply under the listed circumstances:

1. Respondents planning to subcontract all or a portion of the work shall identify the proposed subcontractors on the HUB Subcontracting Plan.
2. Subcontracting shall be at the Respondent's expense.
3. SPB retains the right to check a subcontractor's background and make a determination to approve or reject the use of submitted subcontractors.
4. The Respondent shall be the only contact for SPB and subcontractors. Respondent shall list a designated point of contact for all SPB and subcontractor questions.

SECTION 4 PROCUREMENT PROCESS

4.1 GENERAL: This solicitation sets forth the terms, conditions, and requirements for prospective Construction Manager-at-Risk (CMR) entities ("Respondents") to be considered for the work.

Per Texas Government Code, Chapter 2269, Subchapter F: Construction Manager-at-Risk Method, this procurement will be a two-step process.

1. In the first step, Respondents are required to submit responses to this Request for Qualifications (RFQ), in the format requested, to show they are the most qualified firm with the most qualified team based on the criteria established for evaluation in this procurement. The Owner will rank the Responses based upon information provided therein, in the manner defined herein, and identify short-listed respondents it determines most capable of performing this specialized scope of work. The actual number of firms selected will be at the SPB's discretion, and based entirely on qualifications per the criteria established herein. **Note: Evaluations will be made only from the material provided in the proposal, not prior or common knowledge; please be thoroughly responsive in your package, specifically to the criteria noted below and as relevant to this Project.**

2. In the second step, a maximum of five respondents will be invited to submit a Cost Proposal including fixed fees for preconstruction services defined herein, percent fee for bid and construction services for the scope defined herein, general conditions costs, and a Project Plan that informs the costs proposed. The proposals will be added to the evaluation criteria as described in Section 4.11 to determine the "best value" for the Owner.

Interviews may be requested of this short-listed group to confirm their Proposal and answer additional questions. Interviews will be conducted as needed and at the discretion of the SPB, to assist in this final evaluation, but if any finalist is interviewed, all will be interviewed. Interviews may be conducted via remote online meeting to minimize the number of trips for out-of-town firms, and to encourage attendance of the project manager and superintendent proposed for the job. Based on the interview results, if any, the Owner may readjust its evaluations. Owner reserves the right to conclude the evaluations and make a best value selection without conducting interviews.

4.2 SCHEDULE OF EVENTS: The solicitation process for this RFQ will proceed according to the following schedule:

<u>Event</u>	<u>Date</u>
Issue RFQ	September 20, 2021
Optional Pre-Submission Conference	10:00AM, CT, October 4, 2021
Deadline for Submission of Questions	5:00PM, CT, October 8, 2021
Anticipated Release Date of Addendum	October 14, 2021
Deadline for Submission of Qualifications and HSP	2:00 PM, CT, October 25, 2021
Anticipated Notification of Short-Listed Firms	November 1, 2021
MANDATORY Pre-Proposal Conference	November 15, 2021
Deadline for Submission of Questions	5:00PM, CT, November 19, 2021
Anticipated Release Date of Addendum	November 24, 2021
Deadline for Submission of Proposals	2:00 PM, CT, December 10, 2021

Anticipated Interviews (if any)
Anticipated Award

December 13-17, 2021 (anticipated)
December 22, 2021

Revisions to the Schedule - SPB reserves the right to change the dates in the Schedule of Events set forth above upon written notification to prospective Respondents through an Addendum.

4.3 SITE CONFERENCES:

Note that an OPTIONAL Pre-Submission Conference will be held at the Legislative Conference Center on level E2 of the Texas Capitol Extension, Room # E2.002 at 10:00AM, October 4, 2021. The Conference will last about one hour and include a walk around the perimeter of the Capitol at ground level to understand the scope and scale of the Project as well as ground conditions at the site, giving every potential Respondent the opportunity to provide a qualifications package tailored to the Project. Attendees will have the opportunity to ask questions in person. All questions asked verbally in person, or in writing during the Proposal period as provided for in this document, will be responded to in an addendum to this Request so that everyone has full information. Please see https://tspb.texas.gov/plan/maps/doc/capitol_visitors_guide.pdf for assistance locating the Texas Capitol Extension Legislative Conference Center. Entrance to the Capitol Extension is through the Texas Capitol.

A MANDATORY Pre-Proposal Conference for short-listed firms will be held at the Texas Capitol, Location TBD, on November 15, 2021 (exact time TBD). The conference will include the SPB project management team and last about two hours including a walk of the perimeter of the building at ground level plus as a visit to the attic areas and roof to more fully understand all conditions that could impact fees and General Conditions costs and to ensure that all Respondents have sufficient information about the Project, the Site, and the Owner's Project Team to provide an informed cost proposal.

Parking is available in the Capitol Visitors Parking Garage located at 1201 San Jacinto Blvd. Maps are available at the following link: <http://www.tspb.state.tx.us/spb/plan/FloorPlan/FlorPlan.htm>

4.4 QUESTIONS:

- a) All questions shall be submitted in writing to SPB.Bids@tspb.texas.gov by 5PM Central Time, on the date listed as the deadline for submission of questions in Section 4.2.
- b) All questions shall be in an editable format, i.e. typed in an email or submitted as an email attachment in Microsoft Word, as opposed to an un-editable format such as a picture or scanned document.
- c) All questions will result in written responses posted to the ESBD at <http://www.txsmartbuy.com/esbd>
- d) Any Respondents finding discrepancies between the provided documents, or in doubt as to their exact meaning, shall notify SPB at once. SPB may then, as an option, issue addenda clarifying the same. SPB is not responsible for oral instructions or for misinterpretation of the drawings and specifications.
- e) Upon issuance of this RFQ, besides written questions as described above, other employees and representatives of SPB will not answer questions or otherwise discuss the contents of the RFQ with any potential Respondent or their representatives. Failure to observe this restriction may result in disqualification of any subsequent response. This restriction does

not preclude discussions between affected parties for the purpose of conducting business unrelated to this RFQ.

4.5 SUBMISSION FORMAT GENERAL INSTRUCTIONS:

- a) Respondents shall carefully read the information contained in this RFQ and submit a complete response to all requirements and questions as directed. Incomplete Proposals will be considered non-responsive and subject to rejection. SPB reserves the right, in its sole judgement and discretion, to waive minor technicalities and errors in the best interest of the state.
- b) Proposals shall be prepared simply and economically, providing a straightforward, concise description of the Respondent's ability to meet the requirements of this RFQ. Emphasis shall be on completeness, clarity of content, responsiveness to the requirements as described in this RFQ, particularly in the description of the evaluation criteria, and reflecting an understanding of the Owner's needs.
- c) Proposals and any other information submitted by Respondents in response to this RFQ shall become the property of the Owner.
- d) Proposals that are qualified with conditional clauses, alterations, items not called for in the RFQ documents, or irregularities of any kind are subject to rejection by the Owner, at its option.

4.6 PAGE SIZE, BINDING, AND TABLE OF CONTENTS:

- a) Proposals shall be printed on letter-size (8-1/2" x 11") paper and assembled with spiral-type or metal ring binders.
- b) Proposals shall be additionally transmitted to the Owner in digital format for its archival purposes, via online file transfer service, email, or thumb drive, though the printed proposals will be the foundation for evaluation.
- c) Submittals shall include a "Table of Contents" with page numbers for each page of the submittal.

4.7 REQUIREMENTS FOR QUALIFICATIONS - STEP #1 DOCUMENTS :

Provide as many pages as necessary in each section to fully demonstrate your firm's qualifications:

Section 1: Cover Letter

Section 2: Firm Information

1. Basic Information:
 - a. Company Name
 - b. Company Description
 - c. Ownership Information
 - d. Physical Mailing Address
 - e. Other company locations/Offices
 - f. Primary Contact
 - g. Office and Mobile telephone number and email address of Primary Contact
 - h. 11-Digit State of Texas Vendor Identification Number

2. Identify if your firm is currently for sale or involved in any transaction to expand or to become acquired by another business entity? If so, please explain the impact both in organization and company direction.
3. Does any relationship exist by relative, business associate, capital funding agreement, or any other kinship between your firm and any Owner (State of Texas) employee, elected official, or consultant on the Project? If so, please explain.
4. Provide a detailed listing of all past or pending litigation/claims filed by or against your firm against any Owner.
5. Provide a detailed listing of all past or pending litigation/claims between your firm and any subcontractor/supplier.

Section 3: Firm Qualifications

1. Provide a list of at least three, but preferably more projects completed by your firm in the past 10 years of similar scope, scale, and complexity.
 - a. Prioritize and note in the list any projects your firm has managed that involve historically designated buildings, or buildings 50 years or older.
 - b. Note any projects completed for public/governmental entities.
 - c. Note budget and schedule performance for each project.
 - d. Note involvement of the proposed Project Team members for each project, if any.
2. Describe how your firm is uniquely qualified for this scope of work in this RFQ, such as:
 - a. Corporate/staff organization/nationwide presence for access to a wide range of subcontractors
 - b. Approach to access systems around historic buildings and/or other challenging existing conditions.
 - c. Approach to coordination with Owners, Design Engineer, and Subcontractors, etc.
 - d. Approach to estimating and cost control
 - e. Approach to supply chain interruptions and challenges particularly for critical materials needed to complete the Project. Approach to securing materials early to ensure cost savings and timely delivery.

Section 4: Project Team Qualifications

In addition to the strength of a company, the assigned Project Team is the key to a successful project.

1. Confirm the team that you can commit to providing CMR Services for this project.
2. Include, at a minimum, the name of the Project Executive for the firm as well as the following staff:
 - a. project manager (primary decision maker) (on-site, full-time),
 - b. assistant project manager (on-site, full-time),
 - c. superintendent(s) (on-site, full-time),
 - d. project engineer (on-site, full-time),
 - e. and safety manager. The safety manager may have another role, but must be on-site full time.
3. Include an organizational chart depicting your managerial structure, including your proposed team members.
4. Address proposed staff's availability in terms of your firm's current and projected workload during the timeframe of this Project, January 15, 2022 to kick off Preconstruction Services, through May 15, 2025 for the Final Completion, with detailed phasing per your proposal.

5. Note number of years each team member has been with your firm.
6. Provide detailed resumes for each team member as an attachment, including education, training and experience.
7. Note the key site personnel's direct experience with historic building projects of this scope, scale, and complexity. If your firm or key personnel have not led significant historic preservation projects, please note 1) their involvement with major renovations of buildings over 50 years old, 2) their experience with complex standing seam metal roofs, and 3) their specific experience with copper roofs.
8. Note the key site personnel's direct experience with construction access systems around historic buildings and/or other challenging existing conditions.
9. Explain the ways in which the team's combined experience has prepared them to be successful on this Project, including their bid processes, cost controls, schedule controls, quality assurance techniques, safety record, and Project Approach.
10. Experience with management of a protracted schedule with respect to cost and continuity.
11. Experience with management of an occupied facility.

Section 5: Bid Process Approach

All work for this Project shall be competitively bid by the Construction Manager-At-Risk as required by Texas Government Code Section 2166.2532 and in accordance with the Historically Underutilized Business Subcontracting Plan requirements. Discuss your approach to the bid process and the soliciting of bids from subcontractors, particularly in the Austin area, as well as outreach to firms outside of Texas that have special expertise. Describe how you procure subcontracts, confirm scope, refine the bid amount, and then, ensure proper payment. Also discuss your approach to bonding subcontractors.

Section 6: Familiarity with Subcontractors

Provide a listing of three subcontractors for the specified disciplines (Attachment C) with whom the firm has contracting background and experience. Provide previous projects your firm and proposed team has had experience with these subcontractors, and other projects the subcontractors have completed. Provide qualifications for these subcontractors, including firm size, project leaders, and previous projects. Note that we anticipate the skill necessary for this scope and scale of metal roof replacement, particularly soldering, is likely to be found outside of Texas, but we encourage partnering with local firms for resources and training. Most important will be extensive relationships with roofing contractors that can handle a project of this scope, scale, and complexity.

Section 7: Approach to Scheduling

Describe your firm team's resources and scheduling expertise to ensure completion of the Project by the required milestones. What management approach will you employ to reassure the SPB that work will be completed on time and within budget? Describe how you will develop, maintain and update the project schedule during design and construction.

Section 8: Approach to Project Documentation

The State Preservation Board values quality project documentation, in particular due to its statutory requirement to document all work on this historic structure to ensure quality construction methods and inform future work. Describe how your firm and proposed team will manage project documentation, including any existing software you may use.

Section 9: Approach to Quality Assurance

Describe how your firm will commit resources as necessary to ensure the quality of the finished product. What is your approach to quality assurance during each step in the construction process? What quality management tools do you use (e.g. software, tracking systems, communication tools, mock-ups, etc.)? How does your project oversight approach contribute to quality assurance? What standard testing methods are you familiar with relevant to this scope of work?

Section 10: Approach to the Weather Protection Plan

Describe how your firm will develop and manage a Weather Protection Plan to ensure that the Capitol and all its systems, finishes and furnishings will be protected from the weather at all times during the removal and replacement of the roof systems during the entire duration of the Project.

Section 11: Approach to Safety

- A. Briefly describe the firm's approach for anticipating, recognizing and managing safety risks and note the safety resources that the firm provides for projects safety programs.
- B. Identify by name your proposed Safety Manager and his or her qualifications. Identify the individual responsible for safety on-site during working hours.
- C. Identify the firm's Experience Modification Rate (EMR) for the three (3) most recent annual insurance-year ratings.
- D. Provide the firm's annual OSHA Recordable Incident Rates (RIR) for work performed during the past three (3) calendar years.
- E. Identify the firm's annual OSHA Lost Workday Case Incident Rates (LWCIR) for all work performed during the past three (3) calendar years.

SPB reserves the right to require a copy of your safety manual if your firm's proposal is scored within the highest range of proposals, which will become a Contract Document after award.

Section 12: References

Provide the names and contact information for six (6) Owner references of individuals or entities for whom you have successfully completed equivalent projects. Provide the following for each:

- Owner or Owner PM's Name, Address, and Phone Number, with E-mail if available;
- Architect's Name, Address, and Phone Number, with E-mail if available;
- Project Name, Location, Size and Year Completed;
- List team members assigned to these projects;
- Letters of Recommendation or Statements of Support on E-mail from a reference may be included in the Appendix, but are not required.

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 process.

Minimum Qualifications

- a) Out of State contractors doing business in Texas shall have a Certificate of Authority to do business in Texas. A copy of the certificate shall be submitted with the submittal.
- b) Negative responses from Owners and Design Engineering firms that are familiar with contractor's performance, depending on problems encountered, may be grounds for disqualification.

RFQ SUBMITTAL REQUIRED ATTACHMENTS

1. **Attachment A: Execution of Submittal**
Failure to sign and return the Execution of Submittal with the response shall result in rejection of the response.
2. **Acknowledgement of Addenda**
Receipt of all addenda to this RFQ shall be acknowledged by returning a signed copy of the signature page of each addendum with the response. It is the responsibility of interested parties to periodically check the ESD for updates to the procurement prior to submitting qualifications. Respondent's failure to periodically check the ESD will in no way release the selected vendor from "addenda or additional information" resulting in additional costs to meet the requirements of the RFQ.
3. **Bid Bond**
 - a) Respondents shall submit a bid bond and associated Power of Attorney for the Texas State Preservation Board in the sum of \$25,000.00. No other form of security will be accepted. The Bid Bond submitted by the awarded contractor will be held until GMP is accepted by SPB, and Performance and Payment Bonds subsequently received and approved.
 - b) Should the contractor fail, neglect, or refuse to begin performance of the contract after receiving award, said security will be forfeited to SPB. Performance shall be considered begun upon acknowledgement of the contract award and the furnishing of all required security bonds and insurance coverage.
 - c) If SPB has not made an award within ninety (90) calendar days after responses are opened, Respondents may withdraw their responses without prejudice; however, Respondents have the option to extend the time in which their bids will be honored after this ninety (90) day period.
4. **Attachment B: HUB Subcontracting Plan**
 - a) In accordance with the Texas Government Code (TGC), Sections 2161.181-182 and Title 34, Part 1, Chapter 20, Subchapter D, §20.281 - §20.298 of the Texas Administrative Code (TAC), the SPB shall make a Good Faith Effort to use HUBs in contracts for general services, construction services, professional and consulting services, and commodities contracts. Failure to complete and return the Attachment B: HUB Subcontracting Plan shall result in rejection of the response. The purpose of the HUB Program is to promote full and equal business opportunities for all businesses in State contracting in accordance with the following HUB utilization goals as specified in 34 TAC § 20.284:
 - (1) 11.2% for heavy construction other than building contracts,
 - (2) 21.1% for all building construction,**
 - (3) 32.9% for all special trade construction contracts,
 - (4) 23.7% for professional services contracts,
 - (5) 26.0% for all other services contracts, and
 - (6) 21.1% for commodities contracts.
 - b) **Statement of Probability**: SPB has determined that subcontracting opportunities are probable in connection with this procurement solicitation. Therefore, a HUB Subcontracting Plan (HSP) is required as a part of the Respondent's Submittal. The awarded Respondent shall develop and administer an HSP as a part of the Respondent's Contract.

- c) As mandated by 34 TAC § 20.285 Respondents must submit an Attachment B: HSP that identifies all subcontracting items and complies with good faith effort requirements of the Attachment B: HSP, and in accordance with the Comptroller of Public Accounts HUB rules 34 TAC §20.285 (d).
- d) Pursuant to TGC § 2161.252(B), the SPB shall reject any response that does not include a fully completed HSP. An incomplete HSP is considered a material failure to comply with the solicitation requirements.
- e) The HSP shall become a provision of the contract between the awarded Respondent and SPB. The awarded Respondent can only change the HSP if (a) the Respondent complies with 34 TAC Section 20.285; (b) the Respondent provides its proposed changes to SPB for review; (c) SPB approves the Respondent's proposed changes to its HSP; and (d) SPB and the Respondent amends their contract by submitting a revised HUB Subcontracting Plan containing the changes approved by SPB.
- f) If SPB determines that the Respondent failed to implement the HSP in good faith, SPB, in addition to any other remedies, may report nonperformance to the Texas Comptroller in accordance with 34 TAC, Section 20.285, (g) (5).
- g) HUB subcontracting opportunities may be available in the following commodity class/item codes and descriptions: The list below contains the 'Class' (three-digit) and 'Item' (two-digit) codes of potential subcontracting trades for this solicitation. These codes are defined by the National Institute of Governmental Purchasing(NIGP). A complete listing of all NIGP Class & Item Codes can be found at:
<https://mycpa.cpa.state.tx.us/commbook/classItemDetails/071>
- h) **The Attachment B: HUB Subcontracting Plan submitted with the initial response to this RFQ solely addresses the Part One pre-construction collaborative phase of the scope of work. A revised Attachment B: HUB Subcontracting Plan shall be submitted by the awarded Respondent prior to Part Two construction.**
- i) If assistance is needed in preparing the HUB Subcontracting Plan, potential Respondents may contact SPB Purchasing at SPB.Bids@tspb.texas.gov.
- j) Requirement to submit HUB Subcontracting Progress Assessment Reports (PAR). Pursuant to Texas Administrative Code, Title 34 §§ 20.285 and 20.287(b), SPB requires monthly HSP-PAR compliance monitoring. The successful Respondent must submit required PAR information with each invoice. Any delay in the timely submission of PAR information will be treated as an invoicing error subject to dispute under TX Gov't Code Section 2251.042.

4.8 REQUIREMENTS FOR PROPOSALS - STEP #2 DOCUMENTS:

Short-listed firms will be asked to supplement their qualifications submittal with the following, in Step Two:

Section 13: Project Approach

Considering the Project information made available to you in this RFQ, at the pre-proposal conferences, and through the progress design documents (Attachment G) and Existing Conditions Information (Attachment H), describe your firm's overall approach to the Project. Include an explanation of your firm's project management processes and how they will be applied on this Project. **Include a Preliminary Schedule** with as much level of detail as you can, to show how you

intend to complete the work within the milestone dates in the Proposed Schedule (Attachment I). Include as much detail as possible related to how your approach may introduce time- and cost-savings opportunities, including innovative approaches to access, site facilities, phasing, subcontracting structure, etc. **This section is your best opportunity to display an effective application of your firm's systems and problem-solving abilities and to evidence your experience by referencing lessons learned from previous projects.**

Section 14: Attachment D - Fees and General Conditions Cost Proposal Form

In Attachment D:

1. propose a lump sum fee to provide the Preconstruction Services described in Section 3.2.
2. provide your total General Conditions Cost Proposal.
3. propose a Construction Phase CM Percentage Fee for home office overhead and profit for Bid and Construction Phase services described in Sections 3.3 and 3.4. The fee will be applied to the actual Cost of the Work, which includes General Condition costs. The fee will also be applied to the approved cost of changes to the work. CMR Percentage Fee will be paid on a pro-rata basis, based on the percent completion of the Work on a monthly basis.

Section 15: Attachment E - Detailed General Conditions Costs

Provide a detailed listing of your proposed general conditions costs as defined in this attachment. This list includes the base services that would be expected to deliver a quality Project, but you may modify the list in any way to reflect your own approach. If you add to or delete from the list, please provide an explanation for each change. General conditions costs should include all of the CM-at-Risk's project management and field staffing proposed to deliver the Project, as well as all costs associated with the CM-at-Risk's jobsite office, tools, supplies, onsite facilities, and personnel reimbursable expenses. The General Conditions costs should include costs for insurance per Attachment J of the RFQ. For the purposes of this evaluation, assume a construction duration in accordance with the schedule provided in Attachment I. You may modify the list in any way to reflect your approach to providing a quality project. Where you modify the list, please provide unit pricing and an explanation.

The total cost of the General Conditions will be divided by the total number of months of the project duration, including Project close-out duration, and will be paid on a fixed average monthly basis.

Section 16: Non Collusion Affidavit

Attachment F: Non-Collusion Affidavit: The Attachment F: Non-Collusion Affidavit must be enclosed with the proposal.

Section 17: Acknowledgement of Addenda

Receipt of all addenda to the RFP shall be acknowledged by returning a signed copy of the signature page of each addendum with the response.

- 4.9 **SATISFACTORY UNDERSTANDING:** Respondents will be held to have satisfactory understanding regarding all existing conditions and to have included in the proposal an amount sufficient to cover all work including permits, fees, site facilities, etc.

4.10 **SUBMISSION OF STEP ONE QUALIFICATIONS AND STEP TWO PROPOSALS:**

- a) All qualifications/proposals must be received at SPB no later than 2PM, Central Time, Austin, Texas on the date specified in 4.2 Schedule of Events. The official bid clock in the

State Preservation Board reception area is the sole determiner of the time of day. Qualifications/Proposals received after the RFQ deadline will not be considered.

- b) Qualifications/Proposals must be placed in a sealed envelope or package and correctly identified with the RFQ number and submittal deadline date and time. It is the Respondent's responsibility to appropriately mark and deliver to SPB by the specified date and time.
- c) **The Owner will not acknowledge or receive Qualifications that are delivered by telephone, facsimile or email.**
- d) DELIVERY OF QUALIFICATIONS/PROPOSALS: Qualifications/Proposals must be submitted to SPB by one of the following methods:

By US Mail: State Preservation Board
Attn: PURCHASING MANAGER
P.O. Box 13286
Austin, TX 78711

By Overnight/Express Mail: State Preservation Board
Attn: PURCHASING MANAGER
201 E. 14th St., Ste. 950
Austin, TX 78701

By Hand Delivery (8AM - 5PM): State Preservation Board
Attn: PURCHASING MANAGER
Sam Houston State Office Building
201 E. 14th St., 9th Floor, Ste. 950
Austin, TX 78701

- e) Submit one (1) original and five (5) copies of the Qualifications and Proposals packages.
- f) Submit a digital copy of all materials for the Owner's archival purposes by online transfer service, email, or thumb drive; note that the printed copies will be the basis for evaluation.
- g) Submit (1) original of the HUB Subcontracting Plan as a separate package to the Qualifications package.
- h) SPB will not consider any submittal that bears a copyright. As a state agency, SPB will strictly adhere to the requirements of Chapter 552 of the TGC (the "Texas Public Information Act") 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 response to this solicitation may be subject to public disclosure under the Texas Public Information Act. SPB does not have authority to agree that any information submitted will not be subject to disclosure. Disclosure is governed by the Texas Public Information Act. 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. SPB assumes no obligation or responsibility relating to the disclosure or nondisclosure of information submitted by Respondents. If it is necessary for Respondent to include trade secrets or proprietary or otherwise confidential information in its submittal, Respondent must clearly mark in bold red letters the term **"CONFIDENTIAL"** using at least 14-point font, on that specific part or page of the submittal which Respondent believes to be confidential. All submittals and parts of submittals that are not marked confidential will be automatically considered to be public information. If SPB

receives a public information request seeking information marked by Respondent as confidential, Respondent will receive notice of the request as required by the Texas Public Information Act. If SPB receives a public information request for submittals and parts of submittals that are not marked confidential, the information will be disclosed to the public as required by the Texas Public Information Act. Do not mark your entire proposal as **“CONFIDENTIAL”**.

4.11 EVALUATION:

- a) The intent of SPB is to award a contract to the vendor whose qualifications and pricing are considered to be ‘best value’ to the state. When considering ‘best value’ and award, the Owner reserves the right to set a minimum requirement regarding the criteria listed below. It is the SPB's intent to award to one qualified firm. Any contract resulting from this solicitation will be in the form of the CMR Services Contract Template (Attachment L), will contain the general terms and conditions included in this RFQ, and will reference the 2015 State of Texas Uniform General Conditions for Construction Projects and any related Supplementary General Conditions for the Project, located here:

https://www.tfc.texas.gov/divisions/facilities/prog/construct/formsindex/2015_UGC_09-16-15.pdf

Respondents must review the contract terms and conditions and will be required to adhere to the terms if awarded the Contract.

- b) The firm selected will be required to meet insurance and bonding requirements of the State of Texas as set out in the State of Texas Uniform General Conditions for Construction Projects and any related Supplementary General Conditions for the Project.
- c) An evaluation committee will be established to evaluate submittals. The committee will include employees of SPB, and may include other impartial individuals who are not SPB employees. By submitting qualifications in response to this RFQ, Respondent accepts the solicitation and evaluation process, and acknowledges and accepts that scoring of the qualifications may involve some subjective judgments by the evaluation committee. **Evaluations will be made only from the material provided in the proposal, not prior or common knowledge; please be thoroughly responsive in your package, specifically to the criteria noted below and as relevant to this Project.** The evaluation committee will evaluate and score each Proposal package based on the following criteria:

1) Criteria & Weight

STEP #1: QUALIFICATIONS:

- i. Experience of Firm and Proposed Project Team with roof replacement and rehabilitation including the full scope of roof elements as described in Section 1.2, detailed in Section 3, and shown in Attachment G, as demonstrated by past projects completed by the respondent and the key team members proposed. – 15%
- ii. Experience of Firm and Proposed Project Team with roof replacement and rehabilitation including the full scope of roof elements described in Section 1.2, detailed in Section 3, and shown in Attachment G, *specifically on historic structures more than 50 years old, preferably on structures with a local, state, or federal historic designation*, as demonstrated by past projects completed by the respondent and the key team members proposed. - 15%

- iii. Experience of Firm and Proposed Project Team with subcontractors able to execute a roofing project of this scale, scope, and complexity. 10%
- iv. Demonstrated experience working with complex access systems including scaffolding, boom lifts, stage lifts, atrium lifts, and cranes, preferably around historic structures, as demonstrated by past projects completed by the respondent and the key team members proposed. - 10%
- v. Proposed Team's overall approach to Quality Assurance and your firm's Weather Protection Plan, both on previous projects and described approach to this Project - 15%
- vi. Respondent's approach to contract administration, tracking, and documentation – 10%
- vii. Respondent's cost control processes, bid processes, and estimating expertise – 10%
- viii. Respondent's method for schedule management and record for maintaining project schedules – 5%
- ix. Respondent's approach to safety, and safety record – 5%
- x. Past experience on public projects – 5%
- xi. References – contacted at Owner's discretion as needed to supplement information to rank the above.
- xii. Litigation History - Pass/Fail
- xiii. HUB Subcontracting Plan - Pass/Fail

STEP #2 - PROPOSALS:

The evaluations from Qualifications/Step #1 above will be multiplied by .70, with the proposal scores added to the evaluation score in the following proportions:

- xiv. Project Approach - 10%
 - xv. Preconstruction fees - 5%
 - xvi. General Conditions Costs – 7.5%
 - xvii. Construction Fee - 7.5%
- d) The committee may conduct an interview of the finalist(s) to make a determination for award recommendation.
 - e) Giving priority in order of the ranking determined by the scores, SPB will undertake to negotiate an agreement with the Respondent, which is evaluated as the highest scoring, deemed the best value to the State. The Evaluation Committee will determine if price negotiations are necessary and may negotiate final pricing per TGC, Chapter 2269, Subchapter D, §2269.254 (b), (c). If an agreement cannot be negotiated, the negotiations will be formally terminated and SPB will attempt to negotiate an agreement with the next Respondent in order of scoring until an agreement is reached or the list is exhausted, upon which the solicitation will be cancelled and may be re-issued.
 - f) In evaluating proposals to determine the best value for the State of Texas, SPB may consider information related to past contract performance of a Respondent including, but not limited to, the Vendor Performance Tracking System available at <http://www.txsmartbuy.com/vpts>. Prior work performance with SPB and other State agencies or governmental entities, which are familiar with a Respondent's performance, depending on problems encountered, may be grounds for disqualification.
 - g) **RIGHT TO AUDIT:** Vendor understands that acceptance of funds under this contract acts as acceptance of the authority of the State Auditor's Office, SPB, or any successor agency to conduct an audit or investigation in connection with those funds. Vendor further agrees to cooperate fully with the above parties in the conduct of the audit or investigation,

including providing all records requested. Vendor shall ensure that this clause concerning the authority to audit funds received indirectly by subcontractors through the vendor and the requirement to cooperate is included in any subcontract awarded.

- h) **PUBLIC DISCLOSURE:** News or social media releases pertaining to this RFQ or the services, study, data, or project to which it relates shall not be made without SPB's prior written authorization. In the exercise of SPB's sole and absolute discretion, any breach by the Respondent may result in the disqualification of response or cancellation of this RFQ and the disqualification of the Respondent to respond to any re-solicitation.
- i) **ORDER OF PRECEDENCE:** In the event of conflicts or inconsistencies between this contract and its attachments, such conflicts or inconsistencies shall be resolved by reference to the documents in the following order of priority: Signed Contract, Attachments to the Contract, Request for Qualifications, and Respondent's Response to Request for Qualifications.