



CITY OF SAN ANTONIO
TRANSPORTATION & CAPITAL IMPROVEMENTS

**REQUEST FOR QUALIFICATIONS:
PROFESSIONAL ENVIRONMENTAL NEPA CONSULTING SERVICES**

RFQ-TCI04082016CH

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 tenth (10th) business day after a contract solicitation has been released until thirty (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 above-listed individuals during the “black out” period.

**RFQ ISSUE DATE:
April 8, 2016**

**SUBMITTAL DEADLINE:
MAY 6, 2016 AT 11:00 A.M. LOCAL TIME**

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ATTACHMENTS

Form 1 – Respondent Submittal Cover / Signature Sheet	RFQ Attachment 1
Form 2 – Submittal Checklist and Table of Content	RFQ Attachment 2
Form 3 – Discretionary Contracts Disclosure Form and Instructions	RFQ Attachment 3
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Form 5 – DBE Good Faith Effort Plan	RFQ Attachment 4
Contract Document Template	Exhibit A
General Conditions	Exhibit B

**CITY OF SAN ANTONIO
PROFESSIONAL ENVIRONMENTAL NEPA CONSULTING SERVICES**

I. BACKGROUND

The City of San Antonio (hereafter referred to as “the City”), Transportation and Capital Improvements Department (hereafter referred to as “TCI”) is seeking a Request for Qualifications (hereafter referred to as “RFQ”) from qualified firms interested in providing on-call or as needed professional environmental consulting services primarily related to the research and preparation of Categorical Exclusions and Environmental Assessment documents (hereafter collectively referred to as “the Documents”, in accordance with the National Environmental Policy Act (hereafter referred to as “NEPA”) and Federal Highway Administration (hereafter referred to as “FHWA”) requirements. The Documents will be prepared for the City in conjunction with the Texas Department of Transportation (hereafter referred to as “TxDOT”) for various Metropolitan Planning Organization transportation improvement projects, which are partially funded with federal funds and for City-funded capital improvement and Parks projects required to comply with limited aspects of NEPA. Additionally, NEPA documents will be prepared in accordance with Housing Urban Development regulations and other federal agencies, as required.

All Respondents to this RFQ shall be qualified and have licensed, trained and/or certified personnel, in accordance with federal, state and local regulations, to provide various environmental consulting services or Respondents must joint venture or subcontract with a qualified firm to provide the environmental services proposed.

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

One or more contracts are anticipated to be awarded to Respondents in response to this RFQ. The selected Respondent(s) shall be retained in a standby mode. As projects are identified and funded, work to be performed by the selected Respondent(s) shall be authorized.

The awarded contract from this solicitation shall be for a one-year term with an option to renew for two (2) additional one (1) year option periods. The estimated fee per project shall vary, with a maximum annual amount of \$600,000 per year per Consultant for each year of the contract.

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

II. SCOPE OF WORK

The City projects, such as Capital Improvement Projects, park improvement projects and other City projects, require compliance with several NEPA-related environmental disciplines.

Additionally, as part of the NEPA process, the City is required to assess all environmental impacts related to transportation improvement projects and obtain environmental clearances from FHWA, prior to construction advertisement. The selected firm(s) primarily shall provide NEPA-related services including, but not limited to, the following:

- Environmental document preparation in accordance with TxDOT and FHWA requirements.
- Cumulative/Indirect Impact Analyses in accordance with TxDOT and FHWA requirements.
- Waters of the U.S.
- Compliance with United States Army Corp of Engineers Clean Water Act Section 404 Permits
- Waters of the U. S., including wetlands jurisdictional determinations and delineations
- Permit Preparation:
 - Nationwide Permits
 - Individual Permits
 - Letters of Permission
- Mitigation Plans
- Wetland and stream mitigation design and monitoring

Endangered Species:

- Endangered Species Habitat Evaluations
- Endangered Species Surveys
- Karst Surveys
- Biota Surveys
- Section 10 Permitting
- USFWS Consultations
- Mussel Surveys
- Aquatic Resource Relocation Plans (preparation and implementation)

Socioeconomic:

- Demographics
- Neighborhood Cohesion
- Section 4f of 1966 Transportation Act
- Environmental Justice

Public Involvement:

- Public Meetings and Hearings Planning/Coordination
- Participation/Presentation at public meetings/public hearings
- Preparation of Letters/Mailings/Public Advertisements
- Preparation of Public Hearing and Meeting Reports

- Preparation of site figures/exhibits

Noise/Air:

- Noise Modeling, using Traffic Noise Model 2.5 programs and field equipment or latest modeling software approved by TxDOT and FHWA
- Air modeling, using Mobile 6 or latest modeling software approved by TxDOT and FHWA
- Assist with preparation and presentation of Noise Workshops
- Provide Noise workshop documentation

Compliance with Stormwater and Edwards Aquifer Authority Regulations:

- Compliance with Clean Water Act Section 401 and Section 402
- Permanent Best Management Plans
- Section 303(d)
- Edward's Aquifer Rules
- Evaluations of Floodplains
- Water Pollution Abatement Plans
- Contributing Zone Plans

Vegetation:

- Species Identification
- Texas Parks Wildlife Department "Vegetation Types of Texas"

In addition to the items listed above, the selected Respondent(s) also may be called upon to provide secondary services including, but not limited to:

Cultural Resources:

- Compliance with the Texas Antiquities Code and Section 106 of the National Historic Preservation Act
- TARL Search/Background Reviews/Constraints Analysis
- Archeological Survey
- Shovel Testing
- Backhoe Trenching
- Geo-Archeological Investigation
- Photo Documentation
- Native American Grave Protection Repatriation Act Compliance
- Historical Standing Structure Surveys
- Cultural Resources Mitigation
- Archeological monitoring during construction
- Standing structures monitoring during construction

Hazardous Materials:

- Environmental database searches in accordance with ASTM requirements
- Phase I Environmental Site Assessments

III. SCHEDULE OF EVENTS

The following tentative schedule has been prepared for this project.

Pre-Submittal Conference:	April 19, 2016
Deadline for Submission of Written Questions:	April 22, 2016
Responses Due:	May 6, 2016
Interviews, if necessary	May 2016
Anticipated City Council Consideration	August 2016

IV. PRE-SUBMITTAL CONFERENCE

A Pre-Submittal Conference will be held on **April 19, 2016 at 11:00 A.M.** at the **Municipal Plaza Building, Plaza C Room, located at 114 West Commerce St., San Antonio, Texas 78205**. Attendance at the Pre-Submittal Conference is optional but strongly encouraged. Respondents are encouraged to prepare and submit their questions in writing three (3) calendar days in advance of the Pre-Submittal Conference in order to expedite the proceedings.

The City's responses to questions received by this due date may be distributed 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 Municipal Plaza Building is wheelchair accessible. The accessible entrance is located at 114 W. Commerce. Accessible parking spaces are located at City Hall, 100 Military Plaza. Auxiliary aids and services are available upon request. Interpreters for the Deaf shall be requested at least 48 hours prior to the meeting. For assistance, call (210) 207-7245 Voice/TTY.

Any oral responses provided by City staff at the Pre-Submittal Conference shall be preliminary. A written summary of the Pre-Submittal Conference shall contain official responses and will be posted on the City's website at <http://epay.sanantonio.gov/RFPListings/>. Any oral response given at the Pre-Submittal Conference that is not confirmed in the written summary of the Pre-Submittal Conference or by a subsequent addendum shall not be official or binding on 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 AND EVALUATION CRITERIA

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

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

- A. EXECUTIVE SUMMARY – Respondent shall include a one (1) page Executive Summary with its Statement of Qualifications (“SOQ”), indexed and labeled as **“Tab 1”**. The summary shall state the number of years Respondent has been in business overall, number of years Respondent has been in business at its local office (if applicable), Respondent’s local office address and the number of employees employed in Respondent’s local office.
- B. SUBMITTAL COVER / SIGNATURE PAGE (Form #1) – Respondent shall include the completed Submittal Cover/Signature Sheet with its submittal, indexed and labeled as **“Tab 2”**. The Submittal Cover/Signature Sheet shall be signed by a person (or persons) authorized to bind the entity (or entities) submitting the response. Submittals signed by a person other than an officer of the company or partner of the firm shall be accompanied by evidence of authority. Joint ventures require signatures from all firms participating in the joint venture. Joint ventures are required to provide legal proof of the joint venture, such as a joint venture agreement, as an attachment to its submittal.
- C. SUBMITTAL CHECKLIST AND TABLE OF CONTENTS (Form #2) – Respondent shall complete this form, which is to be used as the Table of Contents for the submittal. The checklist shall be indexed and labeled as **“Tab 3”** in the submittal.
- D. DISCRETIONARY CONTRACTS DISCLOSURE FORM (Form #3) – Respondent shall complete the form online at <https://www.sanantonio.gov/eforms/atty/ContractsDisclosureForm.pdf>, print a copy of the completed form and submit the form labeled as **“Tab 4”** in its **ORIGINAL SUBMITTAL ONLY**. If Respondent is proposing as a team or joint venture, each party to the team or joint venture shall complete and submit a separate form with the submittal.
- E. LITIGATION DISCLOSURE FORM (Form #4) – Respondent shall complete a Litigation Disclosure form, utilizing additional pages for explanation, if necessary, and index and label the form as **“Tab 5”** in its submittal. If Respondent is proposing as a team or joint venture, each party to that team or joint venture shall complete and submit a separate form with Respondent’s submittal.
- F. DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOOD FAITH EFFORT PLAN FOR FEDERALLY ASSISTED CONSTRUCTION CONTRACTS (Form #5) – Respondent shall complete the DBE Good Faith Effort Plan, as found in the RFP, and index or label it as **“Tab 6”** of the submittal.
- G. CONTRACT TEMPLATE AND GENERAL CONDITIONS (Indexed and labeled as **“Tab 7”**) – Respondent shall review the City’s Contract Template and General Conditions, provided as RFQ **Exhibit A** and **Exhibit B** hereto, and provide written comments and/or concerns regarding the Contract and General Conditions. If Respondent does not have any comments and/or concerns, Respondent shall indicate this in this Tab 6. If no objections are submitted by the Respondent, the City shall presume that Respondent shall sign the agreement as presented, if a contract is awarded.
- H. PROOF OF INSURABILITY (Indexed and labeled as **“Tab 8”**) – Respondent shall submit a copy of its current insurance certificate.

- I. LETTERS OF REFERENCE (required) – Respondent shall provide a maximum of five (5) letters of reference. Letters of Reference shall be indexed and labeled as “**Tab 9**” in Respondent’s submittal.
- J. CERTIFICATE OF INTERESTED PARTIES TEC FORM 1295 (Indexed and labeled as “**Tab 10**”) – Effective January 1, 2016, the City of San Antonio is required to comply with Texas Government Code, Chapter 2252, Subchapter Z, Section 2252.908 (hereafter referred to as “the Code”). The Code states the City shall not enter into a contract with a business entity unless and until the business entity has submitted a Certificate of Interested Parties (hereafter referred to as “Form 1295”) to the City for filing with the Texas Ethics Commission (hereafter referred to as “TEC”). The Form 1295 requirement imposed upon the City applies to ALL contracts:
- having a value greater than \$50,000;
 - requiring San Antonio City Council approval; and/or
 - renewals, extensions or amendments that must be approved by the San Antonio City Council.

TEC has made available on its website the new filing application to be used by Respondent to file its Form 1295 with the City. Respondent shall use TEC’s application to enter the required information on Form 1295 and print a copy of the form containing a unique certification number for that response.

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

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

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

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

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

K. STATEMENT OF QUALIFICATIONS – Respondent shall provide a narrative document that addresses all evaluation criteria in Section II of this RFQ. Sufficient information regarding past projects and key personnel’s experience should be provided to indicate that the respondent’s team has met or exceeded the minimum qualifications provided in Section II of this RFQ.

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

1. Experience: (Indexed and Labeled as Tab “11”) – The City shall consider the relevance of past experience for all parties proposed as a part of Respondent’s team. Respondent shall provide a narrative in two (2) pages (not including forms and attachments) describing Respondent’s qualifications. Respondent shall include how the proposed team has worked together on past similar projects and include the number of years working together as a team. Respondent shall specify its team’s experience with public entity clients, especially large municipalities and regulatory agencies. If a Sub-Consultant is part of Respondent’s team, Respondent shall include information on how the Sub-Consultant functions within the team’s organization.

Indicate the number of years the team has experience providing NEPA-related services. Provide relevant experience by citing projects of similar size and scope the team has performed over the past five (5) years. For each project listed, include scope of services performed, dollar value, date services performed and name, titles and telephone numbers of each client or client's representative. Please specify experience with public entity clients, especially large municipalities. If the Respondent has provided services to the City in the past, identify the name of the project and the department for which services were provided,

2. Proposed Key Personnel/Organizational Chart (Indexed and Labeled as Tab “12”) – Key personnel for Respondent included in this Section are expected to be the same personnel to be assigned to the contract, if awarded. Respondent shall provide a detailed organizational chart of the team identifying key personnel who shall be committed to working on the various tasks outlined in this RFQ. Label key personnel assignments as:

- Proposed Senior Environmental Project Manager.
- Proposed Project Manager; Project Geologist, Environmental Scientist, Environmental Technician, and any other professional that is part of the team to work under this contract.
- Quality assurance/quality control coordination for submitting applicable documentation.
- Sub-Consultants (for any services deemed necessary to fulfill the duties under this contract).

3. Resumes (Indexed and Labeled as Tab “13”) – Respondent shall submit one-page resumes for all of its key team members. Resumes should link to the provided project sheets and also may include additional previously-completed relevant projects not highlighted in the provided project sheets. The provided resumes also shall indicate:

- Total years experience in performing environmental documentation and associated NEPA services in accordance to the TxDOT/FHWA requirements.
- Location of its local office. The Senior Environmental Project Manager, Project Manager, and most key personnel will need to be located in the local office of the firm/entity.
- Number of years experience in proposed role and experience with the firm/entity.
- Relevant experience with projects of similar size and scope (public entities, NEPA consulting, environmental documentation, Section 404 permitting, cultural resources, noise modeling and workshops).

The information included in this section should include only personnel who will work directly under this contract.

4. Project Sheets (Indexed and Labeled as Tab “14”) – Respondent’s submittal shall include a maximum of ten (10) project sheets, limited to one (1) page for each project, which describe similar projects that Respondent has completed within the last five (5) years. Each project sheet shall include the following:

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

B. Proposed Management Plan (45 points)

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

Project Approach/Management Plan – (indexed and labeled as Tab “15”)

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

1. Indicate the percentage of time key personnel shall be devoted to this contract.

2. Describe Respondent's project management approach and team organization for the provision of the services outlined in this RFQ. Respondent shall specify the roles that relevant employees in the local office will perform under this contract, including the job functions of each, such as Waters of the US coordination and permitting, endangered species coordination and permitting, cultural resources studies, preparation of invoices, printing documentation, Subcontractor and Sub-Consultant coordination, etc.
3. Respondent shall detail the current capacity of key team members and Respondent's capabilities to complete the services outlined herein.
4. Briefly describe Respondent's plans for quality control of documentation or services provided by the prime firm, dispute resolution, and safety management in providing the services outlined in this RFQ.
5. Briefly describe Respondent's plans for quality control of documentation or services provided by Sub-Consultants and Subcontractors, dispute resolution and safety management in providing the services outlined in this RFQ.
6. Briefly describe Respondent's approach for changes in key personnel. Respondent shall include a strategy plan for replacing a key team member, such as a Senior Project Manager, Sub-Consultant or Subcontractor, that leaves Respondent's firm or team due to any reason. Respondent should provide the names and office locations for back-up personnel for the Senior Environmental Project Manager and the Project Manager positions. Resumes for these individuals should be included in Tab "11".

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

The City is interested in evaluating the Respondent's experience with San Antonio issues, as may be evidenced by work in San Antonio and/or the surrounding area during the past five (5) years. In narrative form, using a maximum of three (3) pages, briefly describe Respondent's experience (if any) in the following areas, referencing projects relating to that experience. Note: Respondent may reference projects included in project sheets under **Tab 12** herein or include other projects. No additional project sheets shall be provided for this criterion. This information shall be indexed and labeled as **Tab "16"**.

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

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

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

Evaluation Criteria:	Maximum Points
A. Background, Experience and Qualifications of Prime Firm, Key Personnel and Key Sub-Consultants, including Co-Respondent, Joint Venture Party or Partner	45 points
B. Proposed Management Plan	45 points
C. Team’s Experience with San Antonio Region Issues & past experience with City of San Antonio contracts	10 points
TOTAL	100 points

VI. SUBMISSION INSTRUCTIONS

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

Respondent shall submit a total of six (6) Qualification Statements which shall include one (1) original unbound Qualification Statement, signed in ink and five (5) printed copies, as well as one (1) copy of the entire submittal in an Adobe PDF format on a compact disk (CD) or flash-drive in a sealed package, clearly marked on the front of the package “**RFQ: ON-CALL PROFESSIONAL ENVIRONMENTAL NEPA CONSULTING SERVICES.**” All submittals must be received in the City Clerk’s Office at **NO LATER THAN 11:00 AM on Friday, May 6, 2016** the address indicated below. Any submittal received after this time shall not be considered.

Physical Address:

City Clerk’s Office, Attn: Transportation and Capital Improvements Department
100 Military Plaza
City Hall, 1st Floor,
San Antonio, Texas 78205

Submittals sent by facsimile or email shall 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 shall be counted. Respondent shall adhere to the page limitations for each section as stated herein. Pages which have project photos, charts, and graphs shall be counted towards the maximum number of pages. Front and back covers, Table of Contents pages and tabbed divider pages shall not be counted if they do not contain submittal information. The use of recycled paper is encouraged. Three-ring binders are **NOT** permitted. With regards to other types of binding, plastic (not metal) spiral or “comb” binding is highly recommended. Unnecessarily elaborate brochures, artwork, bindings, visual 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 and 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" shall 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.

VII. AMENDMENTS TO THE 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 the 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 COMMUNICATION

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 p.m. on Friday, April 22, 2016**. Questions received after the stated deadline shall 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, shall also be accepted and should be addressed to:

Clayton Hoelscher, Contract Coordinator
City of San Antonio, Transportation and Capital Improvements Department
Contract Services Division
114 W. Commerce Street, 9th Floor, Room 910
San Antonio, TX 78205
Clayton.Hoelscher@sanantonio.gov
Fax: 210-207-1393

3. 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 shall 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.

IX. AWARD OF CONTRACT AND RESERVATION OF RIGHTS

It is the intent of the City of San Antonio to award a contract or contracts to the Respondent(s)/team(s) whose services provide the best value for the City, based on the selection criteria set out in this RFQ, which is phase one of the solicitation process, and in the second phase of the solicitation, as determined when considering the relative importance of price, capability and other published evaluation criteria. The City reserves the right to adopt the most advantageous interpretation of the SOQ and additional information presented.

The SOQs submitted in response to this RFQ, submitted by qualified Respondents shall be analyzed based on the published criteria by the City in determining which Respondent Firm shall provide the best value to the City for the project being solicited.

1. The contract, if awarded, shall be awarded to the Respondent Firm(s) whose submittal is/are deemed most qualified and of the best value to the City, as determined by the selection committee and subject to approval of the San Antonio City Council.
2. The City may accept any submittal in whole or in part. If subsequent negotiations are conducted, those negotiations shall not constitute a rejection or alternate solicitation on the part of the City. However, final selection of a firm is subject to approval of the City Council.
3. The City reserves the right to accept one or more submittals or reject any or all submittals received, in response to this RFQ and the subsequent interview process, and to waive informalities and irregularities in the submittals received. The City further reserves the right to terminate this solicitation for either or both of the Projects listed, reissue a subsequent solicitation or solicitations and/or remedy technical errors in the process.
4. The City shall require the selected Respondent Firm(s) to execute a contract with the City in substantially the form as the contract attached to this solicitation, prior City Council's award of a contract. No work shall commence until the City signs the contract document(s) and the selected Respondent(s) provides the necessary evidence of insurance as required in the contract. Contract documents are not binding on the City until approved by City Attorney.
5. 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.
6. This solicitation does not commit the City to enter into a contract, award any services related to this solicitation, nor does it obligate the City to pay any costs incurred in preparation or submission of a response or in anticipation of a contract.

7. The successful Respondent Firm 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 are required to comply with Specification 700 of the City of San Antonio Standard Construction Specifications.
8. Conflicts of Interest. Respondent acknowledges that it is informed that the Charter of City of San Antonio and its Ethics Code prohibit a City officer or employee, as those terms are defined in the Ethics Code, from having a financial interest in any contract with City or any City agency such as City-owned utilities. An officer or employee has a “prohibited financial interest” in a contract with the City or in the sale to the City of land materials, supplies or service, if any of the following individual(s) or entities is a party to the contract or sale: City officer or employee; his/her parent, child or spouse; a business entity in which he/she or his/her parent, child or spouse owns ten percent (10%) or more of the voting stock or shares of the business entity, or ten percent (10%) or more of the fair market value of the business entity; or a business entity in which any individual or entity above listed is a subcontractor on a City contract, a partner or a parent or subsidiary business entity.
9. 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 – Form 3 in this RFQ).
10. 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 the City shall in no way be responsible for Respondent’s actions, and that none of the parties hereto shall have authority to bind the others or to hold out to third parties, that it has such authority.
11. 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 the City, shall file a completed Conflict of Interest Questionnaire (hereafter referred as “CIQ”), with City Clerk not later than the seventh (7th) business day after the date that the person: (1) begins contract discussions or negotiations with City; or (2) submits to the City an application, response to a request for proposal, offers, correspondence or another writing related to a potential agreement with the City. The CIQ form is available from the Texas Ethics Commission at:

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

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

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

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

12. All submittals and/or any portions thereof become the property of the City upon receipt and shall 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 shall 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.
13. Any cost or expense incurred by the Respondent that is associated with the preparation of the submittal, the Pre-Submission Conference, if any, or during any phase of the selection process, shall be borne solely by Respondent.
14. Subsequent to the issuance of this solicitation, TCI reserves the right to amend it, waive any requirement or irregularity, request modifications to submittals, providing all teams are treated equally, and reject any and all submittals for any reason. TCI further reserves the right to award one or more contracts for these projects as deemed in its best interest, and to request changes in the composition of any team.
15. Solicitation Review Process: Any respondent desiring a review of the solicitation process must deliver a written request to the Director of TCI within 7 calendar days from the date the notice of non-selection was sent. When the TCI Director receives a timely written request, the TCI Director, or designee, shall review the respondents concerns and the solicitation process for legitimacy and procedural correctness. After performing a full review, the TCI Director shall notify the respondent in writing of his determination.
16. Debriefings: In an effort to improve solicitation responses, TCI is making available on its web site a "Solicitation Response Tip List" that includes the top common items that "make or break" submissions. Providing this information prior to the due date of the submittal provides 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, 2015.

Once a firm has been debriefed, it shall 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 TCI Contract Services Division within seven (7) calendar days from the date a notice of non-selection was sent.

X. DISADVANTAGED BUSINESS ENTERPRISE COMPLIANCE PROVISIONS

TCI has established a Disadvantaged Business Enterprise (DBE) Program, in accordance with the Texas Department of Transportation (DOT). The objective of the DBE program is to ensure TCI complies with 49 CFR Part 26 and to remedy past and current discrimination against disadvantaged businesses. The program ensures a “level playing field” and fosters equal opportunity in all Texas Department of Transportation and Federal Highway Association-assisted contracts that include highway and street construction. The policy of the TCI Disadvantaged Business Enterprise program is:

1. To ensure non-discrimination in the award and administration of DOT assisted and locally funded contracts;
2. To create a level playing field on which DBEs fairly may compete for DOT assisted and locally funded contracts;
3. To ensure the DBE program is narrowly tailored in accordance with the applicable law;
4. To ensure only firms fully meeting 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 and locally funded contracts; And
6. To assist the development of firms competing successfully in the marketplace outside the DBE program.

DBE OBLIGATION

The selected Respondent(s) agrees to ensure that DBEs, as defined in 49 CFR Part 26, have an equal opportunity to participate in the performance of a contract financed in whole or in part with federal funds provided under this On-Call Contract. In this regard, the selected Respondent shall not discriminate on the basis of race, color, national origin, gender, or disability in the award and performance of TXDOT-assisted contracts.

THE DBE GOAL FOR THIS PROJECT IS 8%

DEFINITIONS

Affiliation has the same meaning the term has in the Small Business Administration (SBA) regulations, 13 CFR part 121.

(1) Except as otherwise provided in 13 CFR part 121, concerns are affiliates of each other when, either directly or indirectly:

(i) One concern controls or has the power to control the other; or

- (ii) *A third party or parties controls or has the power to control both; or*
- (iii) *An identity of interest between or among parties exists such that affiliation may be found.*

- (2) *In determining whether affiliation exists, it is necessary to consider all appropriate factors, including common ownership, common management, and contractual relationships. Affiliates must be considered together in determining whether a concern meets small business size criteria and the statutory cap on the participation of firms in the DBE Program.*

Commercially Useful Function—*a DBE is considered to perform a commercially useful function when it:*

- (1) *Engages in meaningful work that provides for a performance of a distinct element of the Contract where that distinct element of work is worthy of the dollar amount to be awarded to the DBE; or,*
- (2) *Carries out its responsibilities by actually performing, managing, and/or supervising the work involved.*

Contract means a legally binding relationship obligating a seller to furnish supplies or services (including, but not limited to, construction and professional services) and the buyer to pay for them.

Contractor means one who participates, through a contract or subcontract (at any tier) in a DOT assisted highway, transit, or airport program.

Department or DOT means the U.S. Department of Transportation, including the Office of the Secretary, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and the Federal Aviation Administration (FAA).

Disadvantage business enterprise or DBE means a for-profit small business concern:

- (1) Which is at least fifty one percent (51%) owned by one or more individuals who both are socially and economically disadvantage or, in the case of a corporation, in which fifty one percent (51%) of the stock is owned by one or more such individuals; and
- (2) Whose management and daily business operations are controlled by one (1) or more of the socially and economically disadvantaged individuals who own it: and
- (3) *Good faith efforts* mean efforts to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the program requirement.

Joint Venture means an association of a DBE firm and one or more other firms to carry out a single, for-profit business enterprise, for which the parties combine their property, capital, efforts, skills, and knowledge, and in which the DBE is responsible for a distinct, clearly defined portion of the work of the Contract and whose share in the capital contribution, control, management, risks, and profits of the joint venture are commensurate with its ownership interest.

Personal Net Worth means the net value of the assets of an individual remaining after total liabilities are deducted. An individual's personal net worth does not include:

- (1) The individual's ownership interest in an applicant or participating DBE firm; or
- (2) The individual's equity in his or her primary place of residence.

An individual's personal net worth includes only his or her own share of assets held jointly or as community property with the individual's spouse.

Principal place of business means the business location where the individuals who manage the firm's day-to-day operations spend most working hours and where top management's business records are kept. If the offices from which management is directed and where business records are kept are in different locations, the recipient will determine the principal place of business for DBE program purposes.

CERTIFICATION

1. Respondent 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.
2. The Certification Affidavit must be from a firm that has been certified by one of the five (5) certifying agencies of the Texas Unified Certification Program (TUCP). The five agencies are: Texas Department of Transportation (TxDot), North Central Texas Regional Certification Agency (NCTRCA), South Central Texas Regional Certification Agency (SCTRCA), City of Houston, and Corpus Christi Regional Transportation Authority. Each certifying entity will maintain and process all DBE applications in their designated area throughout the state.
3. 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.

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, which 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:

1. The Joint Venture Agreement for the specific Contract, including a detailed statement of ownership;
2. Corporate resolutions or other documents authorizing the firms to enter into the Joint Venture;

3. A description of the work to be performed by all the Joint Venture Partners; and
4. Proof of current certification status of the individual DBE venture partners.

GOOD FAITH EFFORTS

Respondent 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 Respondent for specific scopes of work identified by the Respondent 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,
 - (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, Respondent shall contact TCI 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 TCI DBE Liaison in contacting DBEs.
7. Respondent 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 Respondent is a certified DBE and the DBE Respondent intends to perform a portion of the work with its own work force, the DBE Respondent 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 Respondent is a certified DBE does not relieve the DBE Respondent of the responsibility to make good faith efforts.)
9. In addition, all Respondents shall be required to submit the following information with the bid:
 - (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 Respondent’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 Respondent's commitment.

EVALUATION OF GOOD FAITH EFFORTS

The good faith effort of Respondent 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 Respondent'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. Respondent must solicit this interest within sufficient time to allow the DBEs to respond to the solicitation. Respondent 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 Respondent'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, which 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) Respondent, 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

TCI DBE Liaison will evaluate the "good faith efforts" of a firm. If after reviewing the good faith efforts submitted by Respondent, the DBE Liaison determines that Respondent has failed to adequately document its good faith efforts, then Respondent shall have the opportunity to provide written documentation or argument to the TCI Director, concerning the issue of whether it met the goal or made adequate good faith efforts to do so. Respondent will have the opportunity to meet in person with the TCI Director to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. The TCI 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 TCI Director.

The TCI Director may determine that the efforts of Respondent 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 TCI Director determines that Respondent did not make good faith efforts to meet the goal, the decision is not administratively appealable to the Texas Department of Transportation.

COMPLIANCE

If Respondent is awarded a contract:

1. Respondent 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, Respondent must notify the City immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.
2. Respondent 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. Respondent will be required to obtain the DBE Liaison's prior approval of the substitute DBE, through the submittal of Change of Subcontractors/Suppliers, and to provide copies of new or amended subcontracts or documentation of good faith efforts. If Respondent fails or refuses to comply in the time specified, our office may issue a termination for default.

PROMPT PAYMENT

The Prime Contractor agrees to pay each Subcontractor under this Contract for satisfactory performance of its Subcontract **no later than ten (10) days** from the date that the Prime Contractor has been paid by the City for invoices submitted for performance of Subcontractor's work. A delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the City. This clause applies to both DBE and non-DBE Subcontractors.

To Apply for DBE Certification, please contact the South Central Texas Regional Certification Agency (SCTRCA) at (210) 227-4722 or www.sctrca.org

For additional information contact Courtney McClure, DBE Coordinator, (210) 207-4633.