

**CITY OF SAN ANTONIO**  
**TRANSPORTATION AND CAPITAL IMPROVEMENTS**



**REQUEST FOR QUALIFICATIONS:  
ON-CALL PROFESSIONAL ENVIRONMENTAL CONSULTING SERVICES**

**RFQ-TCI050514CH**

**Notice Regarding Prohibition on Campaign or Officeholder Contributions for Individuals and Entities Seeking High-Profile Contracts.** Under Section 2-309 of the Municipal Campaign Finance Code, the following are prohibited from making a campaign or officeholder contribution to any member of City Council, candidate for City Council or political action committee that contributes to City Council elections from the 10th business day after a contract solicitation has been released until 30 calendar days after the contract has been awarded:

1. legal signatory of a high-profile contract;
2. any individual seeking a high-profile contract;
3. any owner or officer of an entity seeking a high-profile contract;
4. the spouse of any of these individuals;
5. any attorney, lobbyist or consultant retained to assist in seeking contract.

**A high-profile contract cannot be awarded to the individual or entity if a prohibited contribution has been made by any of these individuals during the “black out” period.**

**RFQ ISSUE DATE:  
May 5, 2014**

**SUBMITTAL DEADLINE:  
JUNE 2, 2014 AT 11:00 A.M. LOCAL TIME**

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**ATTACHMENTS**

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| <b>Form 1 – Respondent Submittal Cover / Signature Sheet</b>             | RFQ Attachment 1 |
| <b>Form 2 – Submittal Checklist and Table of Content</b>                 | RFQ Attachment 2 |
| <b>Form 3 – Discretionary Contracts Disclosure Form and Instructions</b> | RFQ Attachment 3 |
| <b>Form 4 – Litigation Disclosure Form</b>                               | RFQ Attachment 4 |
| <b>Contract Document Template</b>  | Exhibit A        |
| <b>General Conditions</b>  | Exhibit B        |

**CITY OF SAN ANTONIO**  
**ON-CALL PROFESSIONAL ENVIRONMENTAL CONSULTING SERVICES**

**I. BACKGROUND**

The City of San Antonio (hereafter referred to as "City"), Transportation and Capital Improvements Department (hereafter referred to as "TCI" or "the Department") is seeking Request for Qualifications (hereafter referred to as "RFQ") from qualified firms interested in providing on-call or as needed professional environmental consulting services.

All firms responding must be qualified and have licensed, trained and/or certified personnel, in accordance with Federal, State and local regulations, to provide various environmental consulting services or must joint venture or subcontract with a qualified firm to provide the environmental services proposed.

City anticipates various projects will arise under authority of a standby contract resulting from this RFQ. One or more contracts are anticipated to be awarded. Work shall consist of various environmental consulting services, such as environmental risk assessments, subsurface investigations, monitoring well and soil boring installation, monitoring well plugging, Brownfield assessments, leaking petroleum storage tank assessment and closure reports, spill prevention control and countermeasure plans, site remediation, remediation and construction oversight and preparation of regulatory documentation, as may be required to support City construction projects, property acquisitions or any other City projects. Various City Departments may fund the work conducted under the resultant standby agreement by requesting services through the TCI.

For purposes of satisfying requirements of the Texas Professional Services Procurement Act (hereafter referred to as "the Act"), this RFQ is designed to anticipate responses from professional consultants who may be Geologists, Environmental Scientists, Engineers or others who may be covered by the Act. Where environmental professionals are concerned, City's review of qualifications shall consider highest competency as the primary criterion.

Minimally, City requires the services of a firm that employs professionals with sufficient credentials to perform environmental consulting services. Such firms shall employ Corrective Action Project Manager, Registered Environmental Manager, Professional Geologist/Geoscientist, Professional Engineer, etc.

As stated, one or more contracts are anticipated to be awarded in response to this RFQ. The selected Consultant(s) shall be retained in a standby mode. As projects are identified and funded, work to be performed by the selected Consultant(s) shall be authorized. The contract term is anticipated to commence in September of 2014 and shall be for a one (1) year term, with City having the exclusive option to extend the contract(s) for up to three (3) additional one (1) year periods under the same terms and conditions. The estimated fee per project will vary, with a maximum contract amount of \$400,000 per year.

The enabling City Ordinance shall identify the total amount of money that may be expended under the contract(s) anticipated to be awarded in connection with this RFQ. City neither guarantees that the entire contract capacity amount will be spent under the Standby Agreement(s) nor that any minimum amount of work shall be authorized. Unless the specific project requirements are determined to preclude a specific consultant from consideration, if more than one contract is awarded pursuant to this solicitation, the Department shall attempt to allocate the work evenly, according to competency.

**II. SCOPE OF WORK**

The selected firm(s) shall perform environmental consulting activities including, but not limited to, Phase I Environmental Site Assessments (hereafter referred to as "ESAs"), Phase II ESAs, Limited Phase II ESAs, Phase III ESAs (including Remediation and Construction Oversight), Affected Property Assessment Reports, Brownfield Site Assessments, Leaking Petroleum Storage Tank (hereafter referred to as "LPST") assessments, and Spill Prevention Control and Countermeasure (hereafter referred to as "SPCC") plans. Additionally, the selected firm(s) may be required to perform National Environmental Policy Act (hereafter referred to as "NEPA") consulting for federally funded projects.

1. Phase I ESAs:

- Conduct Phase I ESAs on proposed City property acquisitions; City right-of-way (hereafter referred to as "ROW") and/or proposed City construction projects, in accordance with American Society for Testing and Materials (hereafter referred to as "ASTM") E1527-13, City guidelines, and United States Environmental Protection Agency All Appropriate Inquiry (hereafter referred to as "AAI") requirements.

2. Phase II ESAs:

- Perform a Subsurface Investigation study on proposed City property or ROW, to identify the presence or absence of potential contaminants, and to delineate the vertical and horizontal extent of contamination, if encountered. The Subsurface Investigation study shall be conducted in accordance with federal, state and local regulations, as well as applicable industry standards.
- Work may involve drilling below ground surfaces to various utility depths and the collection of soil and/or groundwater samples from the investigative areas. Some soil borings may be converted into temporary and/or permanent monitoring wells for groundwater monitoring purposes.
- Any samples (soil, water and air) collected from the borings or sampling devices shall be analyzed by an authorized Texas Commission on Environmental Quality (hereafter referred to as "TCEQ") laboratory and Consultant shall render conclusions and recommendations.
- The preparation of a final report outlining Consultant's findings and recommendations shall be prepared and presented to City, based on the results of the subsurface investigation(s). This report shall meet minimum ASTM E1903-11 requirements and applicable industry standards.

3. Phase III ESAs:

- Phase III ESAs are the remediation phase and may involve, but are not be limited to, the preparation of waste management plans, environmental remediation, environmental closure by statistical analyses and risk-based assessment. All these activities shall be completed in accordance with all applicable federal, state and local environmental regulations.
- The development of environmental specifications, to address health and safety issues and waste management procedures related to construction projects.
- The oversight of a remediation activity by others, to ensure that work is being conducted appropriately, which may include confirmation sampling and preparing, managing and signing waste manifests.
- Conducting air monitoring for potential contaminants associated with the construction project that may have a potential impact to construction workers and surrounding environment.
- Obtain waste disposal authorization from approved TCEQ disposal facilities for waste characterization and disposal purposes, based on the investigative results.
- Preparation of a final report for presentation to City documenting field activities, air monitoring results, confirmation sampling, soil quantities removed and any other significant information related to a project.

4. Brownfield Site Assessments:

Conduct Phase I ESAs, in accordance with AAI requirements. Prepare Quality Assurance Project Plans for Phase II Subsurface investigation Studies. Prepare and submit reports to City with findings and recommendations associated with investigative results.

5. LPST Assessments:

Conduct assessment, monitoring, reporting, and site closure activities in accordance with all applicable TCEQ regulations.

6. SPCC Plans:

Assist with the preparation, inspection and certification of SPCC plans for City facilities, in accordance with the Oil Pollution Prevention Regulation under the authority of the Federal Clean Water Act requirements.

7. Other Documentation:

Prepare Water Pollution Abatement Plans, Contributing Zone Plans, Geological Assessments, Karst Zone Surveys, and Stormwater Pollution Prevention Plans.

8. NEPA Consulting:

In some instances, the selected firm(s) may be required to perform an assessment of the environmental impacts of a proposed federally funded transportation or City project, as may be required to comply with the National Environmental Policy Act of 1969. The requirements may include, but are not limited to, environmental assessments, blanket categorical exclusions checklists, categorical exclusions, Section 404 Clean Water Act compliance, Endangered Species Act compliance and cultural resources and historical preservation assessments pursuant to Section 106 of the National Historic Preservation Act and the Texas Antiquities Code. Documents shall be prepared primarily for transportation improvement projects, in accordance with Federal Highway Administration, and Texas Department of Transportation requirements.

### III. SCHEDULE OF EVENTS

The following tentative schedule has been prepared for this project.

|  |                     |
|--|---------------------|
| <b>Pre-Submittal Conference:</b>                     | <b>May 14, 2014</b> |
| <b>Deadline for Submission of Written Questions:</b> | <b>May 19, 2014</b> |
| <b>Responses Due:</b>                                | <b>June 2, 2014</b> |
| <b>Interviews, if necessary</b>                      | <b>June 2014</b>    |
| <b>Anticipated City Council Consideration</b>        | <b>August 2014</b>  |

### IV. PRE-SUBMITTAL CONFERENCE

A Pre-Submittal Conference will be held on **May 14, 2014 at 11:00 A.M.** at the **Municipal Plaza Building, Plaza C Conference Room, located at 114 West Commerce St., San Antonio, Texas 78205.** Attendance at the Pre-Submittal Conference is optional but strongly encouraged. Respondents are encouraged to prepare and submit their questions in writing three (3) calendar days in advance of the Pre-Submittal Conference in order to expedite the proceedings.

City's responses to questions received by this due date may be distributed at the Pre-Submittal Conference and posted on City's website at <http://epay.sanantonio.gov/RFPListings/>.

This meeting place is accessible to disabled persons. The Municipal Plaza Building is wheelchair accessible. The accessible entrance is located at 114 W. Commerce. Accessible parking spaces are located at City Hall, 100 Military Plaza. Auxiliary aids and services are available upon request. Interpreters for the Deaf shall be requested at least 48 hours prior to the meeting. For assistance, call (210) 207-7245 Voice/TTY.

Any oral responses provided by City staff at the Pre-Submittal Conference shall be preliminary. A written summary of the Pre-Submittal Conference shall contain official responses and posted on City's website at <http://epay.sanantonio.gov/RFPListings/>. Any oral response given at the Pre-Submittal Conference that is not confirmed in the written summary of the Pre-Submittal Conference or by a subsequent addendum shall not be official or binding on City. Only written responses shall be official and all other forms of communication with any officer, employee or agent of City shall not be binding on City.

## V. SUBMITTAL DOCUMENT REQUIREMENTS AND EVALUATION CRITERIA

City will conduct a comprehensive, fair and impartial evaluation of all submittals received in response to this RFQ. City may appoint a selection committee to perform the evaluation. Each submittal will be analyzed to determine overall responsiveness and qualifications under the RFQ. The selection committee may select all, some or none of the Respondents. If City elects to conduct interviews, Respondents may be interviewed and re-scored based upon these same criteria, or other criteria to be determined by the selection committee.

Respondent's submittal shall include the following items in the following sequence:

- A. EXECUTIVE SUMMARY – Respondent shall include a one (1) page Executive Summary with its Statement of Qualifications (“SOQ”). The summary shall state the number of years Respondent has been in business, number of years Respondent has been in business at its local office, Respondent's local office address and number of employees employed in Respondent's local office.
- B. SUBMITTAL COVER / SIGNATURE PAGE (Form #1) – Respondent shall include the completed Submittal Cover/Signature Sheet with its submittal, indexed and labeled as **Tab “1”**. The Submittal Cover/Signature Sheet shall be signed by a person (or persons) authorized to bind the entity (or entities) submitting the response. Submittals signed by a person other than an officer of the company or partner of the firm shall be accompanied by evidence of authority. Joint ventures require signatures from all firms participating in the joint venture. Joint ventures are required to provide legal proof of the joint venture, such as a joint venture agreement, as an attachment to their submittal.
- C. SUBMITTAL CHECKLIST AND TABLE OF CONTENTS (Form #2) – Respondent shall complete this form, which is to be used as the Table of Contents for its submittal. The checklist shall be indexed and labeled as **Tab “2”** in its submittal.
- D. DISCRETIONARY CONTRACTS DISCLOSURE FORM (Form #3) – Respondent shall complete the form online at, <https://www.sanantonio.gov/eforms/atty/ContractsDisclosureForm.pdf>, print a copy of the completed form and submit as **Tab “3”** in its ORIGINAL SUBMITTAL ONLY. If Respondent is proposing as a team or joint venture, each party to the team or joint venture shall complete and submit a separate form with the submittal.
- E. LITIGATION DISCLOSURE FORM (Form #4) – Respondent shall complete a Litigation Disclosure form and utilize additional pages for explanation, if necessary, indexed and labeled as **Tab “4”** in its submittal. If Respondent is proposing as a team or joint venture, each party to that team or joint venture shall completed and submit a separate form with the submittal.
- F. CONTRACT TEMPLATE AND GENERAL CONDITIONS (Indexed and labeled as **Tab “5”**) -- Respondent shall review City's Contract Template and General Conditions, provided as RFQ Exhibit A and B hereto, and provide written comments and/or concerns regarding the Contract and General Conditions. If Respondent does not have any comments and/or concerns, Respondent shall indicate this in this Tab 6. If no objections are submitted by the Respondent, City shall presume that Respondent shall sign the agreement as presented, if a contract is awarded.
- G. PROOF OF INSURABILITY (Indexed and labeled as **Tab “6”**.) - Respondent shall submit a copy of its current insurance certificate.
- H. LETTERS OF REFERENCE (required): Respondent shall provide a maximum of five (5) letters of reference. Letters of Reference shall be indexed and labeled as **Tab “7”**.
- I. STATEMENT OF QUALIFICATIONS – Respondent shall provide a narrative document that addresses all evaluation criteria in Section II of this RFQ. Sufficient information regarding past projects and key personnel's experience should be provided to indicate that the respondent's team has met or exceeded the minimum qualifications provided in Section II of this RFQ in submittal.

**A. Background, Experience and Qualifications of Prime Firm, Key Personnel and Key Sub-Consultants, including Co-Respondent, Joint Venture Party or Partner (45 Points)**

**1. Experience: (Indexed and Labeled as Tab “8”)** - City shall consider the relevance of past experience for all parties proposed as a part of Respondent’s team. Respondent shall provide a narrative, in two (2) pages (not including forms and attachments), that describes the team’s qualifications. Respondent shall include how Respondent’s proposed team has worked together on past similar projects and include the number of years working together as a team. Please specify team’s experience with public entity clients, especially large municipalities and regulatory agencies. If a Sub-Consultant is part of the team, Respondent shall include information on how the Sub-Consultant functions within the team’s organization.

**2. Proposed Key Personnel/Organizational Chart (Indexed and Labeled as Tab “9”)** - Key personnel Respondent includes in this Section are expected to be the same personnel that will be assigned to the contract, if awarded. Respondent shall provide a detailed organizational chart of its firm, identifying key personnel who shall be committed to working on the various tasks and their current office locations required under this contract. The Proposed Key Personnel shall consist of personnel holding professional licenses/certifications required to do the duties stipulated as part of this contract, and with a minimum of five (5) five years of demonstrated experience in environmental services. Label key personnel assignments as:

- Proposed Senior Environmental Project Manager;
- Proposed Project Manager; Project Geologist, Environmental Scientist, Environmental Technician, and any other professional that is part of the Team in the local office to work under this contract.
- Coordination of the project with the City’s Environmental Project Manager, coordination with regulatory agencies and authorities (if any) and others;
- Quality assurance/quality control coordination for submitting applicable documentation;
- Sub-Consultants (for any services deemed necessary to fulfill the duties under this contract).

**3. Resumes (Indexed and Labeled as Tab “10”)** – Respondent shall submit one-page resumes for all key team members. Resumes should link to the provided project sheets and also may include additional previously-completed relevant projects not highlighted in the provided project sheets. The provided resumes also shall include the license type (if applicable), number of years licensed, location of office, number of years experience in proposed role and experience with the Firm. The information included in this section should include only personnel who will work directly under this contract.

**4. Project Sheets (Indexed and Labeled as Tab “11”)** – Respondent’s submittal shall include a maximum of ten (10) project sheets, limited to one (1) page for each project, which describe similar projects Respondent has completed within the last five (5) years. Each project sheet shall include the following:

1. Name and Description of past successfully completed environmental projects;
2. Scope of those projects;
3. Project cost;
4. Project start and completion dates;
5. Project owner
6. Names of Respondent’s team members who worked with the project. Kindly indicate if the named team members are still retained by Respondent.
7. The project’s owner’s name and the name of the representative (if different) who served as the day-to-day liaison for the project in the following format:  
Name of Owner: \_\_\_\_\_  
Name of Owner’s representative: \_\_\_\_\_  
Representative’s Phone Number: \_\_\_\_\_  
Representative’s E-mail: \_\_\_\_\_

## B. Proposed Management Plan (40 points)

Respondent shall describe its understanding of this contract, specific issues and challenges likely to be involved, as well as the availability of labor resources (Respondent's capacity to perform) in executing the scope of work of this contract. Respondent shall submit information in a brief narrative plan that clearly and concisely describes the challenges Respondent foresees and its approach to managing the Project. Respondent shall specify the roles that relevant employees in local office will perform under this contract.

### 1. Project Approach/Management Plan – (indexed and labeled as Tab “12”)

Respondent shall limit its response to no more than five (5) pages (including charts or diagrams):

- i. Indicate the percentage of time key personnel shall be devoted to the projects outlined in this RFQ.
- ii. Describe Respondent's project management approach and team organization for the provision of the services outlined in this RFQ. Respondent shall specify the roles that relevant employees in local office will perform under this contract, including the job functions of each, such as preparation of invoices, printing documentation, Subcontractor and Sub-Consultant coordination, etc.
- iii. Detail the current capacity of key team individuals and the firm's capabilities to complete the services outlined herein.
- iv. Briefly describe Respondent's plans for quality control of documentation or services provided by the prime firm, dispute resolution, and safety management in providing the services outlined in this RFQ.
- v. Briefly describe Respondent's plans for quality control of documentation or services provided by Sub-Consultants and Subcontractors, dispute resolution and safety management in providing the services outlined in this RFQ.
- vi. Briefly describe Respondent's approach for changes in key personnel. Respondent shall include a strategy plan for replacing a key team member, such as a Senior Project Manager, Sub-Consultant or Subcontractor, that leaves Respondent's firm or team due to any reason. Respondent also shall include an organizational chart showing back-up personnel to all of Respondent's the key positions.

## C. Team's Experience with San Antonio Region Issues and past experience with City of San Antonio contracts (15 points)

City is interested in evaluating Respondent's experience with San Antonio issues, as may be evidenced by work in San Antonio and/or the surrounding area during the past five (5) years. In narrative form, using three (3) pages, briefly describe Respondent's experience (if any) in the following areas, referencing projects relating to that experience. Note: Respondent may reference projects included in project sheets under **Tab 11** herein or include other projects, but no additional project sheets shall be provided for this criteria. This information shall be indexed and labeled as **Tab “13”**.

1. Name and description of the project;
2. Scope of the project as performed by the Respondent. If Respondent was part of a team, please indicate the role played by the Respondent;
3. Project cost;
4. Project start and completion dates;
5. Project owner
6. Names of Respondent's team members who worked with the project. Kindly indicate if the team members still retained by Respondent.
7. The project's owner's name and the name of the representative (if different) who served as the day-to-day liaison for the project in the following format:

Name of Owner: \_\_\_\_\_  
 Name of Owner's representative: \_\_\_\_\_  
 Representative's Phone Number: \_\_\_\_\_  
 Representative's E-mail: \_\_\_\_\_

A portion of the scoring for these criteria may be based on City's Consultants' Scorecard, other documentation and/or experience with City projects. City may consider the history of the firm in complying with project programs, schedules and budgets on previous City of San Antonio projects. **No items shall be submitted by Respondent for this portion of the criterion. Respondent shall not be penalized if it has not done work on City of San Antonio projects.** Specific items for consideration may include, but are not limited to, the following:

- Timely completion of City projects;
- Cooperative working relationship with City;
- Prompt response to communications
- Prompt payment of Subcontractors at all levels;
- Compliance with other contract terms;
- Compliance with City Ordinances on substitution/addition/deletion of Subcontractors;
- Compliance with City standards;
- Conformance to City budget requirements.

| Evaluation Criteria:  | Maximum Points    |
|---|-------------------|
| <b>A. Background, Experience and Qualifications of Prime Firm, Key Personnel and Key Sub-Consultants, including Co-Respondent, Joint Venture Party or Partner</b> | <b>45 points</b>  |
| <b>B. Proposed Management Plan</b>  | <b>40 points</b>  |
| <b>C. Team's Experience with San Antonio Region Issues &amp; past experience with City of San Antonio contracts</b>   | <b>15 points</b>  |
| <b>TOTAL</b>  | <b>100 points</b> |

## VI. SUBMISSION INSTRUCTIONS

When submitting a Statement of Qualifications in person, visitors to City Hall shall allow time for security measures. Visitors to City Hall shall be required to enter through the east side of the building. The public shall pass through a metal detector and x-ray machine located in the City Hall lobby. All packages, purses and carried items shall be scanned during City's regular business hours of 7:45 a.m. to 4:30 p.m. After members of the public proceed through the metal detector, they will sign in and receive a visitor's badge. For those that might require the use of a ramp, entry is available on the south side of City Hall (Dolorosa side). Security shall meet the ramp user in the basement with a hand scanner.

Respondent shall submit a total of **seven (7)** Qualification Statements, which shall include one **(1)** original unbound Qualification Statement (to include Respondent's DISCRETIONARY CONTRACTS DISCLOSURE FORM - Form #3 - under Tab 3), signed in ink, and **six (6)** reprinted copies of its submittal, as well as one **(1)** copy of the entire submittal in an Adobe PDF format on a compact disk (CD) in a sealed package, clearly marked on the front of the package "**RFQ: ON-CALL PROFESSIONAL ENVIRONMENTAL CONSULTING SERVICES**". All submittals shall be received in the Office of the City Clerk **NO LATER THAN 11:00 A.M., on June 2, 2014** at the address indicated below. Any submittal received after this time shall not be considered.

Physical Address:

Office of the City Clerk, Attn: Transportation and Capital Improvements  
100 Military Plaza  
City Hall, 2<sup>nd</sup> Floor,  
San Antonio, Texas 78205

Submittals sent by facsimile or email shall not be accepted.

The response to the solicitation should be complete and well organized. Adherence to the maximum page criterion is critical; each page side (maximum 8 1/2" x 11") with criteria information will be counted. Respondent shall adhere to the page limitations for each section, as stated herein. Pages, which have project photos, charts, and graphs, shall be counted towards the maximum number of pages. Front and back covers, Table of Contents pages and tabbed divider pages shall not be counted if these pages do not contain submittal information. The use of recycled paper is encouraged. Three-ring binders are **NOT** permitted. With regards to other types of binding, plastic (not metal) spiral or "comb" binding is highly recommended. Unnecessarily elaborate brochures, artwork, bindings, visual aids, expensive paper or other materials, beyond that which is sufficient to present a complete and effective submission, are not required. All pages shall be numbered. Margins shall be no less than 1" around the perimeter of each submitted page. Electronic files, websites or URLs shall not be included as part of the proposal, other than the CD specified above. Each submittal shall include the sections and attachments in the sequence listed in the RFQ Section V, Submittal Document Requirements & Evaluation Criteria, and each section shall be divided by tabs and indexed as indicated in this RFQ. Failure to meet the above conditions may result in disqualification of the proposal.

A Respondent who submits a response to this RFQ correctly shall reveal, disclose and state the true and correct names of the individual, proprietorship, corporation and/or partnership of Respondent, clearly identifying the responsible general partner and all other partners who would be associated with the contract, if any. No nicknames, abbreviations (unless part of the legal title), shortened or shorthand or local "handles" shall be accepted in lieu of the full, true and correct legal name of an entity. These provided names shall comport exactly with the corporate and franchise records of the Texas Secretary of State and Texas Comptroller of Public Accounts. Individuals and proprietorships, if operating under other than an individual name, shall match with exact Assumed Name filings. A Corporate Respondent and a Respondent Limited Liability Company shall include the 11-digit Comptroller's Taxpayer Number on the signature page of Respondent's submitted Proposal.

## **VII. AMENDMENTS TO RFQ**

Changes, amendments or written responses to questions received in compliance with Section VIII, Restrictions on Communication herein, may be posted on City's website at <http://epay.sanantonio.gov/RFPListings/>. It is Respondent's responsibility to review this site and ascertain whether any amendments have been made prior to submission of its proposal. If Respondent does not have access to the Internet, Respondent shall notify City, in accordance with Section VIII, Restrictions on Communication, it wishes to receive copies of changes, amendments or written responses to questions by mail or facsimile.

No oral statement of any person shall modify or otherwise change or affect the terms, conditions or specifications stated in this RFQ and all changes to this RFQ – if any – shall be made in writing only.

## **VIII. RESTRICTION ON COMMUNICATIONS**

Once this RFQ has been released, Respondent is prohibited from communicating with City staff regarding the RFQ or Submittals, with the following exceptions:

Respondent is prohibited from communicating with elected City officials and their staffs regarding this RFQ or Respondent's submittal from the time this RFQ has been released until the contract is posted as a City Council agenda item. Respondent is prohibited from communicating with City employees regarding this RFQ from the time this RFQ has been released until the contract is awarded. These restrictions extend to "thank you" letters, phone calls, emails and all other contact that results in the direct or indirect discussion of this RFQ and/or submittal

submitted by Respondent. Violation of this provision by Respondent and/or its agent may lead to disqualification of Respondent's submittal from consideration. Exceptions to the restrictions on communication with City employees include:

1. Respondent may ask verbal questions concerning this RFQ at the Project's Pre-Submittal Conference.
2. Respondent may submit written questions concerning this RFQ to the Staff Contact Person listed in the address below until **4:00 PM on May 19, 2014**. Questions received after the stated deadline will not be answered. It is suggested that all questions be sent by electronic mail or by fax to:

**Clayton Hoelscher, Contract Coordinator (210) 207-8310 or Clayton.Hoelscher@sanantonio.gov**

However, questions sent by certified mail, return receipt requested, also shall be accepted and should be addressed to:

Clayton Hoelscher, Contract Coordinator  
City of San Antonio, Transportation and Capital Improvements  
Contract Services Division  
114 Commerce Street, 9<sup>th</sup> floor, San Antonio, TX 78205

## **IX. AWARD OF CONTRACT AND RESERVATION OF RIGHTS**

City reserves the right to award one, more than one or no contract(s) in response to this RFQ.

- A. A Contract, if awarded, shall be awarded to a Respondent whose submittal is deemed most advantageous to City, as determined by a selection committee and upon the approval of the San Antonio City Council.
- B. City may accept any submittal in whole or in part. If subsequent contract negotiations are conducted, such negotiations shall not constitute a rejection or alternate RFQ on the part of City. However, final selection of a Respondent is subject to City Council approval.
- C. City reserves the right to accept one or more submittals or reject any or all submittals received in response to this RFQ and to waive informalities and irregularities in any submittal received. City also reserves the right to terminate this RFQ, reissue a subsequent solicitation and/or remedy technical errors in the RFQ process.
- D. City shall require the selected Respondent(s) to execute a contract with City in substantially the same form as attached, prior to City Council award. No work shall commence on the subject Project until City signs the contract document(s) and Respondent provides the necessary evidence of insurance required in this RFQ and the contract. Contract documents are not binding on City until approved by City Attorney and City Council. In the event the parties cannot negotiate and execute a contract within the time specified by City, City reserves the right to terminate negotiations with the selected Respondent and commence negotiations with another Respondent.
- E. This RFQ does not commit City to enter into a Contract or award any services related to this RFQ, nor does it obligate City to pay any costs incurred by Respondent in the preparation or submission of a response or in anticipation of a contract.
- F. City administers its design and construction management through an Internet-based management system. All vendors will be required to use City's system and submit Project schedules as City dictates.
- G. **Conflicts of Interest:** Respondent acknowledges that it is informed that the Charter of City of San Antonio and its Ethics Code prohibit a City officer or employee, as those terms are defined in the Ethics Code, from having a financial interest in any contract with City or any City agency, such as the City-owned utilities. An officer or employee has a "prohibited financial interest" in a contract with City or in the sale to City of land, materials,

supplies or service, if any of the following individual(s) or entities is a party to the contract or sale: City officer or employee; his/her parent, child or spouse; a business entity in which he/she or his/her parent, child or spouse owns ten percent (10%) or more of the voting stock or shares of the business entity, or ten percent (10%) or more of the fair market value of the business entity; or a business entity in which any individual or entity listed by Respondent is a Subcontractor on a City contract, a partner or a parent or subsidiary business entity.

- H. Respondent is required to warrant and certify that it, its officers, employees and agents are neither officials nor employees of City, as defined in Section 2-42 of City's Ethics Code. (Discretionary Contracts Disclosure) – Instructions and web-link to electronic form are included in Form 3 of RFQ.
- I. **Independent Contractor:** Respondent agrees and understands that, if selected, it and all persons designated by it to provide services in connection with a contract, is (are) and shall be deemed to be an Independent Contractor(s), responsible for its (their) respective acts or omissions, that City shall in no way be responsible for Respondent's actions and that none of the parties hereto shall have authority to bind the other or to hold out to third parties that it has such authority.
- J. Effective January 1, 2006, Chapter 176 of the Texas Local Government Code requires that persons or their agents, who seek to contract for the sale or purchase of property, goods or services with City, shall file a completed Conflict of Interest Questionnaire (hereafter referred as "CIQ"), with City Clerk not later than the seventh (7<sup>th</sup>) business day after the date that the person: (1) begins contract discussions or negotiations with City; or (2) submits to City an application, response to a request for proposal, offers, correspondence or another writing related to a potential agreement with City. The CIQ form is available from the Texas Ethics Commission at:

<http://www.ethics.state.tx.us/forms/CIQ.pdf>.

In addition to the CIQ form, City requires individuals to submit a CIQ Addendum. The CIQ Addendum is available from the City of San Antonio at:

<http://www.sanantonio.gov/atty/ethics/pdf/OCC-CIQ-Addendum.pdf>.

Completed CIQ forms and CIQ addendum forms may delivered by hand to the Office of the City Clerk at City Hall, 2<sup>nd</sup> floor, 100 Military Plaza, San Antonio, TX 78205 or may be mailed to the Office of the City Clerk, P.O. Box 839966, San Antonio, TX 78283-3966. Respondent shall consult its own legal advisor if it has any questions regarding the statute, CIQ form or CIQ Addendum.

- K. All submittals become the property of City upon receipt and shall not be returned. Any information deemed to be confidential by Respondent clearly should be noted on the page(s) where confidential information is contained; however, City cannot guarantee that it will not be compelled to disclose all or part of any public record under the Texas Public Information Act, since information deemed to be confidential by Respondent may not be considered confidential under Texas law or pursuant to a Court order.
- L. Any cost or expense incurred by the Respondent associated with the preparation of its submittal, the Pre-Submittal Conference or during any phase of the selection process, if any, shall be borne solely by Respondent.
- M. **Solicitation Process Review:** If Respondent desires a review of the solicitation process followed by City, Respondent shall deliver a written request to the Director of TCI within seven (7) calendar days from the date the Notice of Non-Selection was sent. When the TCI Director receives a timely written request, the TCI Director (or his/her designee) shall review Respondents concerns and City's solicitation process for legitimacy and procedural correctness. After performing a full review, the TCI Director shall notify Respondent in writing of his/her determination.
- N. **Debriefings:** In an effort to improve solicitation responses, TCI is making available on its web site a "Solicitation Response Tip List" that includes the top common items historically that "make or break" submissions to City. Providing this information prior to the due date of the submittal may provide Respondent with an opportunity to develop a better response for a solicitation. As a result of this up-front effort,

each Respondent is entitled to one (1) debriefing per calendar year – available after the San Antonio City Council has made an award – if Respondent:

- (a) is not the selected respondent; and
- (b) has not been debriefed since January 1, 2014.

Once Respondent has been debriefed, it will not be eligible for future debriefings within that calendar year. Any Respondent meeting the above criteria that desires an individual submittal debriefing shall deliver a written request to the TCI Contract Services Division within seven (7) calendar days from the date a Notice of Non-Selection was sent.

- O. City reserves the right to verify any and all information submitted by Respondents at anytime during the solicitation/evaluation process.
- P. Final approval of a selected firm(s) is subject to the action of the San Antonio City Council.
- Q. City reserves the right to contact any Respondent to negotiate a contract, if such action is deemed desirable by City.