

STATE PRESERVATION BOARD

P. O. Box 13286

Austin, Texas 78711

REQUEST FOR QUALIFICATIONS

for

Roof Replacement - Professional Design Services

1856-57 General Land Office Building/Texas Capitol Visitors Center

Austin, TX

RFQ #809-22-0007

Date Issued: September 28, 2021

Qualifications Due Date: 2PM, November 1, 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>

Contents

SECTION I - GENERAL/SCOPE

SECTION II - PROJECT DESCRIPTION & STATEMENT OF WORK

SECTION III - SCHEDULE OF EVENTS

SECTION IV - SUBMITTAL REQUIREMENTS

SECTION V - EVALUATION AND AWARD

SECTION VI – POST SUBMITTAL REQUIREMENTS

ATTACHMENT A - EXECUTION OF SUBMITTAL

ATTACHMENT B - PROFESSIONAL SERVICES AGREEMENT

ATTACHMENT C - HUB SUBCONTRACTING PLAN

SECTION I - GENERAL

SCOPE: In accordance with the provisions of Texas Government Code, Chapter 2254, Subchapter A, Professional Services, the State Preservation Board (SPB) is soliciting statements of qualifications ("Qualifications") from Architects or Engineers ("A/E" or "Respondents") for selection of a firm to perform Professional Services for the design of copper guttering, lightning protection and slate roof replacement at the 1856-57 General Land Office Building (GLO) located in Austin, Texas. The 1856-57 General Land Office Building houses the Texas Capitol Visitors Center and is located on the Texas Capitol Grounds. This separately-sealed design scope is part of a larger exterior preservation project designed by the SPB's staff architect.

- 1) **CONTRACT TYPE:** It is the intention of SPB to award to one qualified professional architectural/engineering (A/E) firm. Services undertaken pursuant to this RFQ will be required to commence within ten (10) calendar days of delivery of a Notice to Proceed. Respondents must review the contract terms and conditions contained in Attachment B and will be required to adhere to the terms if awarded the Contract.
- 2) **STATE FUNDING:** 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 Professional Services Agreement shall apply.
- 3) **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, or sub-contractors may be grounds for disqualification.
 - a) **Purchaser Name:** Linda Gaby, CTPM, CTCM
 - b) **Purchaser Email:** SPB.Bids@tspb.texas.gov
- 4) **DEFINITIONS:**
 - a) **Addendum:** A modification of the specifications issued by SPB.
 - b) **Electronic State Business Daily (ESBD):** the designated website where state agencies, universities, and municipalities post formal solicitations (over \$25K), addenda to posted solicitations, and awards. The link to the ESBD is
<http://www.txsmartbuy.com/esbd>
 - c) **Owner:** State Preservation Board
 - d) **Project Manager:** The individual designated by the Owner authorized to represent the Owner during the performance of the Contract.
 - e) **Good Faith Effort:** Effort required by vendors when completing the Attachment C, 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/>

- f) HUB Subcontracting Plan (HSP): The Historically Underutilized Business (HUB) Subcontracting Plan (HSP) required by Chapter 2161 of the Texas Government Code (TGC) and by Title 34, Part 1, Chapter 20, Subchapter D, §20.281- §20.298 of the Texas Administrative Code (TAC).
- g) Historically Underutilized Business (HUB): A business who certified with the Comptroller of Public Accounts by meeting the following requirements: 51% owned by an Asian Pacific American, Black American, Hispanic American, Native American, American woman, and/or 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 a proportionate interest that actively participates in the control, operations and management of the entity’s affairs.

SECTION II - PROJECT DESCRIPTION & STATEMENT OF WORK

- 1) The scope of work includes providing professional design services for the Roof Replacement as a separately sealed package within the General Land Office Exterior Preservation Project. The larger General Land Office Exterior Preservation Project includes stucco patching and replacement and wood window repair. The existing slate roof was installed in 1990 as part of the last major Restoration of the GLO. Work in the scope of this RFQ includes the following:
 - a) Design a Replacement Slate Roofing System to replace the existing copper gutter and downspout system and slate roofing system, with proper detailing, mounting, and slate selection to ensure an 50 year warranted life.
 - b) Survey and test openings of existing roof.
 - c) Engage sub-consultants as required to confirm structural sufficiency of roof framing.
 - d) Provide a set of 100% Construction Documents including, but not limited to:
 - o Overall Roof Plan

- Slate material requirements, layout and mounting details
 - Underlayment
 - Flashing plan and details
 - Parapet details
 - Ridge and Valley details
 - Gutter and Downspout details
 - Roof deck carpentry
 - Lightning protection specifications and mounting details
 - Any other details required for a complete roofing, guttering, and lightning protection system.
- e) Bid Phase Review
- f) Construction Administration (CA) Services
- Coordination with General Contractor during other phases of the General Land Office Exterior Preservation Project.

Preservation of historical structures and materials is extremely important for a successful project and the design must adhere to the Secretary of the Interior's Standards for Treatment of Historic Properties. All intact historic material shall be retained and preserved.

- 2) **PROJECT BUDGET:** The budget for the Roof Replacement portion of the General Land Office Exterior Preservation Project is approximately \$500,000.00. In addition, there are estimating and design contingencies to be managed by the SPB.
- 3) **PROJECT SCHEDULE:** Construction Documents should be completed no later than March 18, 2022. The project will be implemented on an aggressive schedule with a goal of completion of construction by November 15, 2022.
- 4) **ROLE OF THE SPB DESIGNATED PROJECT MANAGER:** The State Preservation Board is responsible for the preservation and maintenance of the Texas Capitol and will manage the Project. The SPB Project Manager will manage the Project for the State. This will involve decision-making and issue resolution on the Project. The SPB may engage other Architects or Engineers as required. The Successful Respondent will be required to provide timely responses to issues related to the design and attend meetings when the most timely means of resolution is to convene all the parties to an issue on-site. Generally, the SPB project management team will gather information, and the Project Manager will make decisions after input has been received. There is no expectation that the A/E will be required to manage the project beyond their design or make final decisions on design or construction issues. The A/E will be required to support the project as needed to meet the established goals for time, cost and quality.

- 5) SITE VISITS: The Roof Replacement Design A/E will be required to walk the site weekly during active construction and provide a written observation report. Additional visits are not required except those related to submittal and RFI reviews that are part of Construction Administration.

- 6) MEETINGS: During the Design Phase it is anticipated that meetings will occur weekly with a duration of one hour. The time, location, and agenda of the meetings will be set by the SPB in consultation with the A/E. Virtual meetings will be considered to minimize travel time and allow participation of remote design staff. Construction Phase meeting will be held onsite weekly. Meeting minutes will be maintained by SPB project managers.

- 7) PROJECT PHASES
 - a) Design: The Roofing Replacement A/E will be responsible for providing design services and one complete package of sealed construction documents to allow for bidding of the slate roof replacement, guttering, and lightning protection. There will be sufficient language in the general notes and specification to insure that all existing surfaces are protected at all times during the construction process and coordinated with concurrent exterior preservation project efforts. Cutting and/or examination of existing surfaces in public areas is prohibited, unless specifically approved by the owner in writing prior to the beginning of the work. The Secretary of the Interior's Standards for Treatment of Historic Properties must be considered in every design decision.

Providing a cost estimate at Design Development, and production of detailed as-builts, may be incorporated into the contract as additional services.

 - b) Bidding: The Roofing Replacement A/E will assist the SPB and its Project Manager in evaluating contractor and subcontractor bids and making recommendations during the procurement phase of each Project.

 - c) Construction: The Roofing Replacement A/E will provide Contract Administration services, including but not limited to regular meeting attendance, prompt response to RFI's, generating supplemental documentation as needed, reviewing and approving submittals, performing site reviews, issuing changes as required, and performing substantial and final punch list inspections for closeout of each Project.

SECTION III – SCHEDULE OF EVENTS

- 1) **SCHEDULE OF EVENTS:** SPB reserves the right to change the dates shown below.

<u>EVENT</u>	<u>DATE</u>
Issue RFQ	9/28/2021
Deadline for Submission of Questions	10/15/2021 Friday @ 5:00 PM CT
Deadline for Submission of Qualifications	11/01/2021 Monday @ 2:00 PM CT
Execute Contract	By 12/01/2021

- 2) **PRE-SUBMITTAL CONFERENCE:** There will be no pre-submittal conference for this project.
- 3) **SITE VISIT:** There will be no site visit for this project.

SECTION IV – SUBMITTAL REQUIREMENTS

- 1) **DELIVERY OF QUALIFICATIONS:** Qualifications must be submitted to SPB by the following method:

By Email*: SPB.Bids@tspb.texas.gov

**When emailing qualifications package, the email subject line must contain the RFQ number and title as indicated on this RFQ. It is recommended that Respondents begin the email process at least 24 hours in advance of the due date/time since most large attachments are quarantined and delayed for security scanning. The State shall not be responsible for failure of electronic equipment or operator error. SPB takes no responsibility for electronic Submittals that are captured, blocked, filtered, quarantined or otherwise prevented from reaching the proper destination email box by the due date/time by any SPB anti-virus or other security software. All proposals received via email will be acknowledged. If no confirmation is received, contact the SPB Purchasing Dept. at 512-475-4901 to confirm receipt of proposal.*

- 2) **REQUIRED DOCUMENTS:**
- a) **Package 1 – Required Documentation:**
 - i) **Attachment A – Execution of Submittal**
 - ii) Acknowledgement of Addenda
 - b) **Package 2 – HUB Documentation**
 - i) **Attachment C – HUB Subcontracting Plan**
 - c) **Package 3 – Scored Documentation**
 - i) Company Information
 - ii) Relevant Experience and Qualifications

- iii) Proposed Project Approach
 - d) Organization: Document pages should be numbered and contain an organized, paginated table of contents corresponding to the section and pages of the submittal.
 - e) Submittal Costs: Respondents to this RFQ are responsible for all costs of submittal preparation and delivery.
- 3) **CONTENTS**: Below is a summary of required information. SPB reserves the right, in its sole judgment and discretion, to waive minor technicalities and errors in the best interest of the State. The Attachment A, Execution of Submittal and the Attachment C, HUB Subcontracting Plan shall be returned; failure to do so shall result in disqualification.
- a) Company Information: Including, but not limited to the following:
 - i) Company description;
 - ii) Ownership information;
 - iii) Physical and Mailing addresses;
 - iv) Other company locations/offices;
 - v) Primary contact;
 - vi) Office and mobile telephone numbers, and email of primary contact; and 11-Digit State of Texas Taxpayer Vendor Identification Number.
 - vii) Disciplines of staff members
 - b) Provide a Statement of Interest for the project including a narrative describing the firm's unique qualifications. Include in this statement certification that the Professional Architect/Engineer is a licensed architect or engineer and is in compliance with the Rules and Regulations for Licensing as set forth by a State of Texas professional registration entity. (Texas Board of Professional Engineers or Texas Board of Architectural Examiners
 - c) Provide a statement about the availability and commitment of the firm and its principal(s) and key professionals to undertake the project.
 - d) Firm and Team Experience - Provide resumes giving the experience and expertise of the principals and key professional members of the firm that will be involved in the project, including their experience with similar projects and the number of years with the firm. Identify the individuals who will be responsible for the various phases of the project and provide qualifications data on each, including any experience with historic buildings.

Describe the proposed project assignments and lines of authority and communication for principals and key professional members of the firm who will be involved in the project. Indicate the estimated percent of time these individuals will be involved in the project. Include organization charts.

For each project listed in below in section e), list the members of the proposed team for this project who worked on each listed project and describe their roles in those projects.

Provide information regarding the firm's experience with public projects in Texas, including experience working with a public owner with multiple stakeholders, participants, and interested parties. Describe the firm's experience working on a diverse project team and on projects managed by a Project Manager for the Owner.

e) REPRESENTATIVE PROJECTS

1. List a minimum of **five projects** for which the firm provided or is providing professional services which are most related to this project and have occurred within the last ten (10) years. Identify any personnel proposed for this project who were actively involved or responsible for each representative project listed below. List the projects in priority order, with the most related project listed first. Provide the following information for each project listed:

- Project name and location;
- Project owner;
- Project construction contractor;
- Project description, including a discussion of how this project is similar;
- Project square footage;
- Firm's specific role in the project;
- Owner's original budget and schedule;
- Construction contract initial cost and schedule;
- Completed construction cost and duration at final completion;
- Illustrative material of projects (up to 10 pages as optional attachments).

2. Highlight experience in the following areas:

- Design of slate roofing systems for historic buildings.
- Demonstrated design success in specifying replacement slate roof systems on buildings that require minimally invasive techniques that can be installed in a short time frame with as few modifications to the structure and finishes as possible.
- Demonstrated design success in specifying slate roof systems that are designed for 50+ years of successful service handling environmental conditions without degradation.

- Demonstrated ability to balance project scope and quality to meet budget constraints.
- Success in preparing bid documents that consider construction logistics (environments where on-going client operations may not be interrupted or impacted by dust and noise) in a limited site area and that clearly communicate conditions of construction to bidders.
- Success in coordination with construction as a component of a larger construction project.
- Success in construction administration and coordination with client's on-going operations.

f) PROJECT APPROACH:

1. Describe the firm's approach to this project, including the specific approach to slate roofing system replacement in an historic building, while respecting building preservation and historic surfaces, and to meeting budgets and schedules. Explain the ways in which the firm's experience has prepared the firm to be successful on this project. Describe the decision making process to be used to successfully replace an old system with a new one.
2. Describe the firm's approach to estimating costs. What estimating guides are used? Is the cost for adjustment for individual cities taken into account?

g) REFERENCES: Provide references for the projects listed above in Representative Projects. The references shall include:

- Owner's name, owner's representative who served as the day-to-day liaison during planning, design and construction of the project, and the owner representative's telephone number and email address.
- Construction contractor's firm name, contractor's representative who served as the day-to-day project liaison, and the contractor representative's telephone number and email address.

h) ADDITIONAL INFORMATION: Provide any additional information that the firm believes may better describe its qualifications and/or be of benefit to the SPB.

i) MINIMUM QUALIFICATIONS:

- (1) Out of State vendors 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.

- (2) Negative responses and experiences from state client agencies, regulatory agencies, and the SPB, which are familiar with firm's performance, depending on problems encountered, may be grounds for disqualification.
 - (3) In accordance with Texas Occupations Code Title 6, Subchapter I § 1001.405. Practice by Business Entity; Registration, all Engineering firms submitting a response to this request for Qualifications must maintain current "business entity registration" with the Texas Board of Professional Engineers concurrent with their submission of said response and, if selected, through the term of the Contract. Provide a copy of your company TBPE Certificate of Registration with your response.
 - (4) In accordance with Texas Administrative Code Title 22, Part 1, Chapter 1, Subchapter G, Rule §1.124, Business Registration, all Architectural firms submitting a response to this Request for Qualifications must maintain current "business entity registration" with the Texas Board of Architectural Examiners concurrent with their submission of said response and, if selected, through the term of the Contract. Provide a copy of your company TBAE Certificate of Registration with your response.
- j) Attachment A, Execution of Submittal: Failure to sign and return the Execution of Submittal shall result in rejection of the response.
 - k) Addenda Acknowledgment: Receipt of all addenda to this RFQ should be acknowledged by returning a signed copy of each addendum signature page with the response. Any amendment to this procurement solicitation will be posted as an addendum on the ESBD. It is the responsibility of interested parties to periodically check the ESBD for updates to the solicitation prior to solicitation submittal. Respondent's failure to periodically check the ESBD will in no way release the selected vendor from "addenda or additional information" resulting in additional costs to meet the requirements of the RFQ.
 - l) Attachment C, HUB Subcontracting Plan: Submittal Requirements: In accordance with the Texas Government Code (TGC), Sections 2161.181-182 and Title 13, Part 7, Chapter 111, §111.31 of the Texas Administrative Code (TAC), the SPB shall make a Good Faith Effort to utilize HUBs in contracts for general services, construction services, professional and consulting services, and commodities contracts. Failure to complete and return the Attachment C, 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:
 - (a) 11.2% for heavy construction other than building contracts,
 - (b) 21.1% for all building construction,
 - (c) 32.9% for all special trade construction contracts,

(d) 23.7% for professional services contracts,

(e) 26.0% for all other services contracts, and

(f) 21.1% for commodities contracts

- i) 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.
- ii) As mandated by 34 TAC § 20.285 Respondents must submit an Attachment C, HSP that identifies all subcontracting items and complies with good faith effort requirements of the Attachment C, HSP, and in accordance with the Comptroller of Public Accounts HUB rules 34 TAC §20.285 (d).
- iii) 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.
- iv) 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.
- v) If SPB determines that the Respondent failed to implement the SPB 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).
- vi) 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://comptroller.texas.gov/purchasing/nigp/>

CLASS-ITEM	DESCRIPTION
906-48	Historical Preservation
925-81	Roofing Engineering
925-88	Structural Engineering

- vii) If assistance is needed in preparing the HUB Subcontracting Plan, potential Respondents may contact the SPB HUB Coordinator by email at SPB.Bids@tspb.texas.gov

viii) Pursuant to Texas Administrative Code, Title 34 §§ 20.85(f)(1)(2) and 20.287(b), SPB administers monthly HSP-PAR compliance monitoring. The successful Respondent and any subcontractors must submit required PAR information. 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) **QUESTIONS**

- a) All questions shall be submitted in writing to Agency Point of Contact identified in Section I.
- b) All questions submitted by email shall be in an editable format, i.e. typed in an email or submitted in Microsoft Word, as opposed to an un-editable format such as Adobe Acrobat .pdf files.
- c) All questions will result in written responses with copies posted to the ESBD at: <http://www.txsmartbuy.com/esbd>. If Respondents do not have Internet access, copies may be obtained through the point of contact listed in Section I.
- 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. This restriction does not preclude discussions with SPB for the purpose of conducting business unrelated to this submittal. Failure to observe this restriction may be grounds for disqualification.

5) **SUBMISSION DEADLINES**

- a) Submittals shall be emailed to SPB.Bids@tspb.texas.gov by 2:00 PM on the date specified in the Schedule of Events above. In order to ensure that all documents are submitted before the deadline, SPB recommends beginning the email process well in advance of the deadline.
- b) Respondents having difficulty submitting qualifications using email should contact the Agency Point of Contact prior to the deadline to make alternate arrangements. Failure to contact the Purchaser prior to the deadline will result in deeming submittal non-responsive or late.
- c) 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 Texas Government Code (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. Should trade secrets or proprietary or otherwise confidential information be included in the submitted electronic copy as referenced above, Respondent should mark the medium with the word "CONFIDENTIAL." 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.

6) **RECEIPT OF SUBMITTALS**

- a) Submittals will be received until the date and time established for receipt. Only the names of the Respondents will be made public. Tabulations will not be divulged until after contract award.
- b) All submittals shall become the property of the State of Texas after the deadline/opening date.
- c) Submittal shall constitute an offer for a period of ninety (90) days or until selection is made by SPB.

SECTION V - EVALUATION AND AWARD

- 1) It is the intent of SPB to award one contract to the Respondent whose qualifications are considered to be 'most qualified' for the services solicited in this RFQ.
- 2) SPB reserves the right to make a determination to cancel the solicitation and not make a recommendation for an award.
- 3) An evaluation committee will be established to evaluate the 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, the Respondent accepts the

solicitation and evaluation process and acknowledges and accepts that scoring of the submittals may involve some subjective judgments by the evaluation committee.

- 4) The evaluation committee will evaluate and score each submittal based on the following criteria:

Criteria	Weight
Firm and Team experience and qualifications working with slate roofing systems	30 points
Firm and team experience working with roofing replacement design projects.	25 points
Firm and team experience and knowledge working with historical structures.	15 points
Project Approach	30 points
Time Commitment and availability to begin project.	Pass/Fail
Total	100 points

- 5) When considering best value and award, SPB reserves the right to set a minimum requirement regarding the weighted criteria listed in paragraph 4 above.
- 6) Giving priority in order of the ranking determined by the scores, SPB will undertake to negotiate a professional architectural/engineering agreement with the firm which is evaluated as the highest scoring firm, deemed the best value to the State. If the agreement cannot be executed, the negotiations will be formally terminated and SPB will attempt to negotiate an agreement with the next firm 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.
- 7) In evaluating submittals 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.

SECTION VI – POST SUBMITTAL REQUIREMENTS

- 1) **ADDITIONAL DOCUMENTATION FROM SELECTED FIRM:**
- Professional liability insurance in a minimum amount of \$1,000,000 and other standard business insurance coverage, as may be required by the Contract.
 - Execution of an appropriate professional services contract.
- 2) **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 it awards.

- 3) **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.
- 4) **ORDER PRECEDENCE:** In the event of conflicts or inconsistencies between this Contract and its exhibits or attachments, such conflicts or inconsistencies shall be resolved by reference to the documents in the following order of priority: Signed Contract, Amendments to the Contract, Request for Qualifications, and Respondent's Response to Request for Qualifications.