

CITY OF SAN ANTONIO

AVIATION DEPARTMENT



REQUEST FOR QUALIFICATIONS

DESIGN REVIEW, INSPECTION & TESTING SERVICES FOR THE RESIDENTIAL ACOUSTICAL TREATMENT PROGRAM

(RFQ #: A2014-08-08)

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: FRIDAY, AUGUST 8, 2014

Submittal Deadline: TUESDAY, SEPTEMBER 9, 2014 AT 3 P.M. LOCAL TIME

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I. BACKGROUND

The City of San Antonio, Aviation Department (“City” or “Department”) is seeking Statements of Qualifications (hereafter referred to as “SOQ”) from qualified Respondents interested in providing Design Review, Inspection, and Testing Services (DRIT) related to the Residential Acoustical Treatment Program (“Program” or “RATP”), pursuant to the approved Federal Aviation Regulation Part 150 Noise Compatibility Program Update.

The Program provides acoustical treatments for qualifying homes (including single and multi-family residences) to meet or exceed the minimum standards prescribed by the Federal Aviation Administration (“FAA”) and in accordance with the City’s Residential Acoustical Treatment Program Policies and Procedures Manual.

A. HISTORY

Since its inception in March 2005, the Program has acoustically treated approximately 1,293 homes and 216 apartments. The Program is dependent on funding that is received annually. The most recent funding received will enable the City to continue the Program through its seventh year and acoustically treat approximately 120 additional homes. The Program is an ongoing, multi-year program structured to provide an orderly progression from the first phase of selecting eligible residences and multi-family dwellings through final inspection. The Program goal is to achieve a minimum of 5% decibel reduction in each acoustically treated residence.

B. PURPOSE AND INTENT

The Program uses the design-build alternative delivery method for construction and is implemented by the City under a contract with an Acoustical Treatment Consultant (ATC) that manages the Program. Texas law requires the City to obtain independent evaluation. Quality control over the Program will be maintained by procuring the following independent services:

- Design review services to review plans prepared by the ATC and its subconsultants/ contractors,
- Construction inspection services to inspect construction in progress by the ATC and its subconsultants/ contractors, and
- Acoustical and indoor ventilation testing services.

The City will contract directly with the selected Respondent to assist the City with independent confirmation of the ATC’s compliance with the Program goals and objectives relating to design, construction and acoustical reductions. City staff will interface between the selected Respondent and the ATC. Once the responses have been reviewed and the recommended Consultant has been selected, the Department will seek City Council approval of the DRIT Services for RATP Agreement.

C. MINIMUM QUALIFICATIONS

The Program is funded in whole or part by FAA grant funds. The Respondent shall assemble a multi-disciplinary team experienced with aviation noise insulation programs or noise mitigation. The successful Respondent shall demonstrate it possesses the qualifications and resources necessary to perform the required scope of services.

At a minimum, the Respondent's Prime must:

- be able provide all DRIT Services (Design Review, Inspection & Testing).
- propose a project manager with 5 years demonstrated experience managing design review, construction inspection, and testing services to include Acoustical Testing Services and Indoor Ventilation Testing
- assemble a team with experience in independent construction inspection and testing services of residential and commercial remodeling projects
- demonstrate public relations experience working with property owners, contractors, consultants and inspectors to coordinate the design review and inspection

At a minimum, the Respondent's Team (including subcontractors) must have:

- an architect licensed in the State of Texas with demonstrated experience in providing design review services for residential and commercial construction
- a mechanical engineer licensed in the State of Texas experienced in evaluation and design of residential and commercial heating, ventilating, and air-conditioning systems
- an electrical engineer licensed in the State of Texas experienced in evaluation and design of residential and commercial electrical systems
- an assigned inspector to the RATP who will provide all construction inspections
- three years experience in acoustical treatment testing
- three years experience in indoor ventilation testing

D. PREFERRED QUALIFICATIONS

The preferred Respondent Prime will:

- propose a project manager with five years demonstrated experience managing a team providing inspection and testing services for an FAA noise insulation program
- have experience specific to providing independent inspection and testing services in conjunction with a design-build contract
- assemble a multi-disciplinary team experienced with independent inspection and testing services for aviation noise insulation programs or in a noise mitigation environment

The preferred Respondent Team (including subcontractors) will have:

- an architect licensed in the State of Texas with five years experience in design and review of aviation noise insulation projects
- a mechanical engineer licensed in the State of Texas experienced in evaluation and design of residential and commercial heating, ventilating, and air-conditioning systems for an aviation noise insulation program project
- an electrical engineer licensed in the State of Texas experienced in evaluation and design of residential and commercial systems for an aviation noise insulation program project
- an assigned construction inspector to the RATP with five years of inspection experience evaluating aviation Noise Insulation Program projects for the term of the contract
- five years demonstrated experience in acoustical treatment testing and knowledge of FAA Part 150 - Noise Compatibility Program

II. SCOPE OF WORK

All services and/or phases of the Program will require close interaction and coordination with the Department, the ATC and its subconsultants and subcontractors, property owners, other City departments, external agencies, and regional FAA offices, as required. Selected Respondent will be responsible for reviewing, inspecting and testing structures being acoustically treated for compliance with all applicable FAA Advisory Circulars (ACs), Orders, and other airport and regulatory guidance documents as well as all federal, state, and local laws. The scope of services will include, but is not limited to:

A. DESIGN REVIEW SERVICES

- Perform independent review of acoustical treatment design documents created by the ATC's acoustical design team (architect, mechanical and electrical engineer and ventilation consultant) which define the work to be performed to meet the noise reduction goals set by the FAA. The acoustical treatment design documents include a summary of all window, door, attic insulation, ventilation, mechanical / electrical / plumbing modifications necessary to treat the home. The independent review of ATC designs require the seal and signature of an architect or engineer licensed in the State of Texas.
- Submit design review report citing discrepancies and corrective actions required to comply with all applicable codes. The review must certify that architectural and engineering plans and specifications conform to local building codes as well as State and Federal regulations.
- The Selected Respondent will provide construction inspection services during project construction in accordance with weekly schedules released by the ATC.
- Review and issue a recommendation for proposed ATC change orders. Consult with Department staff as requested to assist in processing or negotiating with ATC.
- Provide inspection reports that certify work was performed in accordance with the construction documents and meets health and safety standards.
- Submit reports documenting ATC's construction sub-contractors' conformance or failure to conform with the Program Policies and Procedures Manual as well as construction specifications.
- Monitor that all City of San Antonio, Development Services Department building permits and inspections are completed and have received all final inspections and approvals. Submit quarterly report listing open permits, inspections and completions.
- Maintain a working knowledge of FAA Program Guidance Letters and Directives as they relate to noise insulation programs.
- Conduct Construction Documents Constructability Reviews.

B. TESTING SERVICES

1) Acoustical Testing

- Perform pre- and post-construction acoustical testing. Submit test reports based on acoustical criteria based on the FAA's Airport Improvement Handbook guidelines.
- Conduct testing to ensure acoustical modifications meet the design objectives of residential noise insulation projects.
- Conduct testing on new acoustical products and installed products to determine if program specifications are met which may include Sound Transmission Class ratings and other recognized test standards.
- Conduct pre- and post-modification noise tests as required from an artificial source.
- Analyze and report noise tests results based on the FAA's Airport Improvement Handbook Guide to Residential Noise Insulation programs.
- Review results from separate acoustical tests conducted by the ATC's sub-consultant.

2) Indoor Ventilation Testing

- Conduct indoor ventilation system testing to insure that adequate indoor fresh air supplies are available for the inhabitants.
- Conduct post ventilation testing.
- Analyze and report test results.
- Review results from separate tests conducted by the ATC's ventilation test sub-consultant.

C. OTHER REQUIREMENTS

- Complete weekly Program FAA Construction Progress and Inspection Reports in conjunction with ATC.
- Submit monthly Design Review, Inspection & Testing Reports for the Program.
- Provide pre-construction support to the City, as requested, to attend meetings, respond to questions or requests for project information, and conduct submittal reviews.

III. SCHEDULE OF EVENTS

The following is a tentative schedule for the solicitation and evaluation of this RFQ:

Pre-Submittal Conference	Tuesday, August 19, 2014 at 1:30 p.m.
Deadline for Submission of Written Questions	Thursday, August 28, 2014 at Noon
Responses Due	Tuesday, September 9, 2014 at 3:00 p.m.
Interviews, if necessary and if invited*	September 29 through September 30, 2014
City Council Consideration	November 2014

*Respondents are encouraged to maintain availability for interviews during these days, should they be invited.

IV. PRE-SUBMITTAL CONFERENCE

A Pre-Submittal Conference will be held on, **Tuesday, August 19, 2014 at 1:30 p.m.** in the **San Antonio Central Library Auditorium, 600 Soledad Antonio, Texas 78205**. Attendance at the Pre-Submittal Conference is optional, but 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. 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://www.sanantonio.gov/rfplistings>.

This meeting place is accessible to disabled persons. The Library is wheelchair accessible. The accessible entrances are located at 600 Soledad Street. Accessible parking spaces are located at the Library's parking garage. An interpreter 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 to 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

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, Respondent 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:

1. Submittal Cover/ Signature Page (Form #1) – Respondent shall complete, sign, and submit RFQ Form #1. Index and label as **Tab “1”** in the two (2) original submittals only.

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.**

2. Submittal Checklist/Table of Contents (Form #2) – Respondent shall complete and submit RFQ Form #2, which is to be used as the Table of Contents for its submittal. Index and label as **Tab “2”** in the two (2) original submittals only.
3. Litigation Disclosure Form (Form #3) – Respondent shall complete and submit RFQ Form #3. If necessary include additional pages for explanation. Index and label as **Tab “3”** in the two (2) original submittals 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 # 3 with the submittal.

4. Proof of Insurability – Respondent shall submit a copy of their current insurance certificate. Index and label as **Tab “4”** in the two (2) original submittals only.
5. References (Required) - Respondent shall provide a maximum of five references. Include project name, client name, and point of contact that is familiar with and could speak to Respondent's performance during the term of the contract, telephone number, and email address. Index and label as **Tab “5”** in the submittal. Do not include City as a reference.
6. Contract Template and General Conditions (Index and label as **Tab “6”** and place in the two (2) Original Submittals Only.)

Respondent is to review the Contract Template (RFQ Exhibit “A”) and General Conditions (RFQ Exhibit “B”) on this RFQ and provide written comments and/or concerns regarding the Contract and General Conditions. If Respondent does 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 an agreement is awarded.

Respondent is expected to examine this RFQ carefully, understand the terms and conditions for providing the services listed herein and respond completely. **FAILURE TO COMPLETE AND PROVIDE ANY OF THE ABOVE-REFERENCED DOCUMENTS SHALL RESULT IN THE RESPONDENT'S SUBMITTAL BEING DEEMED NON-RESPONSIVE AND THEREFORE DISQUALIFIED FROM CONSIDERATION.**

7. Disadvantaged Business Enterprise (DBE) Program (RFQ Form 4) - Complete, sign and submit the required DBE Good Faith Effort Plan for Federally Funded Contracts (DBE Form 1) and related Letter of Intent (DBE Form 2). Index and label as **Tab “7”** and place in the two (2) Original Submittals Only.
 - a) If proposed subcontractors/ suppliers are certified, attach a copy of their Certification Affidavit(s) to DBE Form 1 (RFQ Form 4).
 - b) If Respondent is a Joint Venture, submit the required Joint Venture documentation described in RFQ Form 4.
 - c) Submit a Narrative Statement which describes the Respondent's:
 - Business Diversity Plan which should include, but not be limited to, the following types of information: commitment in addressing diversity; activities to be taken to assure equal employment opportunity for all persons, regardless of race, color, religion, age, national origin, citizenship status, or disability; and institutional strategies to ensure diversity.
 - Historical DBE utilization on previous contracts.
 - Efforts to achieve significant and meaningful diversity on this project team compilation.
8. Contracts Disclosure Form (RFQ Form 5) – Respondent shall complete, print, sign and submit the Contracts Disclosure Form as **Tab “8”** in the submittal. Prime shall complete and submit a form for the entire team. The form is located online at <https://www.sanantonio.gov/eforms/atty/ContractsDisclosureForm.pdf>,
9. Executive Summary – Respondent shall provide an Executive Summary which includes an overview of the project team, rationale for teaming, highlights of the team’s experience, introduction of the project manager, the names of other key personnel and a statement as to why Respondent is the best team for the project. The Executive Summary shall be limited to three (3) pages. Index and label as **Tab “9”** in the submittal.
10. Statement of Qualifications (“SOQ”) – Narrative document that addresses all evaluation criteria in Evaluation Criteria A.1 and A.2 below. This section is limited to fifteen (15) pages not including forms and attachments.

VI. EVALUATION CRITERIA

The Evaluation Criteria will consist of the following:

- A. Background, Experience and Qualifications of Respondent Team (including Prime Firm, Joint Venture Parties or Partners, Sub-Consultants) and Key Personnel (50 points)**
 - 1) Minimum Qualifications Summary (indexed and labeled as Tab “10-1” in the submittal) - Summarize compliance with each of the Minimum Qualifications stated in RFQ Section I, Background. The Minimum Qualification Summary shall be limited to two (2) pages.
 - 2) Team Profile (indexed and labeled as Tab “10-2” in the submittal) – Provide a description of the consultant team, their qualifications and experience, including Prime Firm, Joint Venture Parties or Partners and Sub-Consultants and identify which services they are proposed to provide (limited to ten (10) pages).

- 3) Proposed Key Personnel/Organizational Chart (indexed and labeled as Tab “10-3”: Provide a detailed organizational chart or graphic representation of your team, identifying key personnel who shall be assigned to work on the various tasks assigned through this professional service agreement.

Also prepare a table showing, in alphabetical order by last name, the information requested in Items “a through i” below for each person on the Organizational Chart.

- a) Name
 - b) Firm each team member is employed
 - c) Title
 - d) Expected Role on Projects, if selected
 - e) Years with Firm:
 - f) Highest Degree/Discipline/School
 - g) proposed assignments and lines of authority and communication for each team member to be directly involved in the project(s)
 - h) City/State of personal residence
 - i) City/ State of office where permanently assigned
- 4) Experience Matrix for Proposed Staff (indexed and labeled as Tab “10-4”: Complete the Staff Experience Matrix (RFQ Form #6) to include all proposed team members, Prime, Joint Venture Parties and Partners and Sub-Consultants indicating demonstrable experience, IN YEARS, of each individual proposed on the Organizational Chart. The form may be duplicated if more than one page is needed.
- 5) Project Sheets (indexed and labeled as Tab “10-5” in the submittal)- Using up to two (2) pages for each Project Sheet, Identify up to three (3) relevant projects performed, preferably within an aviation or noise mitigation environment, over the past five (5) years by the Prime and Sub-consultants. Each Project Sheet should be no more than (2) pages with a maximum of 30 pages for this section to include the following:
- a. Project name and description which highlights how project included:
 - Minimum and/or Preferred Qualifications stated in RFQ Section I, Background
 - Inspection services for residential and commercial construction
 - Acoustical testing for noise mitigation
 - b. List of team members (Prime Firm, Joint Venture Parties or Partners and major Sub-Consultants) along with key personnel who were assigned to or who were under contract for each Project. Provide details regarding the role of the prime respondent and other entities'/individuals' respective roles. Include names of the Project Manager, Architect / Engineers; Acoustical Testing Consultant, Construction Inspector, and Indoor Ventilation Testing Consultant. Indicate if any are proposed to be assigned to or contracted for the Project resulting from this RFQ and note what role they will play.
 - c. Relevant Project Dates: Contract Award, Contract Completion, and Construction Dates (start/completion).
 - d. Describe whether the independent inspection and testing services were provided in conjunction with a design-build contract or other contract method.
 - e. The owner's name and the name of the Owner's Representative (if different) who served as the owner's liaison during the overall design and construction phase of the project or program in the following format:
 - Name of Owner: _____
 - Name of Owner's Representative: _____
 - Representative's Phone Number: _____
 - Representative's E-mail: _____

- 6) Resumes (indexed and labeled as Tab “10-6”) – Respondent shall provide a one page resume for each key team member identified in the Organizational Chart. Resumes should link back to Project Sheets, if applicable. If person did not work on the Project Sheet projects, then the resume should show projects where the person performed similar roles proposed for the City’s project. Resumes shall include:
- a. License type (if applicable) and number of years licensed
 - b. Certification or other role specific recognitions, and number of years
 - c. Number of years employed with the Respondent or sub-consultant firm
 - d. Number of years of experience in proposed role as identified on the Organizational Chart
 - e. City/State of personal residence
 - f. City/State of office where permanently assigned

B. Project Approach/Management Plan (30 points)

The firm shall submit information in a brief narrative plan which clearly and concisely describes the organizational structure, resource availability, and approach to the execution of the design review, inspection and testing services. This section shall be limited to ten (10) pages indexed and labeled as **Tab “11”** in the submittal.

- 1) Describe Respondent’s approach to design review, construction inspection and testing and coordination of team members.
- 2) Detail the current capacity of key personnel and their availability and whether they will be based locally. Describe how Respondent will meet project workload and ensure sufficient staffing is available within timeframes required to avoid delays in the construction process.
- 3) Describe procedures to be used to coordinate design review and testing services with the City and ATC. Also address reporting procedures that Respondent will use to communicate construction inspection and testing services results.
- 4) If Respondent is proposing as a team or joint venture or has included sub-consultants, describe the rationale and objectives for selecting the team members and the extent to which the team members, joint ventures and/or sub-contractors have worked together in the past.
- 5) Describe how the prime firm will address coordination and management between and among the team members, the City and the ATC.
- 6) Provide information related to Respondent or any of its proposed team members’ failure to complete any contract awarded and an explanation. If Respondent and its proposed team members have never failed to complete a contract awarded, please include a statement affirming this.

C. Disadvantaged Business Enterprise (DBE) Program Requirements: (20 points)

1. A maximum of 10 percentage (10%) points based on Respondent meeting the DBE goal. Percentage points will be based on the percentage of the goal met.
 - Respondent meeting the goal will receive 10 points.
 - Respondent attaining 50% of the goal will receive 5 points.
 - Respondent attaining 25% of the goal will receive 2.5 points
 - Less than 25% will be evaluated proportional to the level of utilization identified by the respondent.
2. A maximum of 10 percentage (10%) points based on Respondent’s Narrative Statement.

EVALUATION CRITERIA SUMMARY	Maximum Points
A. Background, Experience and Qualifications of Respondent Team (including Prime Firm, Joint Venture Parties or Partners, Sub-Consultants) and Key Personnel	50 Points
B. Project Approach/Management Plan	30 Points
C. Disadvantaged Business Enterprise (DBE) Program	20 Points
Total Maximum	100 Points

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 **ten (10)** SOQs which shall include **two (2)** originals, signed in ink, printed and spiral bound to include Tabs 1-11; and **eight (8)** printed and spiral bound copies of SOQs to include Tabs 8-11 only; and one (1) copy of the entire SOQ in an Adobe PDF format on a compact disk (CD). Place the two (2) SOQ Originals, eight (8) SOQ copies, and the electronic CD SOQ copy in a sealed package, clearly marked on the front of the package "**RFQ: DESIGN REVIEW, INSPECTION & TESTING FOR THE RESIDENTIAL ACOUSTICAL TREATMENT PROGRAM.**" All submittals must be received in the Office of the City Clerk **no later than 3:00 p.m., local time, TUESDAY, SEPTEMBER 9, 2014**, at the address indicated below. Any submittal received after this time shall not be considered.

Mailing Address:

Office of the City Clerk, Attn: Aviation Department
P.O. Box 839966
San Antonio, Texas 78283-3966

Physical Address:

Office of the City Clerk, Attn: Aviation 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. Pages that 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 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 except for tables and graphics, and

headers and footers with thin the 1" margin area acceptable. 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 VII, Submittal Document Requirements, and each section must be divided by tabs and indexed in the Submittal Checklist and Table of Contents page. 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 Respondent and limited liability company Respondent shall include the 11-digit Comptroller's Taxpayer Number on the signature page of the Proposal.

If an entity is found to have incorrectly or incompletely stated its name or failed to fully reveal its identity on the signature page of its proposal, the Director shall have the discretion, at any point in the contracting process, to suspend consideration of the proposal.

VIII. AMENDMENTS TO RFQ

Changes, amendments, or written responses to questions received in compliance with Section VI, Restrictions on Communication may be posted on the City's website at <http://www.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 the Department in accordance with Section IX, Restrictions on Communication, stating the Respondent's 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.

IX. RESTRICTIONS ON COMMUNICATION

Respondent is 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. Respondent is 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 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 Pre-Submittal Conference.
2. Respondent may submit written questions concerning this RFQ to the Staff Contact Person listed below until **12:00 Noon, Local Time, on Thursday, August 28, 2014**. Questions received after the stated deadline will not be answered. It is suggested that all questions be sent by electronic mail to:

Leonor Grimaldo-Hargis, Contract Officer, Planning & Development
City of San Antonio, Aviation Department
Leonor.Grimaldo-Hargis@sanantonio.gov

3. Respondent and/or their agents may contact the Aviation Department’s DBE Liaison Officer for assistance or clarification with issues specifically related to the DBE policy as outlined in Section XI, DBE Program Overview and Requirements. The point of contact is Lisa Brice and she may be reached by telephone at (210) 207-3505 or by e-mail at Lisa.Brice@sanantonio.gov. She may designate other members of City staff to address DBE issues raised by Respondent. This exception to the restriction on communication does not apply and there is no contact permitted by Respondent to the Small Business Office regarding this solicitation after the solicitation closing date. City reserves the right to contact Respondent over DBE issues after the solicitation closing date.
 4. Respondent may provide responses to questions asked 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, Respondent 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.
 5. Upon completion of the evaluation process, Respondent shall receive a notification letter indicating the recommended firm and anticipated City Council agenda date. Respondent desiring a review of the solicitation process may submit a written request no later than seven (7) calendar days from the date letter was sent. The letter will indicate the name and address for submission of requests for review.
- B. City reserves the right to contact any Respondent to negotiate if such is deemed desirable by City. Such negotiations, initiated by City staff persons, shall not be considered a violation by Respondent of this section.

X. AWARD OF CONTRACT AND RESERVATION OF RIGHTS

- A. The City reserves the right to award one, more than one, or no contract(s) in response to this RFQ.
- B. The Contracts, if awarded, will be awarded to the Respondent whose submittals are deemed most advantageous to City, as determined by the selection committee, upon approval of the City Council.
- C. The 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 the City. However, final selection of a Respondent is subject to City Council approval.
- D. The 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. The City also reserves the right to terminate this RFQ, and reissue a subsequent solicitation, and/or remedy technical errors in the RFQ process.
- E. The City will require the selected Respondent(s) to execute a contract in substantially the form as attached with the City, 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 RFQ and the contract. Contract documents are not binding until approved by the City Attorney.
- F. 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.
- G. This RFQ does not commit City of San Antonio to enter into a Contract, award any services related to this RFQ, nor does it obligate the City of San Antonio to pay any costs incurred in preparation or submission of a response or in anticipation of a contract.
- H. The City administers its design and construction management through an Internet-based management system. All vendors will be required to use the City's portal system and submit schedules using Primavera Project Manager 5.X or Primavera Contractor 4.1 or above.
- I. 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.
- J. 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. (Contracts Disclosure Form – Instructions and web-link to the electronic form are included in RFQ Section V, Submittal Document Requirements.)
- K. 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 of San Antonio 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.

L. State of Texas Conflict of Interest Questionnaire (Form CIQ).

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 the City, shall file a completed Form CIQ with the City Clerk if those persons meet the requirements under §176.066(a)(1) or (a)(2) of the statute.

Form CIQ must be filed not later than the 7th business day after the later of (1) the date that the person: (A) begins discussions or negotiations to enter into a contract with the City; or (B) submits to the City an application, response to a request for proposals or proposals, correspondence, or another writing related to a potential agreement with the City; or (2) the date the person becomes aware: (A) of an employment or other business relationship with a local government officer, or a family member of the officer, or (B) that the person has given one or more gifts to a City officer, or a family member of the officer, as described in the statute.

Form CIQ 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

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

In addition, please complete the City's Addendum to Form CIQ (Form CIQ-A) and submit it with Form CIQ to the Office of the City Clerk. The Form CIQ-A can be found at:

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

When completed, the CIQ Form and the CIQ-A Form should be submitted together, either by mail or hand delivery, the Office of the City Clerk.

If mailing, mail to:

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

If delivering by hand, deliver to:

Office of the City Clerk
City Hall, 2nd floor,
100 Military Plaza
San Antonio, TX 78205.

Do not include these forms with your proposal. The Aviation Department will not deliver the forms to the City Clerk for you.

- M. All submittals and/or any portions thereof become the property of the City of San Antonio 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 of San Antonio 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.
- N. 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.

- O. All provisions in Respondent's submittal shall remain valid for one hundred twenty (120) days following the deadline date for submissions or, if a submittal is accepted, throughout the entire term of the contract.
- P. Subsequent to the issuance of this solicitation, the Aviation Department reserves the right to amend it, waive any requirement or irregularity, request modifications to submittals, providing all respondents are treated equally, and reject any and all submittals for any reason. The Aviation Department further reserves the right to award one or more contracts for the project as deemed in its best interest, and to request changes in the composition of any Respondent team.
- Q. City reserves the right to verify any and all information submitted by Respondent at anytime of the solicitation/evaluation process.
- R. Final approval of a selected Respondent(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. Solicitation Process Review. Any Respondent desiring a review of the solicitation process must deliver a written request to the Director of Aviation within 7 calendar days from the date the notice of non-selection was sent. When the Director of Aviation receives a timely written request, the Director of Aviation, or designee, shall review the respondent's concerns and the solicitation process for legitimacy and procedural correctness. After performing a full review, the Director of Aviation will notify the respondent in writing of his determination.
- U. Debriefings. In an effort to improve solicitation responses, Respondent is encouraged to visit the TCI Department web site to review 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-time debriefing after City Council has made an award if:
 - a) they are not the selected respondent and
 - b) they have never been debriefed

Once a Respondent has been debriefed, they will not be eligible for debriefings on future solicitations. Any Respondent meeting the above criteria, that desires submittal debriefing, must deliver a written request to the Director of Aviation within 7 calendar days from the date the notice of non-selection was sent.

XI. DBE PROGRAM OVERVIEW AND REQUIREMENTS

SAN ANTONIO INTERNATIONAL AIRPORT (SAIA) DBE PROGRAM - 49 CFR PART 26

PROJECT: **DESIGN REVIEW, INSPECTION & TESTING SERVICES FOR THE RESIDENTIAL ACOUSTICAL TREATMENT PROGRAM**

The San Antonio International Airport has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U. S. Department of Transportation (DOT), 49 CFR Part 26. The City of San Antonio has received federal financial assistance from the Department of Transportation and as a condition of receiving this assistance, the City of San Antonio has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the San Antonio International Airport that it will ensure that DBEs as defined in Part 26, have an equal opportunity to receive and participate in DOT assisted contracts. It is our policy:

1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts.
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT-assisted contracts; and
6. To assist in the development of firms that can compete successfully in the market place outside the DBE Program.

DBE OBLIGATION

The San Antonio International Airport and/or its contractor agrees to ensure that DBEs as defined in 49 CFR Part 26 have an equal opportunity to participate in the performance of contracts financed in whole or in part with federal funds provided under this agreement. In this regard the San Antonio International Airport and its contractors shall not discriminate on the basis of race, color, national origin, gender, or disability in the award and performance of DOT-assisted contracts.

The DOT regulations require that overall project goals be calculated consistent with the process in Section 26.45 for setting goals under DOT assisted projects (49 CFR Section 23.95 [a]). The San Antonio International Airport has applied the two-step process as outlined in 49 CFR Section 26.45. This two-step process consists of determining the relative availability of DBEs ready, willing, and able in the local market area ("base figure"). Step 2 is to adjust the "base figure" percentage from Step 1 so that it reflects as accurately as possible the DBE participation the City would expect in the absence of discrimination based on past participation. The local market area is defined as Bexar County, Texas, unless otherwise noted.

A firm submitting a proposal for this project is asked to make good faith efforts to meet or exceed the goal for DBE participation. All respondents that do not meet the goals set for this project are subject to good faith efforts review. The City will evaluate the respondent's good faith efforts to achieve DBE goals.

DBE GOAL: DBE Goal on the contract for the "DESIGN REVIEW, INSPECTION & TESTING FOR RESIDENTIAL ACOUSTICAL TREATMENT PROGRAM" is: **11.2%**

THE NAICS CODE CATEGORIES are:

- 541310 – Architectural Services
- 541330 - Engineering Services
- 541380 – Testing Laboratories

DISADVANTAGED BUSINESS ENTERPRISE CLAUSE

- A. It is the policy of the City of San Antonio that disadvantaged business enterprises (DBEs), as defined under 49 CFR Part 26, shall have “equality of opportunity” to participate in the awarding of federally-assisted Aviation Department contracts and related subcontracts, to include sub-tier subcontracts. This policy supports the position of the U.S. Department of Transportation (DOT) in creating a level playing field and removing barriers by ensuring nondiscrimination in the award and administration of contracts financed in whole or in part with federal funds under this contract. Therefore, on all DOT-assisted projects the DBE program requirements of 49 CFR Part 26 apply to the contract.
- B. The Respondent agrees to employ good-faith efforts (as defined in the Aviation Department’s DBE Program) to carry out this policy through award of subcontracts to disadvantaged business enterprises to the fullest extent consistent with the sufficient performance of the Aviation Department Contract, and/or the utilization of DBE suppliers where feasible. Aviation Department respondents are expected to solicit bids from available DBEs on contracts which offer subcontracting opportunities.
- C. Respondent specifically agrees to comply with all applicable provisions of the Aviation Department’s DBE Program. The DBE Program may be obtained through the airport’s DBE Liaison Officer at (210) 207-3505 or by contacting the City’s Aviation Department.

Notification is hereby given that a DBE contract specific goal has been established on this contract. The applicable DBE goal is 11.2% of the total gross revenues of this contract for Design Review, Inspection & Testing for Residential Acoustical Treatment Program.

- D. The Respondent shall appoint a high-level official to administer and coordinate the Respondent’s efforts to carry out the DBE Policy and Program requisites. The Respondent’s official should coordinate and ensure approval of the required “Good-Faith Effort Plan” (DBE Form 1).
- E. The Respondent shall maintain records, as specified in the audit and records section of the contract, showing: (i) all subcontract/supplier awards, specifically awards to DBE firms; (ii) specific efforts to identify and award such contracts to DBEs; and (iii) submit when requested, copies of executed contracts to establish actual DBE participation.
- F. The Respondent shall agree to submit periodic reports of subcontract and/or supplier awards to DBE firms in such form and manner and at such times as the Aviation Department shall prescribe and shall provide access to books, records, and accounts to authorized officials of the City, Aviation Department, state, and/or federal agencies for the purpose of verifying DBE participation and good-faith efforts to carry out the DBE Policy and Program. All Aviation Department Respondents may be subject to a post-contract DBE audit. Audit determination(s) may be considered and have a bearing in the evaluation of a Respondent’s good-faith efforts on future airport contracts.
- G. All concession Respondents with contracts subject to formal review and approval shall make good-faith efforts (as defined and approved by the City through the Aviation Department in its DBE Program) to subcontract and achieve the applicable contract specific DBE goal with certified DBEs. Respondents failing to achieve the applicable contract specific DBE goal or Respondents failing to maintain the specific DBE goal percentage involvement initially achieved, will be required to provide documentation demonstrating that they have made good-faith efforts in attempting to do so through the submittal of an Aviation Department approved “DBE Good-Faith Effort Plan”. Respondents are required to satisfy applicable DBE program requirements prior to the award of the Aviation Department contract. Respondents must submit a DBE Good-Faith Effort Plan or they will be considered non- responsive.

- H. The City and Aviation Department encourage the Respondent/Contractor to utilize currently approved and certified DBE firms on the contract for DBE goal achievement and credit purposes. The Aviation Department utilizes the services of the South Central Texas Regional Certification Agency (SCTRCA) to certify DBE eligibility status. Please contact the SCTRCA at 3201 Cherry Ridge St., Building C-319, San Antonio, TX 78230 (210-227-4722) for information regarding DBE trade areas or to apply for DBE status. The Aviation Department accepts DBE certification from any one of the six (6) certifying agencies under the Texas Unified Certification Program (TUCP) – Texas Department of Transportation (TxDOT), North Central Texas Regional Certification Agency (NCTRCA), South Central Texas Regional Certification Agency (SCTRCA), City of Houston, City of Austin and the Corpus Christi Regional Transportation Authority.
- a) A contractor/bidder/proposer shall submit to the City a copy of the DBE Certification Affidavit, for all DBE firms utilized or proposed to be utilized as subcontractors or suppliers in the performance of work on said project with the Letter of Intent (DBE Form 2).
 - b) A firm must be certified on or before the bid/proposal due date in order for the firm's proposed work on the particular contract to be credited toward the DBE goal. It is not enough for a certification application to have been submitted by the deadline.
- I. The following DBE-related contractual clause shall be applicable and is specifically included as part of the concession contract. Respondents/Contractors shall also include this clause in each subcontract the prime contractor signs with a subcontractor.

"The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate".

Additionally, Contractors agree to the following prompt payment and retainage payment clause:

"The Prime Contractor agrees to pay each subcontractor under this Prime Contract for satisfactory performance of its Contract no later than fifteen (15) days from the receipt of each payment the Prime Contractor receives from the City of San Antonio. The Prime Contractor further agrees to return retainage payments to each subcontractor within thirty (30) days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced timeframe may occur only for good cause following written approval from the City of San Antonio. This Clause applies to both DBE and non-DBE subcontractors".

For purposes of payments (prompt and retainage), a subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by the City. When a recipient has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed. Any delay or postponement of payment by the prime contractor, may take place only for good cause, with the City's prior written approval. The Bidder/Proposer will use appropriate alternative dispute resolution mechanisms to resolve payment disputes. Those mechanisms will be provided to the City for its review prior to the start of the contract.

- J. All changes to the list of subcontractors submitted with the bid and approved by the City or Aviation Department, including major vendors, shall be submitted for review and approval by the Aviation Department's DBE Liaison Office. DBE Form 3, Change of Subcontractors/Suppliers is to be completed and submitted to Aviation Department officials for approval when adding, changing, or deleting subcontractors on airport projects. Contractors shall make a good-faith effort to replace DBE subcontractors unable to perform on the contract with another DBE.

- K. Failure or refusal by a Respondent or Contractor to comply with the DBE provisions herein or any applicable provisions of the DBE Program, either during the solicitation process or at any time during the term of the Contract, may constitute a material breach of Contract, whereupon the Contract, at the option of the Aviation Department, may be cancelled, terminated, or suspended in whole or in part, and the Contractor may be debarred from further contracts with the City of San Antonio.

COUNTING JOINT VENTURES

Joint Ventures do not have to be fifty-one percent (51%) DBE owned in order to be counted toward the participation goal. Joint ventures that do not include any DBE firms will not count toward the goal. A joint venture with ownership of DBE partners in any percentage will be counted for that percentage equal to the distinct, clearly defined portion of the work of the contract that the DBE performs with its own forces, (provided the DBE ownership is real and substantial and the DBEs are performing a commercially useful function).

The required documentation to be submitted to the City, along with the proposal, for Joint Ventures with DBE partners shall include:

- a) The Joint Venture Agreement for the specific contract including a detailed statement of ownership.
- b) Corporate resolutions or other documents authorizing the firms to enter into the Joint Venture.
- c) A description of the work to be performed by all the Joint Venture Partners.
- d) Proof of current certification status of the individual DBE venture partners.

GOOD FAITH EFFORTS

The bidder/proposer shall demonstrate, to the satisfaction of the DBE Liaison that genuine efforts have been made to achieve the DBE goal. The requirements for demonstrating "good faith efforts" are set forth as follows:

1. Written notices to DBEs contacted by the bidder/proposer for specific scopes of work identified by the bidder/proposer for subcontracting opportunities not less than five (5) business days prior to bid due date. Such notices shall include information on the plans, specifications and scope of work, including the deadline for submission of interest in teaming;
2. Attendance at a pre-bid conference, if any, scheduled by the City to inform DBEs of subcontracting opportunities under a given solicitation.
3. Efforts made to define additional elements of the work proposed to be performed by DBEs in order to increase the likelihood of achieving the goals.
4. For those DBES responding affirmatively in writing to the notice required by Item 1 above, explain the:
 - (a) Reasons why agreements were not reached, including written explanation for rejection of bids;
 - (b) If additional elements of work have been identified by the bidder/proposer as available for subcontracting, the bidder/proposer shall contact the Department of Economic Development or the Aviation's DBE Liaison to ascertain the availability of DBE firms in those areas.
5. Efforts to assist DBE contractors with bonding, insurance, and financing, where appropriate.
6. Seeking the assistance of the Aviation's DBE Liaison or the Department of Economic Development in contacting DBEs.
7. A bidder/proposer shall commit to the minimum percentage of DBE utilization as submitted with its bid/proposal on this contract. During the term of this contract, any unjustified failure to comply with the level of DBE participation identified in the bid/proposal shall be considered a material breach of contract.

8. If the bidder/proposer is a certified DBE and the DBE bidder/proposer intends to perform a portion of the work with its own work force, the DBE bidder/proposer must identify the work specifically by type and dollar value and must perform the work indicated with its own work forces in order to have that work counted toward the goal. (Even though the bidder/proposer is a certified DBE does not relieve the DBE bidder/proposer of the responsibility to make good faith efforts.)
9. In addition, all bidders/proposers will be required to submit the following information with the submittal:
 - (a) The names and addresses of DBE firms that will participate in the contract;
 - (b) A description of the work that each DBE will perform
 - (c) The dollar amount of the participation of each DBE firm participating
 - (d) Written documentation of the bidder's/proposer's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
 - (e) Written confirmation from the DBE that it is participating in the contract as provided in the bidder's/proposer's commitment.

EVALUATION OF GOOD FAITH EFFORTS

The good faith effort of a bidder/proposer will be evaluated by the DBE Liaison to determine whether the efforts to obtain DBE participation were those that a firm seeking subcontractors would take in the normal course of doing business; whether the steps taken had a reasonable prospect of success; and whether based upon the size, scope and complexity of the subcontract, there were qualified DBE firms available and willing to accept the contract at a competitive price.

The following is a list of types of actions, which the DBE Liaison may consider as part of the bidder's/proposer's good faith efforts to obtain DBE participation. It is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.

Criteria used to evaluate "Good Faith Efforts" are as follows:

1. Soliciting through all reasonable and available means (e.g. attendance at pre-proposal conferences, advertising and/or written notices) the interest of certified DBEs who have the capability to perform the work of the contract. The bidder/proposer must solicit this interest within sufficient time to allow the DBEs to respond to the solicitation. The bidder/proposer must determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.
2. Selecting portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goal will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces.
3. Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.
4.
 - (a) Negotiating in good faith with interested DBEs. It is the bidder's/proposer's responsibility to make a portion of the work available to DBE subcontractors and/or suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and/or suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for DBEs to perform the work.
 - (b) A bidder/proposer using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a prime contractor failure to meet the contract DBE goal, as long as such costs are reasonable. Also, the ability or

desire of a prime contractor to perform the work of a contract with its own organization does not relieve the prime contractor of the responsibility to make good faith efforts. Prime contractors are not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.

5. Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The contractor's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal.
6. Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance.
7. Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.
8. Effectively using the services of available minority/women community organizations; minority/women contractors' groups; local, state, and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.
9. In determining whether a bidder/proposer has made good faith efforts, the DBE Liaison may take into account the performance of other bidders in meeting the contract. For example, when the apparent successful bidder fails to meet the contract goal, but others meet it, the DBE Liaison may reasonably raise the question of whether, with additional reasonable efforts, the apparent successful bidder could have met the goal. If the apparent successful bidder fails to meet the goal, but meets or exceeds the average DBE participation obtained by other bidders, the DBE Liaison may view this, in conjunction with other factors, as evidence of the apparent successful bidder having made good faith efforts.

RECONSIDERATION MECHANISM

The Aviation Department's DBE Liaison will evaluate the "good faith efforts" of a firm. If after reviewing the good faith efforts submitted by Bidder/Proposer, the DBE Liaison determines that the Bidder/Proposer has failed to adequately document its good faith efforts, then the Bidder/Proposer shall have the opportunity to provide written documentation or argument, to the Aviation Director, concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The Bidder/Proposer will have the opportunity to meet in person with the Aviation Director to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. The Aviation Director will provide a written decision on reconsideration explaining the basis of his decision. In cases of dispute, the final decision in determining whether Good Faith Efforts have been made rests with the Aviation Director.

The Aviation Director may determine that the efforts of the Bidder/Proposer substantially comply with the purpose of this program and such determination is in the best interest of the DBE Program and the City. However, if the Aviation Director determines that the Bidder/Proposer did not make good faith efforts to meet the goal, the decision is not administratively appealable to the Department of Transportation

COMPLIANCE

If a bidder/proposer is awarded a contract:

The bidder/proposer must not terminate for convenience a DBE subcontractor (or an approved substitute DBE firm) and then perform the work of the terminated subcontract with its own forces or those of an affiliate, without the City's prior written consent. When a DBE subcontractor is terminated, or fails to complete its work on the contract for any reason, the bidder/proposer must notify the City immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation. The City may withhold payment on invoice.

1. Line items to the contractor for contractor's failure to receive the prior written consent from the City for any changes to subcontractors and/or suppliers as reflected on contractors approved Good Faith Effort Plan (DBE Form 1) and/or Letter of Intent (DBE Form 2).
2. The Bidder/Proposer will be required to make good faith efforts to find another DBE to perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the contract goal the City has established for this contract. The Bidder/Proposer will be required to obtain the DBE Liaison's prior approval of the substitute DBE, through the submittal of Change of Subcontractors/Suppliers (DBE Form 3) and to provide copies of new or amended subcontracts, or documentation of good faith efforts. If the Bidder/Proposer fails or refuses to comply in the time specified, our office may issue a termination for default.

PAYMENT VERIFICATION

The prime contractor shall report Disadvantaged Business Enterprise (DBE) Subcontractor/Supplier Activity and Expenditures through the City of San Antonio online monitoring system. The reporting shall be done on a monthly basis and in the format required by the City's online monitoring system. Reporting shall include all awards and payments to subcontractors/suppliers for goods and services provided under the agreement during the previous month. This report may be used by the City to verify utilization of and payment to DBEs.

The prime contractor and any subcontractor whose contracts are being counted toward the DBE requirement shall allow the City access to records relating to the contract, including but not limited to, subcontracts, payroll records, tax information and accounting records, for the purpose of determining whether the DBEs are performing the scheduled work.

CONTRACT REQUIREMENTS

The goals on this contract shall also apply to amendments that require work beyond the scope of services originally required to accomplish the project. The prime contractor is asked to make "good faith efforts" to obtain DBE participation for additional scope(s) of services. Amendments that do not alter the type of service originally required to accomplish the project may be undertaken using the subcontractor and suppliers already under contract to the prime contractor. Any amendment affecting the scope of service or value of the contract should be documented on a form acceptable to the City.

RFQ EXHIBIT A

CONTRACT DOCUMENT TEMPLATE

(Posted separately and incorporated by reference)

RFQ FORM #1

SIGNATURE PAGE

PROJECT: DESIGN REVIEW, INSPECTION & TESTING SERVICES FOR THE RESIDENTIAL ACOUSTICAL TREATMENT PROGRAM

The undersigned certifies that (s) he is authorized to submit this SOQ on behalf of the entity named below:

Respondent Entity Name: _____

Signature: _____

Printed Name: _____

Title: _____

Email Address: _____

Phone Number: _____

DUNS Number:

Texas Comptroller's Taxpayer Number, if applicable:

(This is an 11-digit number and sometimes referred to as the Comptroller's TIN or TID.)

(NOTE: If SOQ is submitted by Co-Respondents, an authorized signature from a representative of each Co-Respondent is required. Add additional signature blocks as required.)

Co-Respondent Entity Name: _____

Signature: _____

Printed Name: _____

Title: _____

By signature(s) above, Respondent(s) is willing to sign, the PSA in substantial form with the understanding that compensation and scope will be negotiated, and agrees to the following:

1. If awarded a contract in response to this RFQ, Respondent will be able and willing to execute a contract in the form show in the RFQ, as attached and set out in RFQ Exhibit A, with the understanding that the scope and compensation provisions will be negotiated and included in the final document.
2. If Respondent is a corporation, Respondent will be required to provide a certified copy of the resolution evidencing authority to enter into the contract, if other than an officer will be signing the contract.
3. If awarded a contract in response to this RFQ, Respondent will be able and willing to comply with the insurance and indemnification requirements set out in RFQ Exhibit A – Draft Professional Services Agreement.
4. If awarded a contract in response to this RFQ, Respondent will be able and willing to comply with all representations made by Respondent in Respondent's SOQ and during RFQ process.
5. Respondent has fully and truthfully submitted a Litigation Disclosure form with the understanding that failure to disclose the required information may result in disqualification of SOQ from consideration.
6. To comply with the City's Ethics Code, particularly Section 2-61 that prohibits a person or entity seeking a City contract - or any other person acting on behalf of such a person or entity - from contacting City officials or their staff prior to the time such contract is posted as a City Council agenda item.

RFQ FORM #2

SOQ CHECKLIST

PROJECT: DESIGN REVIEW, INSPECTION & TESTING SERVICES FOR THE RESIDENTIAL ACOUSTICAL TREATMENT PROGRAM

Use this checklist to ensure that all required documents have been included in the SOQ and that they are properly tabbed and appear in the correct order.

Tab in Respondent's SOQ	Document	Initial to Indicate Document is Attached to SOQ
	Table of Contents	
1	* Submittal Cover/ Signature Page (RFQ Form #1)	
2	Submittal Checklist / Table of Contents (RFQ Form #2)	
3	Litigation Disclosure (RFQ Form #3)	
4	Proof of Insurability	
5	References	
6	Contract Template and General Conditions	
7	* DBE Form 1 and DBE Form 2 (RFQ Form #4) and Narrative Statement	
8	Contracts Disclosure Form (RFQ Form #5)	
9	Executive Summary	
10-1	Minimum Qualifications	
10-2	Team Profile	
10-3	Proposed Key Personnel/ Organization Chart	
10-4	Experience Matrix for Proposed Staff (RFQ Form #6)	
10-5	Project Sheets	
10-6	Resumes	
11	Project Approach/ Management Plan	
<p>NOTES: Two (2) Originals, eight (8) Copies, and one (1) CD of entire SOQ in PDF format. Only items listed in Tabs, 8, 10-1 through 10-6 and 11 are required in the eight (8) bound copies.</p>		

***Documents marked with an asterisk on this checklist require a signature. Be sure they are signed prior to submittal of SOQ.**

RFQ FORM #3

LITIGATION DISCLOSURE

Respond to each of the questions below by checking the appropriate box. Failure to fully and truthfully disclose the information required by this Litigation Disclosure form may result in the disqualification of your response from consideration or termination of the contract, once awarded.

1. Have you or any member of your Firm or Team to be assigned to this engagement ever been indicted or convicted of a felony or misdemeanor greater than a Class C in the last five (5) years?

Yes No

2. Have you or any member of your Firm or Team to be assigned to this engagement been terminated (for cause or otherwise) from any work being performed for the City of San Antonio or any other Federal, State or Local Government, or Private Entity?

Yes No

3. Have you or any member of your Firm or Team to be assigned to this engagement been involved in any claim or litigation with the City of San Antonio or any other Federal, State or Local Government, or Private Entity during the last ten (10) years?

Yes No

If you have answered "Yes" to any of the above questions, please indicate the name(s) of the person(s), the nature, and the status and/or outcome of the information, indictment, conviction, termination, claim or litigation, as applicable. Any such information should be provided on a separate page, attached to this form and submitted with your response.

RFQ FORM #4

SAN ANTONIO INTERNATIONAL AIRPORT (SAIA)
DBE GOOD FAITH EFFORT PLAN FOR FEDERALLY FUNDED CONTRACTS
 (DBE FORM 1)

NAME OF PROJECT: **DESIGN REVIEW, INSPECTION & TESTING SERVICES FOR THE RESIDENTIAL ACOUSTICAL TREATMENT PROGRAM**

PROPOSER INFORMATION:

Name of Proposer: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone No. _____ Email Address: _____

Is your firm certified? Yes No Type of Certification: DBE MBE WBE AABE SBE

Age of Firm (Number of Years in Business): _____ years

Annual Gross Receipts of the Firm: _____ Less than \$500,000 _____ \$500,000 to \$1 million
 _____ \$1 million to \$2 million _____ \$2 million to \$5 million
 _____ Over \$5 million

1. List **ALL SUBCONTRACTORS/SUPPLIERS** that will be utilized on this contract. **(An approved Good Faith Effort Plan is required prior to award of any contract.)**

Name & Address of Company	Scope of Work/Supplies to be Performed/ Provided by Firm	Estimated Contract or % Level of Participation	If Firm is DBE Certified, Provide Certification Number	Date Written Notice Was Sent and Method (Letter, Fax, E-mail)
1.				
2.				
3.				
4.				
5.				
6.				
7.				

(Use Additional Sheets if Necessary)

If Goal is Met, Skip to Item 9

2. List all firms you contacted with subcontracting/supply opportunities for this project that will not be utilized for this contact by choice of either the proposer, subcontractor, or supplier. *Written notices to firms contacted by the proposer for specific scopes of work identified for subcontracting/supply opportunities must be provided to subcontractor/supplier not less than five (5) business days prior to bid/proposal due date.* The following information is required for all firms that were contacted of subcontracting/supply opportunities:

Name & Address of Company	Scope of Work/Supplies to be Performed/ Provided by Firm	Estimated Contract Amount or % Level of Participation	If Firm is DBE Certified, Provide Certification Number	Date Written Notice Was Sent and Method (Letter, Fax, E-mail)	Reason Agreement Was Not Reached
1.					
2.					
3.					
4.					
5.					
6.					
7.					

(Use additional sheets as needed)

In order to verify a proposer's good faith efforts, it may be necessary to provide the City with copies of the written notices to all firms contacted by the proposer for specific scopes of work identified in relation to the subcontracting/supply opportunities in the above named project. If requested by the DBE Liaison, copies of said notices must be provided to the DBE Liaison within five (5) business days of such request. Such notices shall include information on the plans, specifications and scope of work.

3. Did you attend the pre-proposal conference scheduled by the City for this project?
 Yes No

4. List all DBE listings or directories, contractor associations, and/or any other associations utilized to solicit DBE subcontractors/suppliers:

5. Discuss efforts made to define additional elements of the work proposed to be performed by DBEs in order to increase the likelihood of achieving the goal:

6. Indicate advertisement mediums used for soliciting bids from DBEs. (Please attach a copy of the advertisement(s):

Discuss efforts made to assist interested DBEs in obtaining bonding, lines of credit, or insurance:

7. Discuss efforts made to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services:

8. Name and phone number of person appointed to coordinate and administer the Federal DBE Good Faith Efforts of your company on this project.

Name: _____ Title: _____

Phone Number: _____

AFFIRMATION

I HEREBY AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE. I FURTHER UNDERSTAND AND AGREE THAT, THIS DOCUMENT SHALL BE ATTACHED THERETO AND BECOME A BINDING PART OF THE CONTRACT.

NAME AND TITLE OF AUTHORIZED OFFICIAL: _____

SIGNATURE: _____

FOR San Antonio INTERNATIONAL AIRPORT USE ONLY:

Plan Reviewed by _____ Date: _____

Signature of DBE Liaison

Recommendation: Approval: _____ Denial: _____

Action Taken: Approval: _____ Denied: _____

NAME OF PROJECT: DESIGN REVIEW, INSPECTION & TESTING SERVICES FOR THE RESIDENTIAL ACOUSTICAL TREATMENT PROGRAM

DECLARATION OF PRIME CONTRACTOR

I hereby declare and affirm that I am the

(Title of Declarant)

and a duly authorized representative of

(Name of Prime Contractor)

to make this declaration and that I have personally reviewed the material and facts set forth in this Intent to Perform form. To the best of my knowledge, information and belief, the facts and representations contained in this form are true, the owner or authorized agent of the firm signed this form in the place indicated, and no material facts have been omitted.

The undersigned intends to enter into a formal agreement with the listed firm for work as indicated by this form and will, if requested, provide the Airport's DBE Liaison with a copy of that agreement within three (3) business days of execution.

(Name of Declarant)

(Signature)

(Date)

SUBMIT THIS PAGE FOR EACH SUBCONTRACTOR/SUPPLIER FOR THIS CONTRACT, AS LISTED ON ITEM 1 OF DBE GOOD FAITH EFFORT PLAN FOR FEDERALLY FUNDED CONTRACTS [DBE FORM 1] AND/OR CHANGE OR ADDITION OF SUBCONTRACTORS/SUPPLIERS ON FEDERALLY FUNDED CONTRACTS (DBE FORM 3)

RFQ FORM #5

CONTRACT DISCLOSURE FORM

Contracts Disclosure Form may be downloaded at;

<https://www.sanantonio.gov/eforms/atty/ContractsDisclosureForm.pdf>

Instructions for completing the Contracts Disclosure form are listed below:

1. Download form and complete all fields. Note: All fields must be completed prior to submitting the form.
2. Click on the "Print" button and place the copy in proposal response as indicated in the Proposal Checklist.

RFQ FORM #6

STAFF EXPERIENCE MATRIX

Use one box below for each key personnel as shown on Organizational Chart. Enter first and last name, name of firm, and assigned task in blue box. See Example. Enter the number of years of experience by individual for each category shown on the left. If that individual has no experience in that category, leave blank.

	EXPERIENCE	<i>John Doe, ABC, Inc. Airport Planner</i>							
1	FAA Funded Noise Insulation Projects	8							
2	Large, Multi-Disciplined Team Management of a Noise Mitigation Environment Project	8							
3	Project Manager with FAA Noise Insulation Program Experience								
4	Texas licensed Architect with Noise Insulation Program Experience	2							
5	Texas licensed Engineer with Noise Insulation Program Experience	8							
6	FAA Noise Insulation Project -Acoustical Treatment Program-Acoustical Testing								
7	FAA Design Criteria Acoustical Test Results Reporting								
8	Lead Management Position - Projects greater than \$ 5M								
9	Construction Inspector with Noise Insulation Projects								
10	Construction Inspector for Design/Build Contract	3							
11	Construction Progress & Inspection Reporting								
12	Construction Documents Constructability Reviews								
13	Review and Make Recommendation on Construction Change Orders								
14	Construction Documents Review for Noise Insulation Program Design Compliance	7							
15	FAA Program Guidance Letter & Directives	5							
16	Conduct Facility Assessments								
17	HVAC Residential and Commercial Design Review	3							
18	Conduct Indoor Ventilation System Tests								
19	Analyze and Report Indoor Ventilation Tests								

.....END OF RFQ