

CITY OF SAN ANTONIO

CAPITAL IMPROVEMENTS MANAGEMENT SERVICES DEPARTMENT



REQUEST FOR QUALIFICATIONS: ARCHITECTURAL SERVICES FOR THE 2012-17 GENERAL OBLIGATION BOND PROGRAM

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: Wednesday, May 30, 2012

SUBMITTAL DEADLINE: Wednesday, July 11, 2012 AT 10:00 AM

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REQUEST FOR QUALIFICATIONS

ARCHITECTURAL SERVICES for the 2012-17 General Obligation Bond Program

I. BACKGROUND

The City of San Antonio (hereafter referred to as "City"), Capital Improvements Management Services Department (hereafter referred to as "CIMS") is seeking Statement of Qualifications (hereafter referred to as "SOQ") from qualified firms to provide to provide to provide architectural design services and construction administration services for many of the building improvement projects included in the City of San Antonio 2012-17 Bond Program. The estimated cost for projects under this bond potentially range from \$1.75 million to more than \$10 million.

On Saturday, May 12, 2012, voters in the City of San Antonio approved a \$596 million bond program. As the largest Bond Program in City's history, the 2012-17 Program addresses a wide array of public infrastructure throughout the City, from street and drainage improvements, new sidewalk construction, bridge replacements, traffic upgrades, new libraries and improvements to existing City-owned facilities. A portion of the bond issue encompasses architectural design services and construction administration services which include up to 5 projects representing \$24.75 million. All 2012-17 Bond Program projects should be substantially completed by June 2017.

The CIMS Department under direction from the City Engineer will oversee the implementation of the Bond Program. The CIMS Department is comprised of nine divisions and provides capital improvement management services to all City Departments.

City seeks to hire various consulting firms to provide architectural design and construction administration services for the library, fire station, parks and building related projects included in the approved bond program. Firms may be selected directly from the Bond Program Architectural Services List for an individual project; or multiple firms from this list may be requested to interview for an individual project. Firms selected under this process may also be chosen to provide architectural services for additional non-bond projects that may be identified through 2017. The City also reserves the right to enter into a separate, individual selection process for any project included in the 2012-17 Bond Program.

Firms selected for the Architectural Services for the 2012-17 General Obligation Bond Program are anticipated to provide services on projects that include, but are not limited to, the following:

Past performance of the 2007 Bond as a whole was very successful in ensuring that all businesses, including small, minority and women-owned business enterprises (hereafter collectively referred to as "S/M/WBEs"), were afforded the maximum opportunity to participate in awarding of City contracts and related subcontracts. The chart below depicts the results of the program to date for Architectural and Engineering Services which will be used as a historical reference point for the 2012-2017 program. The participation percentages below are an average of all design contracts. While some contracts had higher levels of participation, others had lower levels of participation. At this time, the City fully expects that given increases in the availability of SBEs and M/WBEs since 2007, it can achieve similar or greater levels of overall SBE and M/WBE participation for the 2012-17 Bond Program. The City further expects that all prospective respondents to this RFQ will use their best efforts to maximize the prime and subcontract opportunities available to SBEs and M/WBEs.

Category	Prime Participation*	Subconsultant Participation*	Total Participation*
SBE	25.8%	21.1%	46.9%
M/WBE	25.2%	21.3%	46.5%

* Based on 2007 Bond Program payment activity from contract start through May 8, 2012.

II. SCOPE OF SERVICES

City seeks to hire various consulting firms to provide architectural design and construction administration services for library, museum and cultural arts facility projects included in the approved bond program. Firms may be selected directly from the Bond Program Architectural Services List for an individual project; or multiple firms from this list may be requested to interview for an individual project. Firms selected under this process also may be chosen to provide architectural services for additional projects that may be identified through 2017. The City also reserves the right to enter into a separate, individual selection process for any project included in the 2012-17 Bond Program.

Firms selected for the Architectural Services for the 2012-17 General Obligation Bond Program are anticipated to provide services on projects that include, but are not limited to, the following list of projects along with the negotiation timeframe for each project:

Projects and Negotiations Schedule

Project Name	Council District	Design Start	Design Finish
Negotiation September 2012 - November 2012			
District 2 New Branch Library	2	1/5/2013	1/4/2014
District 10 Senior Center	10	1/5/2013	1/4/2014
Central Library	1	1/5/2013	1/4/2014
District 3 Community Center	3	1/2/2013	1/1/2014
Negotiation December 2012 - February 2013			
District 9 New Branch Library	9	8/16/2013	8/15/2014

The specific scope of work for each project will be negotiated with the firm selected to provide architectural services for that project.

The selected consultant(s) shall commit to the above listed schedule and shall complete the assigned projects within the specified time.

District 2 New Branch Library Project

Respondents shall submit SOQs and will be scored exclusively for the **District 2 New Branch Library Project** although the City intends to award other architecture projects as a result of this evaluation.

Proposed Target Project: District 2 New Branch Library Project

Target Project Budget: \$6,000,000

General Project Scope: Development of a branch library in Council District 2. There is a commitment for the donation of land for this project, as such funding does not include resources for the acquisition of land.

The professional architectural services provided under these agreements include, but are not limited to the following:

- Development of Master Plan, Conceptual Design Plans or presentation graphics as negotiated.
- Project management services to include the development of professional recommendations and opinions as required.
- Programming to determine priorities, adjacencies best use space and development of detailed space needs analysis based on departmental priorities and input from clients. May include site selection, planning size and location evaluation for optimal provision of services
- Estimating, financial modeling and implementation planning.
- Preparation of design plans, construction plans, specifications, and cost estimates needed at various levels for procurement at various levels (I. e. Low Bid, Competitive Sealed Proposal, Construction Manager at Risk, Design Build, etc.).
- Sustainable building practices, energy conservation and Feasibility of LEED or other environmental policies
- Coordination and assistance with obtaining all applicable permits and ensuring adherence to code requirements as required for the construction of the project.
- Assure conformance to Unified Development Codes, departmental standards or Programming Consultant programs
- Coordination with utility purveyors to establish all necessary connections as well as to ensure a seamless design and avoid disruptions to customer services.
- Perform construction phase administration to include periodic field visits to assess construction progress, answering of contractor requests for information, review of change orders, coordinating construction progress meetings with the contractor, preparing and distributing meeting minutes, reviewing contractor schedules, and other construction phase services.

III. SCHEDULE OF EVENTS

The following tentative schedule has been prepared for this project.

Pre-Submittal Conference	June 8, 2012
Deadline for Submission of Written Questions	June 28, 2012
Responses due	July 11, 2012
Anticipated City Council Consideration	October 2012

IV. PRE-SUBMITTAL CONFERENCE

A Pre-Submittal Conference will be held on **Friday, June 8, 2012 at 1:30 PM** in the **Henry B. Gonzalez Convention Center, Conference Room 217, located at 200 East Market, San Antonio, Texas 78205**. Attendance at the Pre-Submittal Conference is strongly encouraged. At this meeting, City staff will discuss the scope of work, general contact issues and respond to questions from the attendees.

Staff will not be available to respond to individual inquiries regarding the project scope outside of this Pre-Submittal Conference. It is strongly recommended that interested firms send a representative to the Pre-Submittal Conference. 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 answered at the Pre-Submittal Conference and posted on the City's website at <http://epay.sanantonio.gov/RFPListings/>.

This meeting place is accessible to disabled persons. The Henry B. Gonzalez Convention Center is wheelchair accessible. The accessible entrance is located at 200 East market. Auxiliary aids and services are available upon request. Interpreters for the Deaf must 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, if any. 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 the City. Only written responses shall be official and all other forms of communication with any officer, employee or agent of the City shall not be binding on the City.

V. SUBMITTAL DOCUMENT REQUIREMENTS & EVALUATION CRITERIA

The City will conduct a comprehensive, fair and impartial evaluation of all submittals received in response to this RFQ. The 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 the 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 shall provide information or response to the following items as it relates to Section II, Scope of Services and to the District 2 New Branch Library.

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

1. **COVER LETTER** – Respondents shall include a one-page Cover Letter for the SOQ. The summary shall state the number of years in business, number of years in business in the local office, local office address and number of employees employed in local office. In addition, Respondents should highlight their experience related to library/community center design, low impact design, working with municipalities and governmental agencies including work with the City of San Antonio, or any other quality that makes the Respondent uniquely qualified for this Program.
2. **SUBMITTAL COVER / SIGNATURE PAGE (Form #1)** – Respondent shall complete and sign this form, as found in RFQ Attachment 1. Respondent must include the completed Submittal Cover/Signature Sheet with submittal, indexed or labeled as Tab“1”. The Submittal Cover/Signature Sheet must 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.
3. **SUBMITTAL CHECKLIST AND TABLE OF CONTENTS (Form #2)** – Respondent shall complete this form, as found in RFQ Attachment 2, which is to be used as the Table of Contents for its submittal. The checklist shall be indexed or labeled as Tab “2” in submittal.

4. **DISCRETIONARY CONTRACTS DISCLOSURE FORM (Form #3)** – Respondents should complete the form online at: <http://www.sanantonio.gov/eforms/atty/DiscretionaryContractsDisclosure.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, then each party to that team or joint venture shall complete and submit a separate form with the submittal.
5. **LITIGATION DISCLOSURE FORM (Form #4)** – Completed Litigation Disclosure form as found in RFP Attachment 5 and additional pages for explanation, if necessary, indexed or labeled as Tab “4” in submittal. If Respondent is proposing as a team or joint venture, then each party to that team or joint venture shall completed and submit a separate form with the submittal.
6. **STATEMENT OF QUALIFICATIONS** - Narrative document that covers all items in Sections 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.

Summary of Evaluation Criteria & Scoring:

Evaluation Criteria	Maximum Score
A. Experience of the Prime Firm and Key Personnel	50 points
B. Team’s Experience with San Antonio Region Issues and past experience with City of San Antonio contracts	10 points
C. Proposed Plan	30 points
D. Overall Evaluation of the Firm/Team and its Ability to Provide the Required Services	10 points

Evaluation Criteria

A. Experience of the Prime Firm and Key Personnel (50 points)

Respondent shall provide information or response to the following items as it relates to Section II, Scope of Services and to the District 2 New Branch Library Project.

1. **Experience: (Index and label as Tab “5”)** - Provide a narrative (4 pages or less) that describes the team’s qualifications as they relate to District 2 New Branch Library project. Include how the proposed team (respondent and subconsultants) has worked together on past similar projects, include number of years working as a team and include projects in which team has worked together.

In addition, provide a narrative description of the organizational chart the proposed assignments, roles and responsibilities, lines of authority and communication for each team member to be directly involved in the project(s), your proposed team and correlates with the team organizational chart.

2. **Proposed Key Personnel:**

Key personnel included in this section are expected to be the same personnel that will be assigned to project(s) if awarded.

- **Team Organizational Chart (Index and label as Tab “6”)**

Provide a detailed organizational chart or graphic representation of your firm identifying key personnel who will be assigned to work on the various tasks assigned through this project).

The Proposed Key Personnel must consist of a minimum of one Professional Architect with a minimum of five years demonstrated experience in San Antonio/South Texas Region with the activities normally associated with the work under consideration.

Label assignments as:

- Master Planning/Conceptual Design;
- Management of the Public Input Process;
- Coordination of the project design and requirements with regulatory agencies and authorities;
- Quality assurance/quality control (design);
- Plan review coordination (for securing all applicable permits);
- Development of construction/bidding documents;
- Assistance with the bidding process and contractor selection;
- Field observation/construction phase administration;
- Project management;
- Cost estimating services.

- **Resumes (Index and label as Tab “7”)**

Resumes for each key team member shall be limited to a maximum length of one page and should link back to projects included in the project sheets but also may offer information regarding additional previously completed projects not highlighted in the project sheets requested as part of the Qualification Statement.

Resumes should include:

- License type (if applicable) and number of years licensed;
- Number of years employed with this firm;
- Number of years of experience in proposed role corresponding to the assignments included in the organizational chart provided and;
- Location of office.

Resumes should not include project pictures or general firm information.

3. Project Sheets (Index and label as Tab “8”)

Utilizing a two (2) page project sheet for each, identify three (3) projects completed in the last three years. For each highlighted project, the project sheet should include the following and note where individuals are the same as those proposed for this RFQ (see sample project sheet format included as RFQ Exhibit A:

- 1) Description of the project;
- 2) Year of project;

- 3) Project's original construction contract amount and final construction contract amount;
- 4) Role of prime firm in the project;
- 5) Name of Design Architect;
- 6) Project Estimator;
- 7) Project Manager;
- 8) Construction Observer;
- 9) The owner's name and the name of the representative (if different) who served as the day-to-day liaison during the design phase of the project in the following format:

Name of Owner: _____
 Name of Owner's Representative: _____
 Representative's Phone Number: _____
 Representative's E-mail: _____

- 10) LEED status of project and;
- 11) In tabular form, a list of the prime firm and all subconsultants including their status as Small, Minority or Woman-Owned, SCTRCA certification number (if any). This list shall also include amount paid to each subconsultant and amount earned by prime consultant.

B. Team's Experience with San Antonio Region Issues and past experience with City of San Antonio contracts (10 points)

1. City is interested in evaluating the firms experience with San Antonio issues, as may be evidenced by work in the San Antonio and surrounding area during the past five (5) years. In narrative form using one (1) page, briefly describe experience in the following areas and reference projects relating to that experience. Note: you may reference projects included in project sheets under criteria A or include other projects but no additional project sheets should be provided for this criteria.

(Index and label as Tab "9")

- 1) Local area construction costs and practices;
- 2) Local environmental community, conditions and constraints;
- 3) Public awareness and involvement in project development in the local area;
- 4) Local site development and;
- 5) Building code requirements.

2. A portion of the scoring for these criteria will be based on the City's Consultants' Scorecard, other documentation or experience with City projects. The City will 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 the respondent for this criterion.** Specific items for consideration may include, but are not limited to:

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

C. Proposed Plan (30 points)

This information should include the firm's proposed organizational structure, availability of labor resources (capacity to perform) in executing the firm's effort. The firm shall submit information in a brief narrative plan that clearly and concisely describes the organization and approach to project to the information below:

1. Design Management (15 points) - (Index and label as Tab "10")

Limit responses to the following items to 3 pages:

- Describe your firm's project management approach and team organization for the provision of the services outlined in this RFQ.
- Describe Team's Quality Control/Quality Assurance Process, approach and capabilities to maintain quality control of the design and construction.
- Describe your approach to assuring timely completion of designs, including methods for schedule recovery, if necessary.

2. Construction Management (5 points) - (Index and label as Tab "11")

Limit responses to the following items to 2 pages:

- Describe your construction observation approach and ability to coordinate work with all stakeholders.
- Describe your cost estimating methodology and approach to construction documents and bid phase management
- Describe your mechanism to track and respond to contractor requests for information, review of change orders, coordinating construction progress meetings with the contractor, preparing and distributing meeting minutes, reviewing contractor schedules, and other construction phase.

3. Outreach and Diversity (10 points) - (Index and label as Tab "12")

Respondents will be evaluated and ranked according to submitted documentation:

1) Reflecting their best practices in providing equal business opportunity consistent with the City's Commercial Nondiscrimination Policy as demonstrated on the three (3) projects provided as "Project Sheets" under criteria A and indexed as Tab 8.

2) Based upon overall performance as measured against a variety of factors and indicators, Respondents will be awarded points for their strategies and practices that have been implemented over the past thirty-six (36) months to ensure that they have not discriminated in the solicitation, selection, hiring or commercial treatment of subcontractors, vendors, suppliers or commercial customers. Respondents are requested to submit a 2 page narrative that describes their outreach and diversity practices in general. Examples of such factors and indicators that Respondents are requested to document include the following:

- Effective outreach practices to inform all segments of the business community, including S/M/WBEs, of contract and subcontract opportunities;
- Demonstrated results in achieving diverse utilization of S/M/WBEs and other business enterprises.

- Track record in entering a successful joint venture with one or more S/M/WBEs.
- History of providing meaningful mentoring to one or more S/M/WBEs.
- Examples of extending insurance coverage for S/M/WBE subcontractors.
- Examples of providing assistance to S/M/WBE firms in obtaining a line of credit.
- Examples of internships/training opportunities provided for minority (and/or women) group members and local university students.
- Established policies and practices of sub-dividing tasks into reasonable units capable of being performed by smaller consulting firms.
- Using the services of, and/or collaborating with, economic development assistance agencies, trade groups and other organizations to conduct broad outreach and/or provide technical assistance to subcontractors, including S/M/WBEs.
- Providing or facilitating training workshops aimed at assisting S/M/WBEs in areas such as financial management, record-keeping, using technology/electronic media, marketing, soliciting and preparing proposals.
- Offering individualized on-site technical or design assistance to S/M/WBEs to compete for specific contracts.
- Offering quality assurance assistance to subcontractors and joint venture partners, including S/M/WBEs, such as policy and procedure development or implementation techniques.
- Offering business counseling and feedback to any S/M/WBE submitting a bid for a subcontract as to why their bid was not accepted.
- Offering a program to assist new, start-up or emerging S/M/WBEs.
- Documented attendance and/or participation in local small business trade fairs, conferences or symposiums.
- Established policy and practice of making prompt payments to subconsultants.
- Awards and/or recognition from business partners, trade groups or other organizations for implementing one or more strategies listed above.
- Debriefings, project meetings, mediation and other conflict resolution mechanisms offered to subconsultants to fairly and promptly address any disputes or problems that have arisen in the course of a project.
- Documentation of any other activity, policy or practice of the Respondent that Respondent believes contributes to equal business opportunity for all segments of the business community, including S/M/WBEs.

D. Overall Evaluation of the Firm/Team and its Ability to Provide the Required Services (10 points)

No items are required to be submitted by the Respondent for this criterion.

8. **ARCHITECTURAL CONTRACT TEMPLATE AND GENERAL CONDITIONS – (Index and label as Tab “13”)**

Respondents are to review the Architectural Contract Template and General Conditions provided as RFQ Exhibit B on this RFQ and provide written comments and/or concerns regarding the Contract and General Conditions. If Respondents do not have any comments and/or concerns, Respondent must indicate this in this tab. If no objections are submitted by the Respondent, the City will presume that Respondent will sign the agreement as presented, if a contract is awarded.

9 **PROOF OF INSURABILITY – (Index and label as Tab “14”).**

Respondent shall submit a copy of their current insurance certificate.

10. **CONSULTANT’S RANK OF DESIRED PROJECTS (FORM #5) – Index and label as Tab “15”**

Reference Form 5 attached to RFQ as RFQ Attachment 5 for instructions on how to complete this form. Respondents are to complete this form and submit with SOQ indexed and labeled as Tab "15".

VII. SUBMISSION INSTRUCTIONS

When submitting a Statement of Qualifications in person, visitors to City Hall must allow time for security measures. Visitors to City Hall will be required to enter through the east side of the building. The public will pass through a metal detector and x-ray machine located in the lobby. All packages, purses and carried items will 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 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 the building (Dolorosa side). Security will 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, signed in ink, and five (5) printed copies of the 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: ARCHITECTURAL SERVICES FOR THE 2012-17 GENERAL OBLIGATION BOND PROGRAM.**" All submittals must be received in the City Clerk's Office at **NO LATER THAN 10:00 AM ON WEDNESDAY, JULY 11, 2012** the address indicated below. Any submittal received after this time shall not be considered.

Mailing Address:

City Clerk's Office, Attn: Capital Improvement Management Services Department
P.O. Box 839966
San Antonio, Texas 78283-3966

Physical Address:

City Clerk's Office, Attn: Capital Improvement Management Services Department
100 Military Plaza
City Hall, 2nd Floor,
San Antonio, Texas 78205

Submittals sent by facsimile or email will not be accepted.

Responses 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 will be counted towards the maximum number of pages. Front and back covers, Table of Contents pages and tabbed divider pages will 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 aides, 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 must include the sections and attachments in the sequence listed in the RFQ Section V, Submittal Document Requirements & Evaluation Criteria, and each section must be divided by tabs and indexed as indicated in this RFQ. Failure to meet the above conditions may result in disqualification of the proposal.

Respondents who submit responses to this RFQ shall correctly 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). No nick-names,

abbreviations (unless part of the legal title), shortened or short-hand, or local "handles" will be accepted in lieu of the full, true and correct legal name of the entity. These 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. Corporate Respondents and limited liability company Respondents shall include the 11-digit Comptroller's Taxpayer Number on the signature page of the Proposal.

VI. AMENDMENTS TO RFQ

Changes, amendments, or written responses to questions received in compliance with Section VIII, Restrictions on Communication may be posted on the 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 a proposal. A Respondent who does not have access to the Internet, must notify City in accordance with Section VIII, Restrictions on Communication, that 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 in writing only.

VIII. RESTRICTION ON COMMUNICATIONS

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

Respondents are prohibited from communicating with elected City officials and their staff regarding the RFQ or submittal from the time the RFQ has been released until the contract is posted as a City Council agenda item. Respondents are prohibited from communicating with City employees from the time the RFQ has been released until the contract is awarded. These restrictions extend to "thank you" letters, phone calls, emails and any contact that results in the direct or indirect discussion of the RFQ and/or submittal submitted by Respondents. 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. Respondents may ask verbal questions concerning this RFQ at the Pre-Submittal Conference.
2. Respondents may submit written questions concerning this RFQ to the Staff Contact Person listed in the address below until **4:00 PM on Thursday, June 28, 2012**. Questions received after the stated deadline will not be answered. It is suggested that all questions be sent by electronic mail or by fax.

Questions sent by certified mail, return receipt requested, will also be accepted and should be addressed to:

Marissa Newman, Senior Management Analyst
City of San Antonio, Capital Improvements Management Services Department
Contract Services Division
114 W. Commerce Street, 9th Floor, Room 900
San Antonio, TX 78205
marissa.newman@sanantonio.gov
Fax: 210-207-4034

3. Respondents and/or its agents are encouraged to contact the Small Business Office of the Capital Improvements Management Services Department for assistance or clarification with issues

specifically related to Outreach and Diversity and Past Utilization of Small, Minority, or Women Owned Business Enterprise (SWMBE) Firms. The point of contact is Ruben Flores. Mr. Flores may be reached by telephone at (210) 207-3923 or by e-mail at Ruben.Flores@SanAntonio.gov. Contacts to the Small Business Office regarding this solicitation after the solicitation closing date is not permitted.

4. Respondents may provide responses to questions asked of them by the Staff Contact Person after responses are received and opened. During interviews, if any, verbal questions and explanations will be permitted. If interviews are conducted, Respondents shall not bring lobbyists. The City reserves the right to exclude any persons from such selection committee meetings as it deems in its best interests.

X. AWARD OF CONTRACT AND RESERVATION OF RIGHTS

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

- A. The Contracts, if awarded, will be awarded to the Respondents whose submittals are deemed most advantageous to City, as determined by the selection committee, upon approval of the City Council.
- B. City may accept any submittal in whole or in part. If subsequent negotiations are conducted, they 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, and reissue a subsequent solicitation, and/or remedy technical errors in the RFQ process.
- D. City will require the selected Respondent(s) to execute a contract with the City in substantially the same form as attached, prior to City Council award. No work shall commence until City signs the contract document(s) and Respondent provides the necessary evidence of insurance as required in this RFP and the contract. Contract documents are not binding until approved by the City Attorney. In the event the parties cannot negotiate and execute a contract within the time specified by the City, the 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, 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. The successful Respondent must be able to formally invoice the City for services rendered, incorporating the SAP-generated contract and purchase order numbers that shall be provided by the City. The City administers its design and construction management through an Internet-based management system. All vendors will be required to use the City's system and submit schedules using Primavera Project Manager 5.X or Primavera Contractor 4.1 or above.
- G. **Conflicts of Interest:** Respondent acknowledges that it is informed that the Charter of the 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: the 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 that it, its officers, employees and agents are neither officials nor employees of the City, as defined in Section 2-42 of the City's Ethics Code. (Discretionary Contracts Disclosure – Instructions and web-link to electronic form are included in Attachment 4 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, and that City shall in no way be responsible for Respondent's actions, and that none of the parties hereto will have authority to bind the others 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 with the 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 the City an application, response to a request for proposals or bids, correspondence, or another writing related to a potential agreement with the 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.ethics.state.tx.us/forms/CIQ.pdf>.

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

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

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

Office of the City Clerk
City Hall, 2nd 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 the City upon receipt and will not be returned. Any information deemed to be confidential by Respondent should be clearly noted on the page(s) where confidential information is contained; however, the 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 that is associated with the preparation of the submittal, the Pre-Submittal Conference, if any, or during any phase of the selection process, shall be borne solely by Respondent.
- M. The selected firm shall recommend the most advantageous construction delivery method to the Director of CIMS/City Engineer for approval. As a result, the design team may be required to work with a contractor through traditional design-bid-build or using an alternative construction delivery method such as Competitive Sealed Proposal or Construction Manager at Risk. If an alternative construction delivery method is used, the selected programming/design team will be required to serve on the contractor selection committee.
- N. **Solicitation Process Review:** Any respondent desiring a review of the solicitation process must deliver a written request to the Director of CIMS within 7 calendar days from the date the notice of non-selection was sent. When the CIMS Director receives a timely written request, the CIMS Director, or designee, shall review the respondents concerns and the solicitation process for legitimacy and procedural correctness. After performing a full review, the CIMS Director will notify the respondent in writing of his determination.
- O. **Debriefings:** In an effort to improve solicitation responses, CIMS 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 Respondents with 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 if:
 - (a) they are not the selected respondent; and
 - (b) they have not been debriefed since January 1, 2012.

Once a firm 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 must deliver a written request to the CIMS Contract Services Division within seven (7) calendar days from the date a notice of non-selection was sent.

- P. City reserves the right to verify any and all information submitted by Respondents at anytime of the solicitation/evaluation process.
- Q. The City reserves the right to assign multiple firms to multiple projects.
- R. Final approval of a selected firm(s) is subject to the action of the San Antonio City Council.
- S. City reserves the right to contact any Respondent to negotiate if such is deemed desirable by City.
- T. Respondent hereby certifies and agrees that the following information is correct:

In preparing its response on this project, the Respondent has not engaged in "discrimination" as defined in the City's SBEDA Ordinance, Section III.C.1; to wit: discrimination in the solicitation, selection or commercial treatment of any Subcontractor, vendor, supplier or commercial customer on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation or on the basis of disability or other unlawful forms of discrimination. Without limiting the foregoing, "discrimination" also includes retaliating against any person or other entity for reporting any incident of "discrimination". Without limiting any other provision of the solicitation for responses on this project, it is understood and agreed that, if this certification is false, such false certification will constitute grounds for the City to reject the response submitted by the Respondent on this project, and terminate any contract awarded based on the response. As part of its response, the Respondent shall provide to the City a list of all instances within

the immediate past 4 years where there has been a final adjudicated determination in a legal or administrative proceeding in the State of Texas that the Respondent discriminated against its Subcontractors, vendors, suppliers or commercial customers, and a description of the status or resolution of that complaint, including any remedial action taken. As a condition of submitting a response to the City, the Respondent agrees to comply with the City's Commercial Nondiscrimination Policy as described under its SBEDA Ordinance, Section III.C.I

By responding to this RFQ, and as a condition of entering into a contract, if any, pursuant to this RFQ, the Respondent represents and warrants that it shall provide to CITY a list of all of its subconsultants and shall require all subconsultants to register in CITY's Centralized Vendor Registry ("CVR") through the San Antonio electronic Portal System ("SAePS"). Further, Respondent represents and warrants that if entering into a contract pursuant to this RFQ, Respondent shall submit to CITY accurate progress payment information with each invoice regarding each of its subconsultants, to ensure that the Respondent's reported subconsultant participation is accurate.