

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



REQUEST FOR QUALIFICATIONS:

**Project Management Services for Small, Minority, Women and African-American Owned
Businesses
(TCI#10212016KY)**

**RFQ ISSUE DATE:
October 21, 2016**

**SUBMITTAL DEADLINE:
November 23, 2016 10:00 A.M.**

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ATTACHMENTS

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| Form 1 – Respondent Submittal Cover/Signature Sheet | RFQ Attachment 1 |
| Form 2 – Submittal Checklist and Table of Content | RFQ Attachment 2 |
| Form 3 – Discretionary Contracts Disclosure Form and Instructions | RFQ Attachment 3 |
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| Contract Document Template | Exhibit A |
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Project Management Services for Small, Minority, Women and African-American Owned
Businesses

(TCI#10172016KY)

I. BACKGROUND

As the seventh largest city in the United States, the City of San Antonio is striving to meet and exceed minority participation on City contracts. The Transportation & Capital Improvements Department (hereafter referred to as "TCI") understands the necessity for businesses to compete in the construction market therefor growing their firms. The City of San Antonio (hereafter referred to as "City"), Transportation & Capital Improvements, is seeking Statements of Qualification (hereafter referred to as "SOQ") from qualified firms and/or teams to provide Project Management Services for Small, Minority, Women and African-American owned businesses currently working, or aspiring to procure, construction contracts with the City of San Antonio.

SCOPE OF WORK

Currently, TCI is entering the second phase of our Management & Technical Assistance Program where we are looking for a consultant to provide Project Management Services for Small, Minority, Women and African-American owned businesses currently working, or aspiring to procure, construction contracts with the City of San Antonio.

The participants to whom the consultant will provide services, will be registered as a Small Business (SBE), and have the qualifications to perform work for the City of San Antonio as a Prime Contractor or Subcontractor.

Project Management Consulting services shall include:

1. Assist the participants with On-Site management of the job, Change Order negotiations, Effective communication, Schedule Development and Monitoring, Quality Assurance enforcement, and Project closeout supervision.

2. Provide Monthly Progress reports to be submitted to the TCI Program Manager. The Progress Reports shall contain information on all (hours/subject matter) provided during each session with the participant for documentation purposes. The consultant will also be responsible for providing a mid-year and end of the fiscal year report to the TCI Director and Program Manager.

III. SCHEDULE OF EVENTS

The following tentative schedule has been prepared for this Project.

| | |
|--|--------------------------|
| Pre-Submittal Conference: | November 1, 2016 |
| Deadline for Submission of Written Questions: | November 9, 2016 |
| RFQ Responses Due: | November 23, 2016 |
| Interviews (if necessary) | December 2016 |
| Anticipated City Council Consideration | December 2016 |

IV. PRE-SUBMITTAL CONFERENCE

A Pre-Submittal Conference is scheduled to be held **Tuesday, November 1, at 10:30 A.M.** at the **Municipal Plaza Building, 1st Floor, Plaza C Conference Room, located at 114 W. Commerce St., San Antonio, Texas 78205.** Attendance at the Pre-Submittal Conference is optional but strongly encouraged. Respondent is encouraged to prepare and submit its 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 shall be posted on City's website at <http://epay.sanantonio.gov/RFPListings/>. Any oral response given at the Pre-Submittal Conference 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 shall 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 shall be analyzed to determine overall responsiveness and qualifications under the RFQ. If City elects to conduct interviews following its evaluation of the submittals received, selected Respondent(s) shall be interviewed and re-scored, based upon these same criteria or additional 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 at the beginning of its SOQ. Respondent's Executive Summary shall state the number of years Respondent team has been in business, Respondent's number of years in business in its local office, Respondent's local office address and the number of employees employed in Respondent's local office.
- B. **SUBMITTAL COVER/SIGNATURE PAGE (Form #1) (Indexed and labeled as "Tab 1")** – Respondent shall include the completed Submittal Cover/Signature Sheet with its submittal. The Submittal Cover/Signature Sheet shall be signed by a person (or persons) authorized to bind Respondent and the entity/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 submittals require signatures from all firms participating in the joint venture. Submitting joint ventures are required to provide legal proof of the joint venture, such as a joint venture agreement, as an attachment to Respondent's submittal.
- C. **SUBMITTAL CHECKLIST AND TABLE OF CONTENTS (Form #2) (Indexed and labeled as "Tab 2")** – Respondent shall complete this form, which shall be used as the Table of Contents and as a checklist for Respondent's submittal.
- D. **DISCRETIONARY CONTRACTS DISCLOSURE FORM (Form #3) (Indexed and labeled as "Tab 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 the form in Respondent's ORIGINAL SUBMITTAL ONLY. If Respondent is proposing as a team or joint venture, each party to that team or joint venture shall complete and submit a separate Discretionary Contracts Disclosure Form with Respondent's submittal.
- E. **LITIGATION DISCLOSURE FORM (Form #4) (Indexed and labeled as "Tab 4")** – Respondent shall complete a Litigation Disclosure form, utilizing additional pages for explanation, if necessary, and submit the completed form in Respondent's 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 Litigation Disclosure Form with

Respondent's submittal.

- F. **SMALL BUSINESS ECONOMIC DEVELOPMENT ADVOCACY FORM (Form #5)** (Indexed and labeled as "Tab 5") – Respondent shall submit a completed and signed Subcontractor/Supplier Utilization Commitment Form indicating Respondent's firm commits to satisfy the established **(21%)** Minority/Women Business Enterprise (M/WBE) and at least one percent **(4%)** of the contract value to a certified African American Business Enterprise (AABE) subcontracting goal for this Project. During the first phase of this solicitation, absent a waiver granted by the Small Business Office (SBO), failure of a Prime Contractor to submit a completed Subcontractor/Supplier Utilization Commitment Form in its response shall render its response **NON-RESPONSIVE**.
- G. **CONTRACT TEMPLATE AND GENERAL CONDITIONS REVIEW (Indexed and labeled as "Tab 6")** – Respondent shall review the Contract Template and its General Conditions, provided hereto and made a part hereof and labeled as RFQ Exhibit A and B, 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 and Respondent agree Respondent shall sign the Contract as presented, if a contract is awarded.
- H. **PROOF OF INSURABILITY (Indexed and labeled as "Tab 7")** – Respondent shall submit a copy of its current insurance certificate.
- I. **LETTERS OF REFERENCE (required) (Indexed and labeled as "Tab 8")** – Respondent shall provide a maximum of five (5) letters of reference.
- J. **CERTIFICATE OF INTERESTED PARTIES TEC FORM 1295 (Indexed and labeled as "Tab 9")** – Effective January 1, 2016, the City of San Antonio is required to comply with Texas Government Code, Chapter 2252, Subchapter Z, Section 2252.908 (hereafter referred to as "the Code"). The Code states City shall not enter into a contract with a business entity unless and until the business entity has submitted a Certificate of Interested Parties (hereafter referred to as "Form 1295") to City for filing with the Texas Ethics Commission (hereafter referred to as "TEC"). The Form 1295 requirement imposed upon the City applies to **all** contracts:
- a. having a value greater than \$50,000;
 - b. requiring San Antonio City Council approval; and/or
 - c. renewals, extensions or amendments requiring the approval of the San Antonio City Council.

TEC has made available on its website the new filing application that must be used by Respondent to file its Form 1295 with City. Respondent shall use TEC's application

to enter the required information on Form 1295 and print a copy of the form containing a unique certification number for that response.

An authorized agent of Respondent then must sign the printed copy of the form and have the Form 1295 notarized. The notarized completed Form 1295 containing the unique certification number then must be submitted with Respondent's submittal to City, pursuant to this solicitation, to ensure City and Respondent meet the Code requirements.

Form 1295 must be completed on-line by the business entity. It is accessible at:

https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm

As a result of this new requirement imposed upon City by the Code, City is requiring all Respondents submitting on each project to complete Form 1295, print a copy showing the unique Certification Number and Date Filed in the Certification of Filing box at the upper right corner of Form 1295 for that submittal, sign it, have it notarized and submit it with its submitted proposal.

City shall review Form 1295 as part of the Minimum Requirements Review performed upon all proposals received. Deficiencies in or missing Form 1295 shall not be a disqualifying error. Instead, City shall notify a Respondent of any requirements to cure the deficiency and/or to submit/re-submit Form 1295 within two (2) days of notice to remain eligible to be considered for a contract award. City shall include the selected Respondent's Form 1295 in its package prepared for the San Antonio City Council's consideration for contract award.

K. **STATEMENT OF QUALIFICATIONS** – Respondent shall provide a narrative document, as outline in this **Statement of Qualification** below, addressing all evaluation criteria in **Section II. Scope of Services** of this RFQ. Sufficient information regarding Respondent's past projects and key personnel's experience shall be provided in Respondent's submittal to indicate its team has met or exceeded the minimum qualifications provided in **Section II** of this RFQ in submittal.

a. **Experience and Qualifications of Prime Firm and Key Sub-Consultants (40 Points)** –

Respondent shall respond to the following items as they relate to **Section II. Scope of Services**:

1. **Experience (Indexed and Labeled as "Tab 10")** – 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 four (4) pages or less, describing the team's qualifications, as they

relate to the Project's scope in this RFQ. Respondent's submittal shall include how the proposed team has worked together on past similar projects and shall include the number of years working as a team. For any Sub-Consultants listed as part of Respondent's team, Respondent shall include information on how those named Sub-Consultants shall function within the team's organization. In addition, Respondent shall provide a narrative description of the proposed roles of Respondent and each Sub-Consultant, to include assignments, roles and responsibilities, lines of authority and communication among all team members.

2. **Project Sheets (Indexed and Labeled as "Tab 11")** – Respondent's submittal shall include, at minimum, three (3) project sheets, limited to one (1) page for each project included, describing similar projects Respondent has completed within the last five (5) years. Each project sheet shall include, at minimum, the following:
 - 1) Name and Description of the project, including similarity to the scope of work in this RFQ;
 - 2) Year of project;
 - 3) Respondent's role in the project;
 - 4) Project 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:
 - a) Name of Owner:
 - b) Name of Owner's representative:
 - c) Representative's Phone Number:
 - d) Representative's E-mail
 - e) The name of the Prime Firm and key Sub-Consultants and Subcontractors, including S/M/WBE status.
3. **Proposed Key Personnel/Organizational Chart (Indexed and Labeled as "Tab 12")** – Respondent shall provide a detailed organizational chart of its firm, identifying key personnel committed to working on the various tasks of this contract
Label assignments as:
 - Project Manager
 - Coordination with regulatory agencies
 - Quality assurance
4. **Resumes (Indexed and Labeled as "Tab 13")** – Respondent shall submit one-page resumes for all its key team members. Resumes should link to project sheets and also may include additional

previously-completed relevant projects not highlighted in the project sheets. Resumes also shall include:

- The license type (if applicable) and number of years licensed,
- Number of years employed with the Firm
- Number of years' experience in proposed role corresponding to the assignments included in the organizational chart
- City of residence

b. Team's Experience with Texas Regional Issues and Past Experience with City of San Antonio Contracts on Similar Projects (20 points)

City is interested in evaluating Respondent's and Respondent's key Sub-Consultants' experience with San Antonio issues, as may be evidenced by work in San Antonio and the surrounding area, during the past five (5) years. In narrative form, using a maximum of two (2) pages, briefly describe Respondent's and its team's experience in the following areas, referencing projects relating to that experience. (Note: you may reference projects included in the project sheets under **Criteria A** above or include other projects, but no additional project sheets shall be provided for this criteria.) This information shall be indexed and labeled as "**Tab 14**":

- Respondent's experience with public organization within the San Antonio and/or surrounding area; and

Note a portion of the scoring for this **Section B** may be based on City's Consultants' Scorecard, experience with City projects and/or other documentation generated by City staff and previous City Consultants on other City projects. City shall consider the history of Respondent in complying with project programs, schedules and budgets on previous City projects. No items shall be submitted by Respondent for this criterion. Specific items used for consideration may include, but are not limited to:

- Timely completion of City projects;
- Cooperative working relationship with City;
- Prompt payment of Subcontractors at all levels;
- Compliance with other City contract terms;
- Compliance with City Ordinances on substitution/addition/deletion of Subcontractors;
- Provision of contracting opportunities for S/M/WBEs;
- Compliance with City standards;
- Conformance to City budget requirements.

c. **Understanding of the Project and Proposed Management Plan (20 total points)**

Respondent shall describe its understanding of the Project and specific issues and challenges likely to be involved, as well as the availability of labor resources (Respondent's capacity to perform) in executing the defined scope of work. Respondent shall submit information in a brief narrative plan clearly and concisely describing the challenges it foresees and its approach to managing the Project.

Project Understanding – (indexed and labeled as “Tab 15”)

Respondent shall limit its response to the following requested items to three (3) pages:

- Respondent shall describe its understanding of the primary objectives of the Project;
- Respondent shall describe the constraints and technical challenges related to the scope of the this RFQ Respondent foresees and its approach to addressing each;
- Respondent shall describe its approach to obtaining input from stakeholders, assessing biases and gaining consensus and support.

d. **SBEDA (20 points total)**

ESBE Prime Contract Program – 10 pts.

Certified ESBE (see *Emerging Small Business Enterprise* definition) firms headquartered or having a Significant Business Presence within the San Antonio Metropolitan Statistical Area responding to this solicitation as Prime CONTRACTORS proposing at least 51% ESBE participation (Prime and/or Subcontractor) will receive ten (10) evaluation criteria points, **and**

M/WBE Prime Contract Program – 10 pts.

Certified M/WBE firms (see *Minority/Women Business Enterprise* definition) headquartered or having a Significant Business Presence within the San Antonio Metropolitan Statistical Area responding to this solicitation as Prime CONTRACTORS proposing at least 51% M/WBE participation (Prime and/or Subcontractor) will receive **ten (10) evaluation criteria points.**

No evaluation criteria points will be awarded to non-SBE or non-M/WBE Prime CONTRACTORS through subcontracting to certified SBE or M/WBE firms. Further, failure to meet any SBE, M/WBE, AABE, ABE, HABE, or NABE subcontracting requirements will deem your proposal nonresponsive.

| Evaluation Criteria: | Maximum Points |
|---|-------------------|
| A. Experience, Background and Qualifications of Respondent, Respondent’s Key Personnel and its Key Sub-Consultants, including Co-Respondent, Joint Venture Party or Partner | 40 points |
| B. Respondent’s Experience with San Antonio Region Issues & past experience with City of San Antonio contracts | 20 points |
| C. Respondent’s Proposed Management Plan | 20 points |
| D. SBEDA (Small Business Economic Development Advocacy) | 20 points |
| TOTAL | 100 points |

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 then shall pass through a metal detector and x-ray machine located in the lobby. All packages, purses and carried items shall be scanned during regular business hours of 7:45 a.m. to 4:30 p.m. After the public proceeds through the metal detector, they shall sign in and receive a visitor’s badge. For those requiring the use of a ramp, entry is available on the south side of the building (Dolorosa side). Security shall meet the visitor in the basement with a hand scanner.

Respondent shall submit a total of **six (6)** 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 **five (5)** 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, with Respondent’s submittal clearly marked on the front of the package “”.

All submittals shall be received in the Office of the City Clerk **NO LATER THAN 10:00 AM**, at the address indicated below. Any submittal received after this time shall not be considered.

Physical Address:

Office of the City
Transportation and Capital Improvements
San Antonio City Hall
100 Military Plaza
San Antonio, Texas 78205

Submittals sent by facsimile or email will not be accepted.

A response to this solicitation shall 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 shall 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 they 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 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 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, with each section divided by tabs and indexed, as indicated in this RFQ. Failure to meet the above conditions may result in disqualification of Respondent's proposal.

To correctly submit a response to this RFQ, Respondent shall reveal, disclose and state the true and correct name of the individual, proprietorship, corporation and/or partnership (clearly identifying the responsible general partner and all other partners who would be associated with the contract, if any) submitting the response. No nick-names, abbreviations (unless part of the legal title), shortened or short-hand, or local "handles" shall be accepted in lieu of the full, true and correct legal name of the entity. The true and correct name 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. Corporate Respondents and limited liability company Respondents shall include the 11-digit Comptroller's Taxpayer Number on the signature page of the Proposal.

VII. AMENDMENTS TO RFQ

Changes, amendments or written responses to questions received, in compliance with **Section VIII, Restrictions on Communication** below, may be posted on City's website at <http://epay.sanantonio.gov/RFPListings/>. It is Respondent's responsibility to review this website

and ascertain whether any amendments have been made to this RFQ, prior to Respondent's submission of a proposal. If Respondent does not have access to the Internet, Respondent shall notify City, in accordance with **Section VIII, Restrictions on Communication** below, Respondent 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 the RFQ and changes to the RFQ – if any – shall be made only in writing.

VIII. RESTRICTION ON COMMUNICATIONS

Upon release of this RFQ solicitation, Respondent is prohibited from communicating with City staff regarding the RFQ or its submittal, with the following exceptions:

Respondent is prohibited from communicating with elected City officials and their staffs regarding the RFQ or Respondent's submittal from the time the RFQ is released until the contract is posted as a City Council agenda item. Respondent is prohibited from communicating with City employees from the time the RFQ is released until the contract is awarded. These restrictions extend to "thank you" letters, phone calls, emails and any contact resulting in the direct or indirect discussion of this RFQ and/or submittal submitted by Respondents. Violation of this provision by Respondent and/or its agent(s) may lead to disqualification of Respondent's submittal from consideration. Exceptions to the restrictions on communication with City employees include:

1. Respondent may ask questions concerning this RFQ at the Pre-Submittal Conference.
2. Respondent may submit written questions concerning this RFQ to the TCI Staff Contact Person listed in the address below until **4:00 PM, Friday, November 9, 2016**. Questions received after the stated deadline shall not be answered. It is suggested all questions be sent by electronic mail or by fax to:

Kelcey Young, TCI Contract Manager
Email: kelcey.young@sanantonio.gov
or via fax to: (210) 207-1393

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

Kelcey Young, TCI Contract Coordinator
City of San Antonio
Transportation and Capital Improvements

Contract Services Division
Room 912
114 W. Commerce Street
San Antonio, TX 78205

3. Exceptions to the Restrictions on Communication with City employees include:

Respondents and/or their agents are encouraged to contact the Small Business Office of the Economic Development Department for assistance or clarification with issues specifically related to the City's Small Business Economic Development Advocacy (SBEDA) Program policy and/or completion of the SBEDA form. The point of contact, David Rodriguez, may be reached by telephone at (210) 207-0071 or by e-mail at David.Rodriguez3@sanantonio.gov . *This exception to the restriction on communication does not apply, and there is no contact permitted to the Small Business Office regarding this solicitation, after the solicitation closing date.*

4. Respondent shall provide responses to any questions asked of it by the Staff Contact Person and/or his/her designee about City's SBEDA Program, both before and after responses are received and opened. During interviews, if any, verbal questions addressed to Respondent and its explanations shall be permitted. If interviews are conducted, Respondents shall not bring lobbyists. City reserves the right to exclude any persons from any selection committee meetings it deems in City's best interests.

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 or contracts, if awarded, shall be awarded to the selected Respondent(s) whose submittal(s) is/are deemed most advantageous to City, as determined by the selection committee and upon approval by City Council.
- B. City may accept any submittal in whole or in part. If subsequent negotiations are conducted, those 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 the proposals 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 the one attached, prior to City Council award. No work shall commence

until City signs the contract document(s) and Respondent provides the necessary evidence of bonds and insurance as required in this RFQ and the contract. Contract documents are not binding until approved by the San Antonio City Attorney's office. 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 that 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 in preparation or submission of a response or in anticipation of a contract.
- F. City administers its design and construction management through an internet-based project management system. All vendors shall be required to use City's internet-based system and submit Project schedules.
- G. **Conflicts of Interest:** Respondent acknowledges it is informed 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 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 parent, child or spouse; a business entity in which he or his parent, child or spouse owns ten percent or more of the voting stock or shares of the business entity, or ten percent or more of the fair market value of the business entity; or a business entity in which any individual or entity above listed is a Subcontractor on a City contract, a partner or a parent or subsidiary business entity.
- H. Respondent is required to warrant and certify it, its officers, employees and agents neither are 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, 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), is/are responsible for its/their respective acts or omissions, City shall in no way be responsible for Respondent's actions and none of the parties hereto shall have the authority to bind the other(s) or to hold out to third parties it/they has/have such authority.
- J. Effective January 1, 2006, Chapter 176 of the Texas Local Government Code requires 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 with City Clerk not later than the seventh (7th) business day after the date the person:

(1) begins contract discussions or negotiations with City; or

(2) submits to City an application, response to a request for proposals or bids, correspondence or another writing related to a potential agreement with City. The conflict of interest questionnaire form is available from the Texas Ethics Commission by accessing either of the following web addresses:

http://www.ethics.state.tx.us/whatsnew/conflict_forms.htm

or

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

Completed conflict of interest questionnaires may be mailed or delivered by hand to the Office of San Antonio City Clerk. If mailing a completed conflict of interest questionnaire, mail to:

Office of City Clerk
P.O. Box 839966
San Antonio, TX 78283-3966.

If delivering a completed conflict of interest questionnaire, deliver to:

Office of City Clerk
San Antonio City Hall
1st floor
100 Military Plaza
San Antonio, TX 78205

Respondent should consult its own legal advisor with questions regarding the statute or form.

- K. All submittals become the property of City upon receipt and shall not be returned. Any information deemed to be confidential by Respondent should clearly be noted on the page(s) where confidential information is contained; however, City cannot guarantee 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 Respondent associated with the preparation of its submittal, attendance at the Pre-Submittal Conference, if any, or incurred during any phase of the selection process shall be borne solely by Respondent.
- M. **Solicitation Process Review:** If Respondent desires a review of the solicitation process, 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 Respondent's concerns and the solicitation process utilized for legitimacy and procedural

correctness. After performing a full review, the TCI Director shall notify Respondent in writing of his/her determination of the solicitation process utilized.

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 that "make or break" submissions. Providing this information, prior to the due date of the submittal, provides Respondent an opportunity to develop a better response for each solicitation. As a result of this up-front effort, each Respondent is entitled to a one (1) debriefing per calendar year after the San Antonio City Council has made an award of a contract on a project if:

(a) Respondent is not the selected Respondent for the project; and

(b) Respondent has not been debriefed since January 1, 2016.

Once a firm has been debriefed, it shall not be eligible for future debriefings within that calendar year. A Respondent meeting the above criteria desiring 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 any time of 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 contact is deemed desirable by City.