

**REQUEST FOR QUALIFICATIONS
FOR
ARCHITECT/ENGINEER
PROFESSIONAL SERVICES

FOR
SAM HOUSTON STATE UNIVERSITY
HUNTSVILLE, TEXAS**

**Bowers Stadium Press Box Replacement
and Stadium Improvements**

RFQ No.:

758-24-06076

Submission Date:

March 11, 2024 – 2:00 p.m. (C.D.T.)

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**REQUEST FOR QUALIFICATIONS FOR
ARCHITECT/ENGINEER PROFESSIONAL SERVICES
SAM HOUSTON STATE UNIVERSITY
HUNTSVILLE, TEXAS**

BOWERS STADIUM PRESS BOX REPLACEMENT AND STADIUM IMPROVEMENTS
RFQ No.: 758-24-06076

SECTION 1 – GENERAL INFORMATION & REQUIREMENTS

- 1.1 **GENERAL INFORMATION:** The Texas State University System (“Owner”), on behalf of **Sam Houston State University** (“Member”), is soliciting Statements of Qualifications (“Qualifications”) for the selection of an Architect/Engineer (“A/E”) firm for design of the **Bowers Stadium Press Box Replacement and Stadium Improvements** project (“Project”) on the Sam Houston State University, Huntsville, Texas campus, in accordance with the terms, conditions, and requirements set forth in this Request for Qualifications (“RFQ”). Prospective A/E firms are hereinafter referred to as “Respondents”.
- 1.1.1 Collecting Qualifications in response to this RFQ is the first step in selecting an A/E firm. This RFQ provides the information necessary for Respondents to prepare and submit Qualifications for consideration by the Owner. In the next step the Owner will determine an initial ranking of the Respondents. If the initial ranking of the Respondents is reasonably conclusive, the Owner may make a “most qualified” selection based upon the written Qualifications only. If not, then the Owner may conduct interviews with a “short list” of Respondents.
- 1.1.2 The Owner may select up to five (5) of the top ranked qualified Respondents to participate in an interview with the Owner to confirm and clarify the Qualifications submitted and to answer additional questions. The Owner will then rank the interviewed Respondents in order to determine a single most qualified Respondent.
- 1.1.3 After selecting the most qualified Respondent the Owner will negotiate the detailed professional services to be provided by the A/E and a suitable fee for those services. The Owner will request a fee proposal from the most qualified Respondent, with supporting information demonstrating that the requested fee is justified by the level of effort (and related personnel costs) required to provide the services necessary for the design of the Project. Potential Respondents should be aware that, except in unusual cases, the Owner does not consider billable time incurred while traveling to and from the Project site, Owner’s offices, or Board of Regents meetings, as necessary to the completion of the Project. Potential Respondents whose offices are located where such time-consuming travel will be regularly required in the performance of services for the Project, should consider this policy when deciding whether or not to submit their Qualifications.
- 1.2 **PUBLIC INFORMATION:** All information, documentation, and other materials submitted in response to this solicitation are considered non-confidential and/or non-proprietary and are subject to public disclosure under the Texas Public Information Act (*Texas Government Code*, Chapter 552.001, *et seq.*) after the solicitation is completed. The Owner complies with all statutes, court decisions, and opinions of the Texas Attorney General with respect to disclosure of RFQ information. Additionally, pursuant to the provisions of *Texas Government Code* Section 2261.253, the contract resulting from this solicitation will be posted on the Owner’s website.

1.3 TYPE OF CONTRACT: Any contract resulting from this solicitation will be in the form of the Owner's Standard Architect/Engineer Agreement for Construction Manager-at-Risk projects, a copy of which is posted on Owner's website at: <http://www.tsus.edu/offices/finance/capital-projects.html> The Agreement should be viewed as a draft and is subject to change.

1.4 CLARIFICATIONS AND INTERPRETATIONS: Discrepancies, omissions or doubts as to the meaning of RFQ documents shall be communicated in writing to the Owner for interpretation. Any responses to inquiries, clarifications, or interpretations of this RFQ that materially affect or change its requirements will be posted by the Owner as a written addendum. All such addenda issued by the Owner before the proposals are due, become part of the RFQ. Respondents shall acknowledge receipt of and incorporate each addendum in its Qualifications. Respondents shall be required to consider only those clarifications and interpretations that the Owner issues by addenda. Interpretations or clarifications in any other form, including oral statements, will not be binding on the Owner and should not be relied on in preparing Qualifications. It is the responsibility of all Respondents to check the status of formal addenda five (5) calendar days prior to the submittal deadline. The deadline for the receipt of written questions and submittal deadline is stated in Section 2.5.

1.4.1 ADDENDA AND AWARD INFORMATION, WILL BE ISSUED BY THE OWNER FOR THIS RFQ VIA THE ELECTRONIC BUSINESS DAILY WEBSITE AT THE FOLLOWING LINK: <http://www.txsmartbuy.com/sp> REFERENCE "BOARD OF REGENTS/TEXAS STATE UNIVERSITY SYSTEMS – 758" AND THE RFQ NUMBER PROVIDED IN THIS RFQ.

1.5 SUBMISSION OF QUALIFICATIONS:

1.5.1 The Qualifications must be received **at the address specified in Section 1.5.2 prior to the date and time deadline**. Please note that overnight deliveries such as FedEx and UPS arrive at a central campus location but are not usually delivered to the specified location until after the time deadline. Respondents are advised to use other methods of delivery or, if using an overnight delivery service, to send the Qualifications a day earlier than usual. The Owner will not consider any response to this solicitation that is not received at the address specified by the deadline, regardless of whether it has been received by the University.

1.5.2 DEADLINE AND LOCATION: The Owner will receive Qualifications and HSP Plans for RFQ No. 758-24-06076 at the time and location described below.

March 11, 2024 - 2:00 p.m. (C.D.T.)

Chuck Jones, Director, Facilities Planning and Construction
Sam Houston State University
2424 S. Sam Houston Ave.
Huntsville, Texas 77340

1.5.3 Submit seven (7) identical hard copies of the Qualifications and two (2) digital copies on USB/flash drives in Adobe Acrobat PDF format. An original signature must be included on the Respondent's "Execution of Offer" document submitted with each hard copy.

1.5.4 Submit two (2) identical hard copies of the HUB Subcontracting Plan ("HSP") and one (1) digital copy on USB/flash drives in Adobe Acrobat PDF format, as a separate attachment from the Qualifications, as described in Section 1.13.

- 1.5.5 Qualifications and HSP materials received after the deadline in Section 1.5.2 will be returned to the Respondent unopened. The Point-of-Contact identified in Section 1.6 will identify the official time clock at the RFQ submittal location identified above.
- 1.5.6 The Owner will not acknowledge or consider Qualifications that are delivered by telephone, facsimile (fax), or electronic mail (e-mail).
- 1.5.7 Properly submitted Qualifications will not be returned to Respondents.
- 1.5.8 Qualification and HSP materials must be enclosed in a sealed envelope (box or container) addressed to the Point-of-Contact person. Packages must clearly identify the submittal deadline, the RFQ title and number, and the name, return address and email address of the Respondent contact person on all envelopes. The HSP (electronic and hard copies) shall be included with the Qualifications packet but sealed separately.
- 1.5.9 Properly submitted Qualifications will be opened publicly and the names of the Respondents will be read aloud immediately after the submissions of Qualifications deadline stated in Section 1.5.2.
- 1.6 POINT-OF-CONTACT: The Owner designates the following person as its representative and Point-of-Contact for this RFQ. Respondents shall restrict all contact with the Owner and direct all questions regarding this RFQ, including questions regarding terms and conditions and technical specifications, to the Point-of-Contact person by email only.
- Jennifer Niemiec, Assistant to the Director, Facilities Planning and Construction
Sam Houston State University
Email: jjn014@shsu.edu
- 1.7 EVALUATION OF QUALIFICATIONS: The evaluation of the Qualifications shall be based on the requirements described in this RFQ. All properly submitted Qualifications will be reviewed, evaluated, and ranked by a Selection Committee appointed by the President of **Sam Houston State University**, or their designee. Typically, that committee will include both future users of the facilities developed by the Project and facilities professionals, as well as representation from The Texas State University System Administration. The top five (5) or fewer ranked Respondents may be selected by the Owner for further consideration by participating in an interview wherein Qualifications will be presented and examined in further detail and where questions will be posed by the Selection Committee and answered by the Respondent.
- 1.7.1 Qualification submittals shall not include any information regarding Respondent's proposed fees, pricing, or other compensation considerations as these will not be a factor in the selection of the most qualified Respondent.
- 1.8 OWNER'S RESERVATION OF RIGHTS: The Owner may evaluate the Qualifications based on the anticipated completion of all or any portion of the Project. The Owner reserves the right to divide the Project into multiple parts, to reject any and all Qualifications and re-solicit for new Qualifications, or to reject any and all submissions and temporarily or permanently abandon the Project. Owner makes no representations, written or oral, that it will enter into any form of agreement with any Respondent to this RFQ for any project and no such representation is intended or should be construed by the issuance of this RFQ.
- 1.9 ACCEPTANCE OF EVALUATION METHODOLOGY: By submitting its Qualifications and HSP in response to this RFQ, Respondent accepts the evaluation process and acknowledges and accepts

that determination of the “most qualified” firm(s) will require subjective judgments by the Owner. Determinations by the Selection Committee will be subject to routine administrative review by the Owner’s executive officers but, once a selection is announced, it will not be subject to further review.

1.10 NO REIMBURSEMENT FOR COSTS: Respondent acknowledges and accepts that any costs incurred from the Respondent’s participation in this RFQ shall be at the sole risk and responsibility of the Respondent.

1.11 MANDATORY PRE-SUBMITTAL CONFERENCE: A mandatory pre-submittal conference is scheduled for:

February 26, 2024 – 2:00 p.m. (C.S.T) at:

Sam Houston State University
2424 S. Sam Houston Ave
Sam South Bldg. 2, FM Training Room 165
Huntsville, Texas 77340

- Questions regarding the Pre-Submittal Conference may be directed to Jennifer Niemiec at: jjn014@shsu.edu
- A guided tour will be included as part of the Pre-Submittal Conference.

1.12 ELIGIBLE RESPONDENTS: Only individual firms or lawfully formed business organizations may apply (This does not preclude a Respondent from using consultants.) The Owner will contract only with the individual firm or formal organization that submits a Qualification.

1.13 HISTORICALLY UNDERUTILIZED BUSINESSES’ SUBMITTAL REQUIREMENTS: It is the policy of the Owner and each of its Member institutions, to promote and encourage contracting and subcontracting opportunities for Historically Underutilized Businesses (“HUB” or “HUBs”) in all contracts. Accordingly, specific plans and representations by Respondents that appear to facilitate the State’s commitment to supporting HUB enterprises are required in the selection process. Failure to submit specific plans and representations regarding HUB utilization, or failure to address the subject at all, will be interpreted by the Selection Committee as an intention not to support the program and will disqualify the Respondent. A HUB Subcontracting Plan (HSP) is required as a part of the Respondent's Qualifications.

1.13.1 The HSP information may be downloaded from the Texas State Comptroller’s website at the following URL link: <https://comptroller.texas.gov/purchasing/vendor/hub/forms.php>

1.14 CERTAIN PROPOSALS AND CONTRACTS PROHIBITED: Under Section 2155.004, *Texas Government Code*, a state agency may not accept a proposal or award a contract that includes proposed financial participation by a person who received compensation from the agency to participate in preparing the specifications or request for proposals on which the proposal or contract is based. All vendors must certify their eligibility by acknowledging the following statement, "Under Section 2155.004, Government Code, the vendor certifies that the individual or business entity named in this bid or contract is not ineligible to receive the specified contract and acknowledges that this contract may be terminated, and payment withheld if this certification is inaccurate." If a state agency determines that an individual or business entity holding a state contract was ineligible to have the contract accepted or awarded as described above, the state agency may immediately terminate the contract without further obligation to the vendor. This section does not create a cause of action to contest a proposal or award of a state contract.

- 1.15 SALES AND USE TAXES: Section 151.311, *Texas Tax Code*, permits the purchase free of state sales and use taxes of tangible personal property to be incorporated into realty in the performance of a contract for an improvement to realty for certain exempt entities that include the Owner. The section further permits the purchase tax-free of tangible personal property (other than machinery or equipment and its accessories and repair and replacement parts) for use in the performance of such a contract if the property is "necessary and essential for the performance of the contract" and "completely consumed at the job site." In addition, the section permits the purchase tax-free of a tangible service for use in the performance of such a contract if the service is performed at the job site and if "the contract expressly requires the specific service to be provided or purchased by the person performing the contract" or "the service is integral to the performance of the contract."
- 1.16 CERTIFICATION OF FRANCHISE TAX STATUS: Respondents are advised that the successful Respondent will be required to submit certification of franchise tax status as required by State Law (*Texas Tax Code* Chapter 171). The contractor agrees that each subcontractor and supplier under contract will also provide a certification of franchise tax status.
- 1.17 DELINQUENCY IN PAYING CHILD SUPPORT: Under Section 231.006, *Texas Family Code*, the vendor or applicant certifies that the individual or business entity named in this contract, bid, or application is not ineligible to receive the specified grant, loan, or payment and acknowledges that this contract may be terminated and payment may be withheld if this certification is inaccurate.
- 1.18 STATE REGISTRATION OF ARCHITECTURAL FIRMS: Respondents are advised that the Texas Board of Architectural Examiners requires that any entity (including architects, landscape architects and interior designers) providing architectural services (including architects, landscape architects and interior designers) to the public must register with the Texas Board of Architectural Examiners. An entity is defined as a sole proprietorship, firm, partnership, corporation, or joint stock association. The Texas Board of Architectural Examiners, 505 East Huntland Drive, Suite 350, Austin, Texas 78752, telephone (512) 305-9000, has jurisdiction over individuals licensed under the Architects' Registration Law, Chapter 1051, *Texas Occupations Code*.
- 1.19 STATE REGISTRATION OF ENGINEERING FIRMS: Respondents are advised that the Texas Board of Professional Engineers requires that any entity providing engineering services to the public must register with the Texas Board of Professional Engineers. An entity is defined as a sole proprietorship, firm, partnership, corporation, or joint stock association.
- 1.20 NON-BOYCOTT ISRAEL VERIFICATION: Pursuant to Section 2270.002 of the *Texas Government Code*, Respondent certifies that either (i) it meets an exemption criteria under Section 2270.002; or (ii) it does not boycott Israel and will not boycott Israel during the term of the contract resulting from this solicitation. Respondent shall state any facts that make it exempt from the boycott certification in its Response.
- 1.21 CYBERSECURITY TRAINING PROGRAM: Pursuant to Section 2054.5192, *Texas Government Code*, A/E and its consultants, officers, and employees who are provided credentials granting access to Member Institution computer system also known as Member's information system, must complete a cybersecurity training program certified under Section 2054.519, *Texas Government Code* as selected by the Member. The cybersecurity training program must be completed during the term and any renewal period of this Agreement. A/E shall verify in writing completion of the program to the Member within the first thirty (30) calendar days of the term and any renewal period of this Agreement. Failure to comply with the requirements of this section are grounds for termination for cause of the Agreement.

- 1.22 CERTIFICATION REGARDING BUSINESS WITH CERTAIN COUNTRIES AND ORGANIZATIONS: Pursuant to Subchapter F, Chapter 2252.152, *Texas Government Code*, Respondent hereby certifies it is not engaged in business with Iran, Sudan, or a foreign terrorist organization. Respondent acknowledges this Agreement may be terminated and payment withheld if this certification is inaccurate.
- 1.23 NON-DISCRIMINATION OF FIREARM INDUSTRY VERIFICATION: Pursuant to Chapter 2274, *Texas Government Code* (as enacted in SB 19 in the 87th Regular Legislative Session [2021]), Respondent hereby verifies that either (i) it has less than ten (10) full time employees; or (ii), it does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association (as defined under Section 2274.001, *Texas Government Code*) and will not discriminate during the term of this Agreement against a firearm entity or firearm trade association.
- 1.24 ANTI-BOYCOTT ENERGY COMPANIES VERIFICATION: Pursuant to Chapter 2274.002, *Texas Government Code* (as enacted in SB 13 in the 87th Regular Legislative Session [2021]), Respondent hereby certifies that either (i) it has less than ten (10) full time employees or (ii) it does not “boycott energy companies” (as defined under Section 809.001, *Texas Government Code*) and will not “boycott energy companies” during the term of this Agreement.
- 1.25 VACCINE PASSPORT PROHIBITION: Pursuant to Section 161.0085, *Texas Health and Safety Code* (as enacted in SB 968 in the 87th Regular Legislative Session [2021]), Respondent hereby certifies that it does not require its customers to provide any documentation certifying the customer’s COVID-19 vaccination or post-transmission recovery on entry to, to gain access to, or to receive service from Respondent’s business. Respondent acknowledges that such a vaccine or recovery requirement would make Respondent ineligible for a state-funded contract and shall be grounds for termination of this Agreement for cause.
- 1.26 CRITICAL INFRASTRUCTURE AFFIRMATION: Pursuant to Section 2274.0102, *Texas Government Code*, Respondent certifies that neither it nor its parent company, nor any affiliate of Respondent or its parent company, is (i) majority owned or controlled by citizens or governmental entities of China, Iran, North Korea, Russia, or any other country designated by the Governor under Section 2274.0103, *Texas Government Code*, or headquartered in any of those countries.

SECTION 2 – EXECUTIVE SUMMARY

- 2.1 HISTORICAL BACKGROUND: Founded in 1879, Sam Houston State University is the third oldest public university in Texas. During its 145 years of service, the University has touched the lives of generations of Texans while helping shape the educational, social, economic, and cultural development of the state. Sam Houston State University is a doctoral-granting university located in the rapidly growing I-45 corridor north of Houston. Currently, Sam Houston State has approximately 21,500 students enrolled in one of our 90 undergraduate, or 70 graduate programs offered by eight colleges. This year we have ten doctoral programs.
- 2.2 MISSION STATEMENT: Sam Houston State University is a student-centered, community engaged institution whose mission is to offer accessible, quality higher education. The university offers a variety of innovative and flexible degree programs at the undergraduate, graduate, and professional levels focused on career readiness, personal and professional development, and service. Sam Houston State University provides integrated academic and student success services designed to support traditional and non-traditional students from diverse backgrounds.

2.3 **PROJECT DESCRIPTION, SCOPE, AND BUDGET:** The project will completely replace the existing press box with a modern five story building of approximately 47,060 Gross Square Feet (GSF) with 13,300 covered exterior square feet, for a total building size of 60,360 square feet. The new building will include updated concessions and restrooms, premium seating, luxury and presidential suites, and a club area with access to outdoor balcony seating, as well as a new media center to enhance game-day coverage for television, radio, and print.

The Ground Level, which houses the main elevator lobby, ticketing office, and apparel shop will be directly accessible from the main public parking lot. The Concourse Level, which includes the main public restrooms and concessions for the stadium, is directly accessible from the concourse at the top of the stadium seats and provides the main food and beverage service for the stadium. It is the largest floor, acting as a podium for the tower above.

The tower portion of the building is divided by floor into the Club, Suite, and Press levels. The third floor is the Club Level – an open floor concept with catering, beverage service, and outdoor balcony. The fourth floor is the Suite Level, which includes 10 luxury suites, two small suites, the President’s suite, catering staging, and an outdoor balcony. The fifth floor is the Press Level, which includes the film deck, control room, game day operations, coaches’ suites, press boxes, and visiting Athletic Director suite.

Stadium improvements are informed by an overall study of the stadium and its infrastructure conducted as part of the programming process. Summary recommendations from the stadium study are included in the program of requirements (PoR). The full study is an appendix to the PoR that will be made available to short-listed firms. The press box’s final design will need to be integrated with the recommendations of the stadium study. As the Mafrige Field House has been recently renovated, the stadium study focused primarily on the overall stadium complex with an emphasis on infrastructure and ADA compliance including IT/AV infrastructure, stadium lighting, exterior ramps, and other critical components. As the Press Box is currently the infrastructure hub of many of the Stadium’s electronic and IT elements, connection of these systems to the new press box must be addressed by the project.

The total Construction Cost Limitation for the project is \$44,866,000.

2.4 **FACILITY PROGRAM:** The Program of Requirements is complete and will be provided as Attachment A on ESBD.

2.5 **PROJECT PLANNING SCHEDULE:** Key Project planning schedule milestones are:

| | | |
|--------|--|------------|
| 2.5.1 | Owner publishes RFQ for A/E Professional Services | 02/13/2024 |
| 2.5.2 | Mandatory Pre-Submittal Conference (2:00 p.m.)..... | 02/26/2024 |
| 2.5.3 | RFQ submittal of questions deadline (12:00 p.m.) | 03/01/2024 |
| 2.5.4 | Deadline for submittal of Qualifications and HSP (2:00 p.m.)..... | 03/11/2024 |
| 2.5.5 | Owner announces “short-list” of Respondents selected for interviews (if required) | 03/18/2024 |
| 2.5.6 | Owner interviews Respondents (if required) | 03/25/2024 |
| 2.5.7 | Owner selects most qualified Respondent | 03/28/2024 |
| 2.5.8 | Owner negotiates fee and executes Agreement | 04/19/2024 |
| 2.5.9 | Schematic Design begins | 04/22/2024 |
| 2.5.10 | Owner selects Construction Manager at Risk (CMR) | 04/26/2024 |
| 2.5.11 | Owner executes CMR Agreement | 05/17/2024 |
| 2.5.12 | Notice to Proceed for Pre-Construction Services | 05/17/2024 |
| 2.5.13 | Board of Regents approval of Design Development Submittal | 08/22/2024 |

| | | |
|--------|--|------------|
| 2.5.14 | Owner approves Guaranteed Maximum Price Proposal | 09/27/2024 |
| 2.5.15 | Notice to Proceed for Construction Phase issued | 10/07/2024 |
| 2.5.16 | A/E completes Construction Documents | 11/20/2024 |
| 2.5.17 | Owner accepts Substantial Completion of Construction | 05/29/2026 |
| 2.5.18 | Final Completion | 07/29/2026 |
| 2.5.19 | Occupancy | 08/03/2026 |

The schedule of events presented above represents a basic timeline for the project. A final project timeline will be developed with the Owner at a later time. The Owner can be expected to work with the A/E and the CMR to validate and improve on this initial schedule.

SECTION 3 – REQUIREMENTS FOR STATEMENT OF QUALIFICATIONS

Respondents shall carefully read the information contained in the following criteria and submit a complete statement of Qualifications responding to all questions in Section 3 formatted as directed in Section 4. Incomplete Qualifications will be considered non-responsive and are subject to rejection.

3.1 CRITERION ONE: RESPONDENT’S STATEMENT OF QUALIFICATIONS AND AVAILABILITY TO UNDERTAKE THE PROJECT (Criterion Weight: 10%) (Maximum of two (2) printed pages per question)

- 3.1.1 Provide a statement of interest for the Project including a narrative describing the Respondent’s unique qualifications as they pertain to this particular Project.
- 3.1.2 Provide a statement on the availability and commitment of the Respondent and its principal(s) and assigned professionals, including all consultants to undertake the Project, for the timeline noted in Section 2.5.
- 3.1.3 Provide a brief history of the Respondent’s firm and each consultant proposed for the Project.

3.2 CRITERION TWO: RESPONDENT’S ABILITY TO PROVIDE SERVICES (Criterion Weight: 10%)

- 3.2.1 Provide the following information for the Respondent:
 - 3.2.1.1 Legal name of the company as registered with the Secretary State of Texas
 - 3.2.1.2 Address of the office that will be providing services
 - 3.2.1.3 Number of years in business
 - 3.2.1.4 Type of operation (Individual, Partnership, Corporation, Joint Venture, etc.)
 - 3.2.1.5 Number of employees by skill group
 - 3.2.1.6 Annual revenue totals for the past ten (10) years
- 3.2.2 Identify if the Respondent’s firm or any of its consultant team is currently for sale or involved in any transaction to expand or to become acquired by another business entity. If yes, please explain the impact both in organizational and directional terms.
- 3.2.3 Provide details of all past or pending litigation or claims filed against the Respondent’s firm or any of its consultant team that would affect Respondent’s performance under an agreement with the Owner.

- 3.2.4 Identify if the Respondent is currently in default on any loan agreement or financing agreement with any bank, financial institution, or other entity. If yes, specify date(s), details, circumstances, and prospects for resolution.
- 3.2.5 Declare if any relationship exists by relative, business associate, capital funding agreement, or any other such kinship, between Respondent's firm or any of its consultants and any Owner employee, officer, or Regent. If so, please explain.
- 3.2.6 Provide a claims history under professional malpractice insurance for the past five (5) years for the Respondent's firm and any team members proposed to provide professional architectural or engineering services.

3.3 CRITERION THREE: PROJECT TEAM'S ABILITY TO PROVIDE DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES (Criterion Weight 30%)

- 3.3.1 Describe, in graphic and written form, the Respondent's proposed Project assignments and lines of authority and communication for its principals and key professional members, including each consultant's staff that will be involved in the Project. Indicate the estimated percent of time these individuals will be involved in the Project for design and construction.
- 3.3.2 Provide resumes stating the experience and expertise of the Respondent's professional members and each consultant's staff that will be involved in the Project, including their experience with similar projects, the number of years with the firm, and their city of residence.
- 3.3.3 Clearly identify the members of the proposed team who worked on the listed projects in Criterion 3.4 and describe their roles in those projects.
- 3.3.4 Describe the basis for the selection of the proposed consultants included in the design team and the role each will play for this Project.
- 3.3.5 Describe the Respondent's process in working with consultants and integrating them into the design process and construction administration process.
- 3.3.6 Identify the Respondent's experience working with any proposed consultants in the past five (5) years.

3.4 CRITERION FOUR: RESPONDENT'S PERFORMANCE ON PAST REPRESENTATIVE PROJECTS (Criterion Weight: 30%)

- 3.4.1 List no less than three (3) but no more than five (5) projects for which Respondent has provided services that are **most directly related to this Project** and completed within the last ten (10) years. List the projects in order of priority, with the most relevant project listed first and which best illustrates current experience and capabilities relevant to this Project. Provide the following information for each project listed:
 - 3.4.1.1 Project name, location, description, and contract delivery method
 - 3.4.1.2 Photographic color images of exterior, interior, and floor plans and site plans as applicable.
 - 3.4.1.3 Construction cost estimates at Design Development, final GMP amount or bid, and final construction cost. Explain the reasons for any deviations.
 - 3.4.1.4 Final project size in gross square feet

- 3.4.1.5 Type of construction (new, renovation, or expansion) and description of professional services Respondent provided for the project.
- 3.4.1.6 Planned versus actual durations for Schematic Design, Design Development and ninety five percent (95%) Construction Documents phases. Provide an explanatory justification for any slippage of dates exceeding fifteen (15) calendar days between planned and actual for each milestone.
- 3.4.1.7 Originally planned and actual: Notice to Proceed and Substantial Completion dates for construction. Any events or occurrences that affected the schedule should be explained.
- 3.4.1.8 Name of project manager (individual responsible to the owner for the overall success of the project)
- 3.4.1.9 Name of project architect (individual responsible for coordinating the day-to-day work)
- 3.4.1.10 Name of project designer (individual responsible for design concepts)
- 3.4.1.11 Consultants and name of project manager for each consultant. Identify proposed personnel for this Project along with explanations of their role in the past project(s).

3.4.2 References (for each project listed above, identify the following):

- 3.4.2.1 The owner's name and representative who served as the day-to-day liaison during the design and construction phases of the project, including telephone number and email address.
- 3.4.2.2 Contractor's name and representative who served as the day-to-day liaison during the preconstruction and/or construction phase of the project, including telephone number and email address.
- 3.4.2.3 Length of business relationship with the owner.

References shall be considered relevant based on specific project participation and experience with the Respondent. The Owner reserves the right to contact any references at any time during the RFQ process.

- 3.4.3 Explain how your proposed team performed on past projects which included significant involvement from faculty and staff, and an interactive decision-making process.
- 3.4.4 Briefly describe up to five (5) other projects, which further illustrate experience and capabilities relevant to this proposed Project.
- 3.4.5 Has Proposer worked with The System or one of the Member Institutions in the past five (5) years? If "yes," state The System contact (or Member Institution name, department name, and department contact) and provide a brief description of work performed.

3.5 CRITERION FIVE: RESPONDENT'S KNOWLEDGE OF BEST PRACTICES (Criterion Weight: 10%)

- 3.5.1 Describe the Respondent's design philosophy, design methodology, and process for integrating institutional standards into the design.
- 3.5.2 Describe the Respondent's quality assurance program explaining the methods used and how Respondent maintains quality control during the development of construction documents and quality assurance during the construction phase of a project. Provide specific examples of how these techniques or procedures were used for any combination of three (3) projects listed in response to Criterion 3.4.

- 3.5.3 Describe Respondent’s demonstrated technical competence and management qualifications with institutional projects, particularly those for higher education.
 - 3.5.4 Describe Respondent’s cost estimating methods for the design and construction phases. Explain how cost estimates are developed and how often are they updated. For any combination of three (3) projects listed in response to Criterion 3.4, provide examples of how these techniques were used and what degree of accuracy was achieved.
 - 3.5.5 Describe the way in which Respondent develops and maintains work schedules to coordinate with the owner’s project schedule, assuring timely completion of this Project, including methods for schedule recovery if necessary. For any combination of three (3) projects listed in response to Criterion 3.4, provide examples of how these techniques were used.
 - 3.5.6 Describe Respondent’s experience working with the CMR project delivery method. Discuss Respondent’s method of working with the contractor, as a team member, to deliver a Guaranteed Maximum Price (“GMP”) and to maintain the GMP throughout the design and construction process.
- 3.6 CRITERION SIX: RESPONDENT’S ABILITY TO IDENTIFY AND RESOLVE PROBLEMS
(Criterion Weight: 10%)
- 3.6.1 Describe what Respondent perceives as the critical issues for this Project and briefly state what Respondent believes to be the most pertinent considerations and challenges that must be addressed in the design of a project of this type. Respondent may wish to include sketches, diagrams, analyses, or other tools from similar projects that help illustrate Respondent’s points. This is **not** an opportunity for the Respondent to present design solutions.
 - 3.6.2 State why Respondent believes its team to be qualified to skillfully address the issues that Respondent believes will be relevant to this Project.
 - 3.6.3 Provide an analysis of the Owner’s Project Planning Schedule and describe how Respondent plans to develop and communicate design, scope, and budget options in a manner that will help the Owner make timely and informed decisions.
 - 3.6.4 Explain Respondent’s organizational process for coordinating and conducting construction administration of similar type projects.
 - 3.6.5 Describe the Respondent’s experience with renovation/expansion projects in occupied facilities.
 - 3.6.6 Provide examples of how the Respondent has creatively incorporated mechanical, electrical, and plumbing solutions in similar structures.

3.7 EXECUTION OF OFFER

NOTE TO RESPONDENTS: **SUBMIT ENTIRE SECTION WITH RESPONSE**

THIS EXECUTION OF OFFER MUST BE COMPLETED, SIGNED, AND RETURNED WITH THE RESPONDENT'S QUALIFICATIONS. **FAILURE TO COMPLETE, SIGN AND RETURN THIS EXECUTION OF OFFER WITH THE QUALIFICATIONS MAY RESULT IN REJECTION OF THE QUALIFICATIONS.**

SIGNING A FALSE STATEMENT MAY VOID THE SUBMITTED QUALIFICATIONS OR ANY AGREEMENTS OR OTHER CONTRACTUAL ARRANGEMENTS, WHICH MAY RESULT FROM THE SUBMISSION OF RESPONDENT'S QUALIFICATIONS, AND THE RESPONDENT MAY BE REMOVED FROM ALL PROPOSER LISTS. A FALSE CERTIFICATION SHALL BE DEEMED A MATERIAL BREACH OF CONTRACT AND, AT OWNER'S OPTION, MAY RESULT IN TERMINATION OF ANY RESULTING CONTRACT OR PURCHASE ORDER.

- 3.7.1 By signature hereon, Respondent acknowledges and agrees that (1) this RFQ is a solicitation for Qualifications and is not a contract or an offer to contract; (2) the submission of Qualifications by Respondent in response to this RFQ will not create a contract between the Owner and Respondent; (3) the Owner has made no representation or warranty, written or oral, that one or more contracts with the Owner will be awarded under this RFQ; and (4) Respondent shall bear, as its sole risk and responsibility, any cost which arises from Respondent's preparation of a response to this RFQ.
- 3.7.2 By signature hereon, Respondent offers and agrees to furnish to the Owner the products and/or services more particularly described in its Qualifications, and to comply with all terms, conditions and requirements set forth in the RFQ documents and contained herein.
- 3.7.3 By signature hereon, Respondent affirms that it has not given, nor intends to give at any time hereafter, any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant in connection with the submitted Qualifications.
- 3.7.4 By signature hereon, a corporate Respondent certifies that it is not currently delinquent in the payment of any Franchise Taxes due under Chapter 171, *Texas Tax Code*, or that the corporate Respondent is exempt from the payment of such taxes, or that the corporate Respondent is an out-of-state corporation that is not subject to the Texas Franchise Tax, whichever is applicable.
- 3.7.5 By signature hereon, the Respondent hereby certifies that neither the Respondent nor the firm, corporation, partnership, or owner represented by the Respondent, nor anyone acting for such firm, corporation, or institution has violated the antitrust laws of this state, codified in Section 15.01, ET. seq., *Texas Business and Commerce Code*, or the Federal antitrust laws. Respondent further certifies that it has not communicated directly or indirectly the Qualifications submitted to any competitor or any other person engaged in a similar line of business.
- 3.7.6 By signature hereon, Respondent represents and warrants that:
 - 3.7.6.1 Respondent is a reputable company regularly engaged in providing products and/or services necessary to meet the terms, conditions and requirements of the RFQ;

- 3.7.6.2 Respondent has the necessary experience, knowledge, abilities, skills, and resources to satisfactorily perform the terms, conditions and requirements of the RFQ;
- 3.7.6.3 Respondent is aware of, is fully informed about, and is in full compliance with all applicable federal, state and local laws, rules, regulations and ordinances;
- 3.7.6.4 Respondent, if selected by the Owner, will maintain insurance as required by the contract;
- 3.7.6.5 All statements, information and representations prepared and submitted in response to this RFQ are current, complete, true, and accurate. Respondent acknowledges that the Owner will rely on such statements, information, and representations in selecting the successful Respondent. If selected by the Owner as the successful Respondent, Respondent will notify the Owner immediately of any material change in any matters with regard to which Respondent has made a statement or representation or provided information.
- 3.7.7 By signature hereon, Respondent certifies that the individual signing this document and the documents made part of the RFQ is authorized to sign such documents on behalf of the company and to bind the company under any agreements or other contractual arrangements, which may result from the submission of Respondent's Qualifications.
- 3.7.8 By signature hereon, Respondent certifies that if a Texas address is shown as the address of the Respondent, Respondent qualifies as a Texas Resident bidder as defined in *Texas Government Code* Section 2252.001(4).
- 3.7.9 By signature hereon, Respondent certifies as follows:
 - 3.7.9.1 "Under Section 231.006, *Texas Family Code*, the vendor or applicant certifies that the individual or business entity named in this contract, bid, or application is not ineligible to receive the specified grant, loan, or payment and acknowledges that this contract may be terminated and payment may be withheld if this certification is inaccurate."
 - 3.7.9.2 "Under Section 2155.004, *Texas Government Code*, the vendor or applicant certifies that the individual or business entity named in this bid or contract is not ineligible to receive the specified contract and acknowledges that this contract may be terminated and payment withheld if this certification is inaccurate."
 - 3.7.9.3 Under Section 2254.004, *Texas Government Code*, the vendor, or applicant certifies that each individual or business entity which is an engineer or architect proposed by Respondent as a member of its team was selected based on "demonstrated competence and qualifications" only.
- 3.7.10 By signature hereon, Respondent certifies that no relationship, whether by relative, business associate, capital funding agreement or by any other such kinship exist between Respondent and an employee of Owner and any Member, or Respondent has not been an employee of Owner or any Member within the immediate twelve (12) months prior to Respondent's RFQ response. All such disclosures will be subject to administrative review and approval prior to the Owner entering into any contract with Respondent.

- 3.7.11 By signature hereon, Respondent affirms that no compensation has been received for participation in the preparation of the specifications for this RFQ. (ref. Section 2155.004 *Texas Government Code*).
- 3.7.12 Respondent represents and warrants that all articles and services quoted in response to this RFQ meet or exceed the safety standards established and promulgated under the Federal Occupational Safety and Health Law (Public Law 91-596) and its regulations in effect or proposed as of the date of this solicitation.
- 3.7.13 By signature hereon, Respondent signifies his compliance with all federal laws and regulations pertaining to Equal Employment Opportunities and Affirmative Action.
- 3.7.14 By signature hereon, Respondent agrees, to the extent provided by Section 2254.0031 of *Texas Government Code*, to defend, indemnify, and hold harmless the State of Texas, all of its officers, agents and employees from and against all claims, actions, suits, demands, proceedings, costs, damages, and liabilities, arising out of, connected with, or resulting from any acts or omissions of Respondent or any agent, employee, subcontractor, or supplier of Respondent in the execution or performance of any agreements or other contractual arrangements which may result from the submission of Respondent's Qualifications.
- 3.7.15 By signature hereon, Respondent agrees to complete a Cybersecurity Training Program. Pursuant to Section 2054.5192, *Texas Government Code*, Respondent and its subcontractors, officers, and employees, who are provided credentials granting access to Member's computer system also known as Member's information system, must complete a cybersecurity training program certified under Section 2054.519, *Texas Government Code* as selected by the Member. The cybersecurity training program must be completed during the term and any renewal period of the Agreement. Respondent shall verify in writing completion of the program to the Member within the first thirty (30) calendar days of the term and any renewal period of the Agreement. Failure to comply with the requirements of this section are grounds for termination for cause of the Agreement.
- 3.7.16 By signature hereon, Respondent agrees that any payments that may become due under any agreements or other contractual arrangements, which may result from the submission of Respondent's Qualifications, will be applied towards any debt including, but not limited to, delinquent taxes and child support that is owed to the State of Texas.
- 3.7.17 By signature hereon, Respondent certifies that no member of the Board of Regents of the Texas State University System, or the executive officers of the Owner or its Member institutions, has a financial interest, directly or indirectly, in the transaction that is the subject of the contract, and that no member of the Board of Regents has a "substantial interest" (as that term is defined in Section 51.923 of the *Texas Education Code*) in the Respondent.
- 3.7.18 Pursuant to Chapter 2274, *Texas Government Code*, Respondent certifies that it does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and will not discriminate during the term of the Agreement against a firearm entity or firearm trade association.
- 3.7.19 Pursuant to Chapter 2274, *Texas Government Code*, Respondent certifies that it does not boycott energy companies as defined in Section 809.001(1)(a), *Texas Government Code*, (i.e., fossil fuel companies); and will not boycott energy companies during the term of the Agreement.

- 3.7.20 Respondent certifies that it does not require its customers to provide any documentation certifying the customer's COVID-19 vaccination or post-transmission recovery, on entry to, to gain access to, or to receive service from the Respondent's business. Respondent acknowledges that such a vaccine or recovery requirement would make Respondent ineligible for a state-funded contract.
- 3.7.21 Pursuant to Section 2274.0102, *Texas Government Code*, Respondent certifies that neither it nor its parent company, nor any affiliate of Respondent is majority owned or controlled by citizens or governmental entities of China, Iran, North Korea, Russia, or any other country designated by the Governor under Section 2274.0103, *Texas Government Code*, or headquartered in any of those countries.

[Execution of Offer continues next page]

3.7.23 Execution of Offer: RFQ No. 758-24-06076 – Request for Qualifications for Architect/Engineer Services for Bowers Stadium Press Box Replacement and Stadium Improvements at Sam Houston State University, Huntsville, Texas.

The Respondent must complete, sign, and return this Execution of Offer as part of its submittal response. The Respondent’s company official(s) who are authorized to commit to such a submittal must sign submittals. **Failure to sign and return this form will subject the submittal to disqualification.**

Respondent’s Name: _____
(Company Name)

Respondent’s State of Texas Tax Account No: _____
(This 11 digit number is mandatory)

If a Corporation:

Respondent’s State of Incorporation: _____

Respondent’s Charter No: _____

Identify by name, each person who owns at least 10% of the Respondent’s business entity:

(Name)

(Name)

(Name)

(Name)

Submitted and Certified By:

(Respondent’s Name)

(Title)

(Street Address)

(Telephone Number)

(City, State, Zip Code)

(Fax Number)

(Authorized Signature)

(Email Address) for RFQ Notification

(Date)

Respondent acknowledges receipt of the following Addenda:

No. 1 _____; No. 2 _____; No. 3 _____; No. 4 _____; No. 5 _____; No. 6 _____

SECTION 4 – FORMAT FOR STATEMENT OF QUALIFICATIONS

4.1 GENERAL INSTRUCTIONS

- 4.1.1 Qualifications shall be prepared simply and economically, providing a straightforward, concise description of the respondent's ability to meet the requirements of this RFQ. emphasis shall be on the quality, completeness, clarity of content, responsiveness to the requirements, and an understanding of Owner's needs.
- 4.1.2 The statement of Qualifications shall be a maximum of 50 printed pages (25 sheets printed double-sided or 50 sheets single-sided) and could be entirely adequate with considerably fewer pages. The cover, table of contents, divider sheets, HSP, and Execution of Offer do not count as printed pages.
- 4.1.3 Respondents shall carefully read the information contained in this RFQ and submit a complete response to all requirements and questions as directed. Incomplete Qualifications will be considered non-responsive and subject to rejection.
- 4.1.4 Qualifications and any other information submitted by respondents in response to this RFQ shall become the property of the Owner.
- 4.1.5 The Owner will not compensate respondents for any expenses incurred in Qualifications preparation or for any presentations that may be made, unless agreed to in writing in advance or required by law. Respondents submit Qualifications at their own risk and expense.
- 4.1.6 Qualifications that are qualified with conditional clauses, alterations, items not called for in the RFQ documents, or irregularities of any kind are subject to rejection by the Owner, at its option.
- 4.1.7 The Owner makes no representations of any kind that an award will be made as a result of this RFQ. The Owner reserves the right to accept or reject any or all Qualifications, waive any formalities or minor technical inconsistencies, or delete any item/requirements from this RFQ when deemed to be in Owner's best interest.
- 4.1.8 Qualifications shall consist of answers to questions identified in Section 3 of the RFQ. It is not necessary to repeat the question in the Qualifications; however, it is essential to reference the question number with the corresponding answer.
- 4.1.9 Failure to comply with all requirements contained in this RFQ may result in the rejection of the Qualifications.

4.2 PAGE SIZE, BINDING, DIVIDERS, AND TABS:

- 4.2.1 Qualifications shall be printed on letter-size (8-1/2" x 11") paper and assembled with spiral-type bindings or staples. Do not use metal-ring hard cover binders.
- 4.2.2 Additional attachments shall NOT be included with the Qualifications. Only the responses provided by the respondent to the questions identified in Section 3 of this RFQ will be used by the Owner for evaluation.
- 4.2.3 Separate and identify the response to each of the criteria in Section 3 of this RFQ by use of a divider sheet with an integral tab for ready reference.

- 4.3 TABLE OF CONTENTS: Submittals shall include a “Table of Contents” and give page numbers for each part of the Qualifications.
- 4.4 PAGINATION: Number all pages of the submittal sequentially using Arabic numerals (1, 2, 3, etc.); the Respondent is not required to number the pages of any HSP.

END OF REQUEST FOR QUALIFICATIONS