



## REQUEST FOR COMPETITIVE SEALED PROPOSALS (RFCSP)

### RIVERWALK CHANNEL IMPROVEMENTS: STAIRCASE AND SIDEWALKS

RFCSP: 24-143 | WBS: 19-0036-05-02-02; 19-0037-05-02-02

Release Date: Friday, July 19, 2024

Proposals Due: Tuesday, September 3, 2024, 2:00 p.m. Central Time (CT)

This solicitation has been identified as High-Profile.

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#### PROHIBITED CAMPAIGN CONTRIBUTIONS

**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 beginning on the \*10<sup>th</sup> business day after a contract solicitation has been released through the 30<sup>th</sup> calendar day following the approval by City Council ("blackout" period):

- (1) Any individual seeking a high-profile contract;
- (2) Any owner, officer, officer of board, and executive committee member of an entity seeking a high-profile contract, excluding board officers and executive committee members of 501 I(3), 501(c)(4) and 501(c)(6) non-profit organizations not created or controlled by the City whose board service is done strictly as a volunteer with no financial compensation and no economic gain from the non-profit entity;
- (3) The legal signatory of the high-profile contract;
- (4) Any attorney, lobbyist or consultant hired or retained to assist the individual or entity in seeking a high-profile contract;
- (5) Subcontractors hired or retained to provide services under the high-profile contract; and
- (6) Any first-degree member of the household of any person listed in (1), (2), (3) or (5) of this subsection.

**A high-profile contract cannot be awarded to the individual or entity if a prohibited contribution was made by any of these individuals during the "blackout" period.**

***\*For this solicitation, the first-day contributions are prohibited is **August 2, 2024.*****

***The first day contributions may be made is the 31st day after the contract is approved at a City Council "A" Session***

#### RESTRICTIONS ON COMMUNICATIONS

In accordance with and as authorized by Section 2-61 of the City Code, the following restrictions on communications apply to this solicitation: Respondents are prohibited from contacting 1) City officials, as defined by §2-62 of the City Code of the City of San Antonio, regarding the RFCSP or proposal from the time the RFCSP has been released until the contract is posted for consideration as an agenda item during a meeting designated as an "A" session; and 2) City employees from the time the RFCSP has been released until the contract is approved at a City Council "A" session.

Restrictions extend to "thank you" letters, phone calls, emails and any contact that results in the direct or indirect discussion of the RFCSP and/or proposal submitted by Respondent.

Violation of this provision by Respondent and/or its agent may lead to disqualification of Respondent's proposal from consideration.

For additional information, see the section of this RFCSP entitled "Restrictions on Communication".

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# RIVER WALK CHANNEL IMPROVEMENTS: STAIRCASE AND SIDEWALKS

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## I. BACKGROUND

The City of San Antonio (City), Center City Development & Operations (CCDO) is issuing a Request for Competitive Sealed Proposals (RFCSP) for qualified firms (Respondents) to provide construction services for the **River Walk Channel Improvements: Staircase and Sidewalks** (Project). The project consists of the renovations of the Riverwalk and other work indicated in the contract documents.

## II. SCOPE OF WORK AND GENERAL REQUIREMENTS

The Project consists of repair and rehabilitation as part of the Center City Development & Operations (CCDO) Department's continuing efforts to improve and maintain the infrastructure and the experience of the San Antonio River Walk. CCDO will be utilizing the construction services of a general contractor at several areas along the River Walk utilizing the competitive sealed proposal delivery method for construction. This construction project includes, but is not limited to, the construction of sidewalks, steps, ramps, retaining walls, handrails, and any other work required for the completion of the project as designed in the project plans and specifications.

**Plans and Specifications of the Construction Documents:** Documents may be downloaded on the Civcast website at <https://www.civcastusa.com/bids>. Questions received from potential respondents shall be answered by the City by posting on the Civcast website. All provisions and requirements of such issued addenda shall supersede or modify affected portions of the Specifications. All addenda are a part of the Project's Contract Documents. No other explanation or interpretation regarding provisions and/or requirements shall be considered official or binding upon City. Addenda shall be posted on the Civcast website at <https://www.civcastusa.com/bids>, along with the Project solicitation documents. Respondent understands and agrees that Respondent is responsible for obtaining all issued Addenda and adhering to all requirements in any issued Addenda. City shall not be responsible for incorrect information obtained through other sources.

**Construction Cost Estimate for Staircase:** \$235,627.00.

**Construction Cost Estimate for Sidewalk:** \$2,214,373.00.

**Calendar Days:** Respondent understands and agrees that this is a 305-calendar day contract.

**Liquidated Damages for Delay in Substantial Completion and Final Completion:** The Contractor will be expected to begin construction in accordance with Article 1 –General Provisions, Section 1.2.4, Notice to Proceed and Commencement of Contract Times in the General Conditions-City of San Antonio Construction Contracts. In the event the selected Respondent fails to achieve Substantial Completion and/or Final Completion of the Project by the dates established for Substantial Completion and/or Final Completion, Respondent hereby accepts and agrees it shall pay City the sum indicated on the table below for each and every calendar day of unexcused delay in achieving Substantial Completion and/or Final Completion beyond the Scheduled Completion/Final Completion dates.

Any sums due and payable hereunder to City shall be payable, not as a penalty, but as Liquidated Damages representing an estimate of delay damages sustained by City, estimated at the time of executing the Contract. Such Liquidated Damages shall apply regardless of whether Respondent has been terminated by City prior to Substantial Completion, so long as Respondent's actions or inactions contributed to the delay. Such Liquidated Damages shall be in addition to and not in preclusion of any recovery of actual damages resulting from other defects in Respondent's performance hereunder, for matters other than delays in Substantial Completion/Final Completion.

When City reasonably believes that Substantial Completion/Final Completion will be inexcusably delayed, City shall be entitled, but not required, to withhold from any amounts otherwise due to Respondent an amount then believed by City to be adequate to recover liquidated damages applicable to such delays. If and when Respondent overcomes the delay in achieving Substantial Completion and/or Final Completion or any part thereof, for which City has withheld payment, City promptly shall release to Respondent those funds withheld but no longer applicable as Liquidated Damages. The Liquidated Damages are displayed in the following table:

Contractual Milestone	Contractual Milestone Description and Requirements	From	To	Liquidated Damages
1	Substantial Completion	NTP	Substantial Completion	<b>\$1,200.00 per day</b>
2	Final Completion	Substantial Completion	30 Calendar Days	<b>\$600 per day</b>

**Wage & Labor Standard Provisions & Prevailing Wage Rates:** The selected Respondent shall comply with City Ordinance Number 2008-11-20-1045, concerning Wage and Hour Labor Standard Provisions for City of San Antonio Construction Projects (amending City Ordinance Number 71312). This is a public works Contract and Chapter 2258 of the Texas Government Code requires that not less than the prevailing wage rate for work of a similar character in this locality shall be paid to all laborers, workmen and mechanics employed in the construction of this Project. This prevailing wage requirement includes overtime regulations. Respondent shall refer to the General Wage Decision Number **TX20240007 01/05/2024**, attached hereto, incorporated by reference herein and labeled as **“Exhibit B”**.

**Payment and Performance Bonds:** Upon City Council approval of contract award, the selected Respondent shall furnish City with payment and performance bonds, in accordance with the provisions of Chapter 2253 of the Texas Government Code required for this Project have been attached hereto, incorporated by reference herein and labeled as **“Exhibit C”**.

### III. SCHEDULE OF EVENTS

The following tentative schedule has been prepared for this project:

<b>Advertisement Date:</b>	<b>July 19, 2024</b>
<b>Pre-Submittal Conference:</b>	<b>August 7, 2024, at 10:00 a.m. CT</b>
<b>Deadline for Submission of Written Questions:</b>	<b>August 20, 2024, at 4:00 p.m. CT</b>
<b>Responses Due:</b>	<b>September 3, 2024, at 2:00 p.m. CT</b>
<b>Evaluation of Proposals – (Interviews, if necessary)</b>	<b>October 2024</b>
<b>Anticipated City Council Consideration</b>	<b>December 2025</b>

#### IV. PRE-SUBMITTAL CONFERENCE

A non-mandatory Pre-Submittal Conference is scheduled, for **August 7<sup>th</sup>, 2024, at 10:00 a.m. CT**. The Pre-Submittal Conference will be held via WebEx meeting. Prospective Respondents may join the WebEx using the following instructions:

**Join by phone: 1-415-655-0001**

**Meeting number (access code): 2631 313 3106**

**Meeting password: COSA2024**

**Join from meeting link:**

<https://sanantonio.webex.com/sanantonio/j.php?MTID=m52e7c0bef121e06983975e77b495fbbd>

Attendance at the Pre-Submittal Conference is optional, but highly encouraged. Respondents who join the WebEx Pre-Submittal Conference are required to sign into the meeting using a QR code provided only during the meeting. This will confirm Respondent's attendance and participation for the Pre-Submittal meeting through WebEx.

Respondent is encouraged to submit written questions concerning this RFCSP through the Civcast website at least five (5) calendar days in advance of the Pre-Submittal Conference, in order to expedite the proceedings. City's responses to questions received by this due date may be distributed at the Pre-Submittal Conference, as well as being posted on the Civcast website at <https://www.civcastusa.com/bids>.

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 City's official responses to issues raised during the Pre-Submittal Conference and posted on the Civcast website at <https://www.civcastusa.com/bids>. Any oral response given at the Pre-Submittal Conference that is not confirmed in the posted written summary from the Pre-Submittal Conference or in a subsequent addendum shall not be official or binding on City. Only written responses shall be official. All other forms of communication with any officer, employee or agent of City shall not be binding on City.

City's responses to questions received by this due date may be discussed at the Pre-Submittal Conference, as well as being posted on the Civcast website at <https://www.civcastusa.com/bids>.

#### V. PROPOSAL DOCUMENT REQUIREMENTS AND EVALUATION CRITERIA

City will conduct a comprehensive, fair and impartial evaluation of all proposals received in response to this RFCSP within forty-five (45) days of receipt of the proposals. City will appoint a selection committee to perform the evaluation of the received proposals. Each proposal received by City shall be analyzed to determine overall responsiveness and qualifications to the RFCSP. The selection committee may select Respondents who are judged to be reasonably qualified for interviews, depending on whether further information is needed. Interviews are not an opportunity to change a submission. If the City elects to conduct interviews, Respondents may be interviewed and re-scored based upon the same criteria. City may also request information from Respondents at any time prior to final approval of a selected Respondent or seek best and final offers from Respondents deemed reasonably qualified for award. Final approval of a selected Respondent is subject to the action of the San Antonio City Council.

Respondent's proposal must include the following items included in the Submittal Checklist & Table of Contents (**Form 1**) in the following sequence combined in PDF format:

1. **SUBMITTAL CHECKLIST AND TABLE OF CONTENTS (Form #1) (Indexed and labeled as "Tab 1")** – Respondent must complete this form, which must be used as the Table of Contents and as a checklist for Respondent's submittal.

2. **EXECUTIVE SUMMARY (Indexed and labeled as “Tab 2”)** – Respondent must include a one (1) page Executive Summary at the beginning of the Statement of Qualifications. Respondent’s Executive Summary must state the number of years Respondent’s team has been in business, Respondent’s number of years in business in its local office, Respondent’s local office address and the number of employees employed in Respondent’s local office.
3. **GENERAL CONDITIONS REVIEW (Exhibit A) (Indexed and labeled as “Tab 3”)** – Respondent must review the General Conditions, provided and labeled as RFCSP **Exhibit A**, and provide **written acknowledgment that Respondent accepts the terms, conditions and requirements** of the City’s General Conditions, in Respondent’s submitted proposal under **“Tab 3”**.
4. **LETTERS OF REFERENCE (required) (Indexed and labeled as “Tab 4”)** – Respondent and Co-Respondents must provide a maximum of five (5) letters of reference including contact information.
5. **STATEMENT OF QUALIFICATIONS** – Respondent must provide a narrative document, as outlined in the **Statement of Qualifications** below, addressing all evaluation criteria in **Section V** of this RFCSP considering the project defined in this solicitation. Sufficient information regarding Respondent’s past projects and key personnel’s experience must be provided in Respondent’s proposal to indicate its team, to include subcontractors, has met or exceeded the minimum qualifications provided in **Section V** of this RFCSP in proposal.

The following Evaluation Criteria shall be used, in recommending the award of this Contract:

**A. Experience, Background and Qualifications of Respondent, Key Personnel, Key Subcontractors (30 Points)**

Respondent must respond to the following items, as they relate to Scope of Work:

1. **Experience (Indexed and Labeled as “Tab 5”)** – City will consider the relevance of past-experience of Respondent. Respondent must provide a narrative, on (1) page, describing the Respondent’s and team’s qualifications, to include subcontractors, as related to the referenced scope of services in this solicitation.
2. **Project Sheets (Indexed and Labeled as “Tab 6”)** – Respondent’s proposal to include a maximum of (5) project sheets, limited to one (1) page for each project included, which must describe similar construction projects Respondent has **completed** within the last five (5) years. Each project sheet must include the following:
  1. Name, description and dollar value of the completed project, including any similarity to the Project defined in this solicitation;
  2. Start and ending date of project;
  3. Respondent’s role in, including proposed team’s involvement in, the cited project;
  4. Project Manager;
  5. Superintendent;
  6. Cited project’s original and final construction contract amounts (explain inconsistencies);
  7. Cited project’s proposed completion date and the actual completion date achieved (explain inconsistencies);
  8. Cited project’s owner’s name and the name of the representative (if different) who served as the day-to-day liaison for the cited project, in the following format:
    - a. Name of Owner: \_\_\_\_\_
    - b. Name of Owner’s representative: \_\_\_\_\_
    - c. Representative’s Phone Number: \_\_\_\_\_
    - d. Representative’s E-mail: \_\_\_\_\_

**3. Proposed Key Personnel/Organizational Chart (Indexed and Labeled as “Tab 7”)** –Provide a detailed organizational chart of Respondent’s proposed team, including subcontractors, identifying key personnel who will be committed to work on the various tasks for this Contract.

Label assignments as:

- Project Manager
- Superintendent
- Safety Coordinator
- Chief Estimator
- Scheduler
- Quality Control Coordinator

**4. Resumes (Indexed and Labeled as “Tab 8”)** – Respondent must submit one (1) page resumes for all its key team members, to include subcontractors. Resumes should link to project sheets and also may include additional previously completed relevant projects not highlighted in the project sheets.

Resumes also must include:

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

**5. Experience with Green Building and Sustainability Practices (Indexed and Labeled as “Tab 9”)** - Respondent must limit its response to the following items to a total of one (1) page.

- Describe Respondent’s experience in construction of buildings or infrastructure that have been designed as per established green and sustainable design practices
- Provide a list of all Green Building certifications/accreditations held by Respondent’s team members- e.g. LEED Accredited professionals or specialized trainings and certifications.

**B. Understanding of the Project and Proposed Management Plan (25 Points)**

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

**1. Project Understanding (Indexed and Labeled as “Tab 10”)**

Respondent must limit its response to the following items to two (2) page:

- Describe Respondent’s understanding of the primary objectives of the Project; and
- Describe the constraints and technical challenges related to design and construction Respondent foresees and Respondent’s approach to addressing each.

**2. Construction Management Plan (Indexed and Labeled as “Tab 11”)**

Respondent must limit its response to the following items to a total of three (3) pages:

- Describe Respondent’s project management approach and team organization, for the provision of the services outlined in this solicitation;

- Describe Respondent’s Quality Control/Quality Assurance process, approach and capabilities to maintain quality control of the construction documents and construction.
- Describe Respondents approach to scheduling work around on-going operations, while minimizing disruption of the facility and its function and ensuring completion by May 31, 2025.
- Describe Respondent procurement plan and how it will coordinate with overall work to minimize disruptions to the facility and its functions
- Identify all key materials and equipment in which lead times will present a challenge to scheduling.
- Describes Respondents logistics plan to include material laydown, fencing, demo disposal, parking and facility protection.
- The City has implemented Ready to Work which is an education and job placement program. Respondents can learn more about this initiative at Ready to Work ([www.sanantonio.gov](http://www.sanantonio.gov)) whose goal is to connect residents to career opportunities. Describe how Respondent can leverage this initiative in their training and hiring practices.

**3. Commitment to Green Building and Sustainability Initiatives, Practices and Implementation (Indexed and Labeled as “Tab 12”)**

Respondent must limit its response to the following items to a total of two (2) pages:

- Describe Respondent’s commitment to Green and Sustainability initiatives and practices and how these initiatives and practices will be incorporated into this Project.
- Describe Respondent’s initiative in reducing Greenhouse Gas (GHG) emissions and Respondent’s plan to reduce the emissions during the construction phase for this Project.

**C. Experience with the San Antonio Region & Past Performance (Indexed and Labeled as “Tab 13”) (10 Points)**

**1.** The City is interested in evaluating Respondent’s team (including Sub-consultants(s), if applicable) experience with local processes and practices, 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 two (2) pages for Respondent’s response and one (1) page for Subcontractor(s) response, if applicable, briefly describe Respondent’s team experience in the areas listed below, referencing projects relating to that experience. (Note: Respondent may reference projects included in the project sheets under **Criteria A** above, but no additional project sheets shall be provided for this criterion, as the response shall be in narrative form.)

- a. Construction costs and practices.
- b. Environmental conditions and constraints.
- c. Involvement in project development as it relates to public awareness in the project’s local area.
- d. Respondent’s experience with private and public utilities in the San Antonio or surrounding area including SAWS and CPS.
- e. Municipality Design Guidelines

**2.** More than one (1) project may be referenced per page, and projects should be discussed in reverse chronological order. (Note: Respondent may reference projects by project name included in the project sheets under **Criteria A** above or include other projects, but no additional project sheets shall be provided for this criterion, as the response shall be in narrative form.) If Respondent is referencing a project that is not included in the project sheet section, please include the following information:

- a. Project name and description of scope.
- b. Respondent’s project role and work performed.
- c. Names of Respondent’s team members who worked on the project, if applicable.

- d. The contact information of the project’s owner or representative (if different) including name, email, and phone number.

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

- a. Timely completion of City projects.
- b. Cooperative working relationship with City.
- c. Prompt payment of Sub-consultants at all levels.
- d. Compliance with other City contract terms.
- e. Compliance with City Ordinances on substitution/addition/deletion of Sub-consultants.
- f. Compliance with City standards.
- g. Conformance to City budget requirements.

3. Reference checks, may be performed with Owners indicated on the submitted project sheets submitted as Tab “6”, and considered as part of this criteria.

**D. Price Proposal (15 Points)**

City will evaluate Respondent’s **Price Proposal**. Respondent’s must enter Price Proposal in the **Bid Form** section of the Civcast website at <https://www.civcastusa.com/bids>. The submitted Price Proposal reflecting the lowest price total including the base proposal, allowances (if any) and all alternates (if any) will receive the maximum fifteen (15) points. Refer to formula and example listed below:

**Formula:** Lowest price proposal/Firm's price proposal X 15 points = Score

**Example:**

<b>RESPONDENT:</b>	<b>PROPOSAL AMOUNT (INCLUDING ALLOWANCES AND ALL ADDITIVE/DEDUCTIVE ALTERNATES ):</b>	<b>CALCULATION:</b>	<b>POINTS AWARDED:</b>
<b>A</b>	<b>\$650,000.00</b>	<b>595,000/650,000 x 15</b>	<b>13.73</b>
<b>B</b>	<b>\$625,000.00</b>	<b>595,000/625,000 x 15</b>	<b>14.28</b>
<b>C</b>	<b>\$600,000.00</b>	<b>595,000/600,000 x 15</b>	<b>14.88</b>
<b>D</b>	<b>\$595,000.00</b>	<b>595,000/595,000 x 15</b>	<b>15.00</b>

**E. SBEDA – (20 Points)**

**SBE Prime Contract Program – 10 pts.**

Certified SBE firms (see Small Business Enterprise definition) headquartered or having a Significant Business Presence within the San Antonio Metropolitan Statistical Area responding to this solicitation as

Prime Contractors proposing at least 51% SBE participation (Prime and/or Subcontractor) will receive five (10) evaluation criteria points, and

**M/WBE Prime Contract Program – 10 pts.**

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

Each proposal shall be analyzed, to determine overall responsiveness, and consideration shall be given to a combination of price and other factors, such that City may determine which Respondents’ proposal will provide the best value to City. If City elects to conduct interviews of one or more Respondents, in connection with this solicitation, Respondent(s) shall be notified in writing and an interview date shall be scheduled.

**Below is the Evaluation Criteria Summary for this RFCSP:**

<b>Evaluation Criteria Summary</b>	<b>Maximum Points</b>
<b>A. Experience, Background, Qualifications of Respondent, Key Personnel, and Key Sub-Contractors</b>	<b>30</b>
<b>B. Understanding of the Project and Proposed Management Plan</b>	<b>25</b>
<b>C. Experience with the San Antonio Region &amp; Past Performance</b>	<b>10</b>
<b>D. Price Proposal</b>	<b>15</b>
<b>E. SBEDA</b> SBE Prime Contract Program – 10 Points M/WBE Prime Contract Program – 10 Points	<b>20</b>
<b>Total Maximum</b>	<b>100 Points</b>

**Required Forms (to be uploaded individually in CivCast):**

**City shall conduct due diligence and analysis of the following required forms:**

- SUBMITTAL COVER/SIGNATURE SHEET (Form #2)** – Respondent and Co-Respondents must include the completed Submittal Cover/Signature Sheet with the other required forms. The Submittal Cover/Signature Sheet must be signed by a person (or persons) authorized to bind Respondent and the entity/entities submitting the response. Signature pages signed by a person other than an officer of the company or partner of the firm must be accompanied by evidence of authority. Joint ventures submittals require signatures from all firms participating in the joint venture. Submitting joint ventures are required to provide legal proof of the joint venture, such as a joint venture agreement.
- CONTRACTS DISCLOSURE FORM (Form #3)** – Respondent, Co-Respondent and all subcontractors on this project must complete the form online at: <https://webapp1.sanantonio.gov/ContractsDisclosure/>, print a copy of the completed form and include in the packet of required forms. If Respondent is proposing as a team or joint venture, each party to that team or joint venture shall complete and submit a separate Contracts Disclosure Form.

3. **LITIGATION DISCLOSURE FORM (Form #4)** – Respondent, Co-Respondent and all subcontractors on this project must complete a Litigation Disclosure Form, utilizing additional pages for explanation, if necessary, and submit the completed form. If Respondent is proposing as a team or joint venture, each party to that team or joint venture shall complete and submit a separate Litigation Disclosure Form.
4. **SMALL BUSINESS ECONOMIC DEVELOPMENT Subcontractor/Supplier Utilization Commitment Form (Form #5)** – Respondent must submit a completed and signed Subcontractor/Supplier Utilization Commitment Form Indicating Respondent’s firm commitment to satisfy the established (**23%**) subcontracting goal to a Minority/Women Business Enterprise (M/WBE) and (**4%**) African American Business Enterprise (AABE) for this Project. If Respondent believes they cannot meet the subcontracting goal, Respondent must also submit a Waiver Request Form as part of the required forms. The Waiver Request Form may be download at <https://www.sanantonio.gov/SBO/Form>.
5. **VETERAN-OWNED SMALL BUSINESS PROGRAM TRACKING FORM (VOSB) (Form #6)** – Respondent must submit a completed and signed VOSB Tracking form with this solicitation. This solicitation is not eligible for a preference based on status as a veteran-owned small business (VOSB). Nevertheless, in order to determine whether the program can be expanded at a later date, the City tracks VOSB participation at both prime contract and subcontract levels. San Antonio City Code Chapter 2, Article XI describes the City’s veteran-owned small business preference program.
6. **LOCAL PREFERENCE PROGRAM (LPP) IDENTIFICATION FORM (Form #7)** – Respondent must submit a completed and signed LPP Identification form with this solicitation. The City of San Antonio Local Preference Program, described in the San Antonio City Code Chapter 2, Article XII, establishes a local preference for specific contracting categories. Each time a bidder or respondent submits a bid for a solicitation, this Local Preference Program Identification Form must be completed and turned in with the solicitation response in order to be identified as a City Business and receive the preference described below. The City will not rely on Local Preference Program Identification Forms submitted with prior or contemporaneous bids or proposals.
7. **HEAT ILLNESS PREVENTION ACKNOWLEDGMENT FORM (Form #8)** – Respondent and Co-Respondents must include the complete the Heat Illness Prevention Acknowledgment form with this solicitation. Effective August 31, 2023, the Heat Illness Prevention Ordinance implemented requirements to certain City-funded contracts involving activities in outdoor and unconditioned spaces. For more detailed information on the Heat Illness Ordinance, see Ordinance No. 2023-08-31-0585 and General Conditions for Construction Contract, Article X.1.5 and Art.X.2.3(a).
8. **UNIT PRICING SHEET (Exhibit F)** – Respondent must submit a Unit Pricing Sheet to identify items that may be used to increase/decrease quantities during construction as a change order. The unit bid price may be used during construction to add or decrease quantities and will not be revised during construction.
9. **PROPOSAL GUARANTEE** – Each Proposal must be accompanied by an original Proposal Guarantee issued by a corporate surety company licensed to conduct business in the State of Texas, in the amount of not less than five percent (5%) of the greatest total amount of Proposal.
10. **PROOF OF INSURABILITY** – Respondent and Co-Respondent must submit a copy of its current insurance certificate.

11. **CERTIFICATE OF INTERESTED PARTIES TEC FORM 1295** – The Texas Government Code §2252.908, and the rules issued by the Texas Ethics Commission found in Title 1, Chapter 46 of the Texas Administrative Code, require a business entity to submit a completed Form 1295 to the City before the City may enter into a contract with that business entity:

Form 1295 must be completed online. It is available from the Texas Ethics Commission by accessing the following web address:

[https://www.ethics.state.tx.us/whatsnew/elf\\_info\\_form1295.htm](https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm).

**Print your completed Form 1295. Submit your signed Form 1295 with your response to this solicitation. Where requested to provide the name of the public entity with whom you are contracting, insert “City of San Antonio”. Where requested to provide the contract number, provide the solicitation number shown on the cover page of this solicitation (e.g. IFB 6100001234, RFO 6100001234 or RFCSP 6100001234).**

The following definitions found in the statute and Texas Ethics Commission rules may be helpful in completing Form 1295.

“Business entity” includes an entity through which business is conducted with a governmental entity or state agency, regardless of whether the entity is a for-profit or nonprofit entity. The term does not include a governmental entity or state agency. (NOTE: The City of San Antonio should never be listed as the “Business entity”.)

“Controlling interest” means: (1) an ownership interest or participating interest in a business entity by virtue of units, percentage, shares, stock, or otherwise that exceeds 10 percent; (2) membership on the board of directors or other governing body of a business entity of which the board or other governing body is composed of not more than 10 members; or (3) service as an officer of a business entity that has four or fewer officers, or service as one of the four officers most highly compensated by a business entity that has more than four officers. Subsection (3) of this section does not apply to an officer of a publicly held business entity or its wholly owned subsidiaries.

“Interested party” means: (1) a person who has a controlling interest in a business entity with whom a governmental entity or state agency contracts; or (2) an intermediary.

“Intermediary,” for purposes of this rule, means a person who actively participates in the facilitation of the contract or negotiating the contract, including a broker, adviser, attorney, or representative of or agent for the business entity who:

- (1) receives compensation from the business entity for the person’s participation;
- (2) communicates directly with the governmental entity or state agency on behalf of the business entity regarding the contract; and
- (3) is not an employee of the business entity or of an entity with a controlling interest in the business entity.

Publicly traded business entities, including their wholly owned subsidiaries, are exempt from this requirement and are not required to submit Form 1295.

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

applicable, City shall include the selected Respondent's Form 1295 in its package prepared for the San Antonio City Council's consideration for contract award.

## VI. SUBMISSION INSTRUCTIONS

Online proposal submission must be via Civcast at <https://www.civcastusa.com/bids>. Online submission services will open for submitting proposals on **Friday, July 19, 2024**, and close (proposal due date) on **Friday, September 3, 2024, at 2:00 p.m. CT**. Follow submittal instructions on <https://www.civcastusa.com/>.

For Proposal Opening or reading aloud of proposals, the names of the Respondents and proposal amounts will be publicly read aloud through WebEx meeting at **2:00 p.m., CT**, on the day the bids are due. Respondents may join the WebEx using the following instructions:

**Join by phone: 1-415-655-0001**

**Meeting number (access code): 1770 23 1452**

**Meeting password: 3HrMPWvWr58**

**Join by meeting link:**

<https://sanantonio.webex.com/sanantonio/j.php?MTID=mc7e4d1be209b5a788596e6963fa96dc7>

**Hard copies and proposals sent by facsimile or email will not be accepted.**

Please adhere to the following criteria:

- Pages equal front only
- No smaller than 11-point font.
- Be succinct and clear.
- Keep your submittal relevant to the target project.
- Each submittal shall include the sections and attachments in the sequence listed in the **Section V**, Submittal Document Requirements & Evaluation Criteria, with each section divided by tabs and indexed, as indicated in this RFCSP.
- All pages shall be numbered, and all sections shall adhere to page limits. If a section does not have a page limit specified, there are no page limits for that section.

To correctly submit a response to this RFCSP, Respondent must reveal, disclose and state the true and correct name of the individual, proprietorship, corporation and/or partnership (clearly identifying the responsible general partner and all other partners who would be associated with the contract, if any) submitting the response. The true and correct name must 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, must match with exact Assumed Name filings. Corporate Respondents and limited liability company Respondents must include the 11-digit Comptroller's Taxpayer Number on the signature page of the Proposal.

Co-Respondents are two (2) or more entities proposing as a team or joint venture with each signing the contract, if awarded. Sub-contractors are not Co-Respondents and should not be identified here. If you are conducting business in Texas, it is likely you will have to register your business with the State Comptroller. Depending on the type of business you conduct, you may also be required to obtain a permit, collect and or pay tax, and file tax returns.)

(If Respondent/Co-Respondents are not registered with the Texas Secretary of State, please note the City of San Antonio requires Respondents selected for award of a contract register with the Texas Secretary of State. Changes to the registered agent or registered office information must always be filed with the Texas Secretary of State and comply with applicable statutory requirements. A sole proprietor, conducting business under an assumed name (a name other than the surname of the individual), shall file an assumed name certificate with the Office of the Bexar County Clerk. Any associated costs, fees or expenses should be considered in Respondent's price proposal.)

Respondent must comply with the Restrictions on Communication section of this RFCSP and shall not provide full or partial copies of its proposal submission to City officials or City employees, as defined by that section. Failure to submit a proposal in accordance with the prescribed process will result in Respondent's proposal being disqualified from consideration.

## VII. AMENDMENTS TO RFCSP

Changes, amendments or written responses to questions received in compliance with **Section VIII**, Restrictions on Communication herein, will be posted on the Civcast website at <https://www.civcastusa.com/bids>. It is Respondent's responsibility to review this site and ascertain whether any amendments have been made prior to submission of its proposal. If Respondent does not have access to the Internet, Respondent shall notify City, in accordance with **Section VIII**, Restrictions on Communication, that it 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 this RFCSP and all changes to this RFCSP, if any, will be made by City only in writing.

## VIII. RESTRICTION ON COMMUNICATIONS

Respondents are prohibited from contacting 1) City officials, as defined by §2-62 of the City Code of the City of San Antonio, regarding the RFCSP or proposal from the time the RFCSP has been released until the contract is posted for consideration as an agenda item during a meeting designated as an "A" session; and 2) City employees from the time the RFCSP has been released until the contract is approved at a City Council "A" session.

Restrictions extend to "thank you" letters, phone calls, emails and any contact that results in the direct or indirect discussion of the RFCSP and/or proposal submitted by Respondent.

Violation of this provision by Respondent and/or its agent may lead to disqualification of Respondent's proposal from consideration.

As used herein, City Official is defined as the Mayor; members of City Council; Municipal Court Judges and Magistrates; City Manager; Deputy City Manager; City Clerk; Deputy City Clerk; Assistant City Clerk; Assistant City Managers; Assistants to City Manager; all City department heads and assistant department heads; Internal Auditor and Assistant Internal Auditors; Compliance Auditor; Assistant to City Council; Assistants to City Council, including contract personnel; Assistant to Mayor; Assistants to the Mayor, including contract personnel; Executive Secretaries; Public Utilities Supervisor; members of bid committees; members of the Historic and Design Review Commission; Zoning Commission; and members of any board or commission that is more than advisory in nature.

Exceptions to the restrictions on communication with City employees include:

1. Respondent may ask verbal questions concerning this RFCSP at the Project's Pre-Submittal Conference.
2. Respondent may ask verbal questions concerning this RFCSP at the Project's Site-Visit Meeting if one is scheduled.
3. Respondent must submit questions concerning this RFCSP through the Civcast website at <https://www.civcastusa.com/bids> until **August 20, 2024, at 4:00 p.m. CT**. Questions received after the stated deadline will not be answered.
4. Respondents and/or their agents are encouraged to contact the Small Business Office of the Economic Development Department for assistance or clarification with issues specifically related to the City's Small Business Economic Development Advocacy (SBEDA) Program policy and/or completion of the required SBEDA forms. The point of contact may be reached by telephone at (210) 207-3932 or by e-mail at

[SBEDAdocs@sanantonio.gov](mailto:SBEDAdocs@sanantonio.gov). After the solicitation closing date, there is no contact permitted to the Small Business Office regarding this solicitation. Respondent must provide responses to any questions asked of it by City's Staff Contact Person and/or his/her designee about City's SBEDA Program both before and after responses are received and opened.

5. During interviews, if any, verbal questions and explanations will be permitted. If Respondent is invited for an interview and/or demonstration, the City requests Respondents limit the size of their team to no more than four (4) people of Respondent's choosing and subject to City's approval. Attorneys and/or lobbyists are strictly prohibited from attendance. If you are utilizing a subcontractor, a subcontractor representative should be included. The City reserves the right to exclude any persons from interviews as it deems in its best interest.

Upon completion of the evaluation process, Respondents shall receive a notification letter indicating the recommended firm, anticipated City Council agenda date, and a review of the solicitation process.

City reserves the right to contact any Respondent to negotiate if such is deemed desirable by City. Such negotiations, initiated by City staff persons, shall not be considered a violation by Respondent of this section.

## **IX. AWARD OF CONTRACT AND RESERVATION OF RIGHTS**

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

- A. A Contract, if awarded, must be awarded to a Respondent whose proposal is deemed most advantageous to City, as determined by the selection committee and upon the approval by the San Antonio City Council.
- B. City may accept any proposal in whole or in part. If subsequent contract negotiations are conducted, such negotiations will not constitute a rejection or alternate RFCSP on the part of City. However, final selection of a Respondent is subject to San Antonio City Council approval.
- C. City reserves the right to accept one or more proposals or reject any or all proposals received in response to this RFCSP and to waive informalities and irregularities in any proposal received. City also reserves the right to terminate this RFCSP, reissue a subsequent solicitation and/or remedy technical error in the RFCSP process.
- D. By executing the Submittal Cover/Signature Sheet, Respondent agrees to be bound by the terms therein. Respondent acknowledges it has received all Addenda and agrees to be bound by the terms, conditions and requirements of this submitted proposal, all documents listed in the RFCSP Submittal Checklist and Table of Contents, the enabling City Ordinance and all of the associated documentation that form the entire Contract to which Respondent shall be bound, upon the approval of the San Antonio City Council. All Contract documents are not binding on City until approved by the San Antonio City Attorney's office and the San Antonio City Council. No work shall commence on the subject Project until Respondent provides the necessary evidence of bonds and insurance required in City's General Conditions for City of San Antonio Construction Contracts and until City signs the Notice to Proceed. In the event the parties cannot negotiate within the time specified by City, City reserves the right to terminate negotiations with the selected Respondent and commence negotiations with another Respondent.
- E. This RFCSP does not commit City to enter to an agreement or award any services related to this RFCSP, nor does it obligate City to pay any costs incurred by Respondent in the preparation or submission of a response or in anticipation of a contract.
- F. City administers its design and construction management through an Internet-based management system. All vendors shall be required to use City's system and submit Project schedules as City dictates.

- G. 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 entered into with City or any City agency, such as City-owned utilities. An officer or employee has a “prohibited financial interest” in a contract with City or in the sale to City of land, materials, supplies or service, if any of the following individual(s) or entities is a party to the contract or sale: City officer or employee; his/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 listed by Respondent is a Subcontractor on a City contract, a partner or a parent or subsidiary business entity.
- H.** Respondent is required to warrant and certify that it, its officers, employees and agents are neither officials nor employees of City, as defined in Section 2-42 of City’s Ethics Code. (Contracts Disclosure Form) – Instructions and web-link to electronic form are included in **Form 3** of RFCSP.
- I. Independent Contractor:** Respondent understands, accepts and agrees, if selected, it and all persons designated by it to provide services in connection with a contract, is/are and will be deemed to be an Independent Contractor(s), responsible for its/their respective acts or omissions, that City will in no way be responsible for Respondent’s actions and that none of the parties to this award must have authority to bind the other or to hold out to third parties that it has such authority.
- J. State of Texas Conflict of Interest Questionnaire (Form CIQ).** Chapter 176 of the Texas Local Government Code requires that persons or their agents who seek to contract for the sale or purchase of property, goods or services with City must file a Form CIQ with the City Clerk if those persons meet the requirements under §176.006(a) of the statute.

By law this questionnaire must be filed with the City Clerk not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Texas Local Government Code.

Form CIQ is available from the Texas Ethics Commission by accessing the following web address:

<https://www.ethics.state.tx.us/forms/conflict/>

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

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

When completed, the CIQ Form and the CIQ-A Form should be submitted together by mail to the Office of the City Clerk. Please mail to:

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

Do not include these forms with your sealed bid. The procurement staff will not deliver the forms to the City Clerk for you. Respondent shall consult its own legal advisor if it has any questions regarding the statute, Form CIQ or CIQ Addendum.

- K.** All proposals become the property of City upon receipt and shall not be returned. Any information deemed to be confidential by Respondent clearly should be noted on the page(s) where confidential information is contained; however, 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.

- L. Any cost or expense incurred by the Respondent associated with the preparation of its proposal, the Pre-Submittal Conference or during any phase of the selection process, if any, shall be borne solely by Respondent.
- M. City reserves the right to verify any, and all information submitted by Respondents at any time during the solicitation/evaluation process.
- N. Final approval of a selected firm(s) is subject to the action of the San Antonio City Council.
- O. City reserves the right to contact any Respondent to negotiate a contract, if such action is deemed desirable by City.

**P. TEXAS GOVERNMENT CODE §2270.002:**

State Prohibitions on Contracts:

This section only applies to a contract that:

- (1) is between a governmental entity and a company with 10 or more full-time employees; and
- (2) has a value of \$100,000 or more that is to be paid wholly or partly from public funds of the governmental entity.

"Company" means a for-profit organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations that exists to make a profit. This term does not include a sole proprietorship.

**Prohibition on Contracts with Companies Boycotting Israel.**

Texas Government Code §2271.002 provides that a governmental entity may not enter into a contract with a company for goods or services, unless the contract contains a written verification from the company that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract.

"Boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes.

By submitting an offer to or executing contract documents with the City of San Antonio, Company hereby verifies that it does not boycott Israel, and will not boycott Israel during the term of the contract. City hereby relies on Company's verification. If found to be false, City may terminate the contract for material breach.

**Prohibition on Contracts with Companies Boycotting Certain Energy Companies.**

Texas Government Code §2274 provides that a governmental entity may not enter into a contract with a company for goods or services, unless the contract contains a written verification from the company that it: (1) does not boycott energy companies; and (2) will not boycott energy companies during the term of the contract.

"Boycott energy company" means, without an ordinary business purpose, refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations with a company because the company: (A) engages in the exploration, production, utilization, transportation, sale, or manufacturing of fossil fuel-based energy and does not commit or pledge to meet environmental standards beyond applicable federal and state law; or (B) does business with a company described in (A).

By submitting an offer to or executing contract documents with the City of San Antonio, Company hereby verifies that it does not boycott energy companies and will not boycott energy companies during the term of the contract. City hereby relies on Company's verification. If found to be false, City may terminate the contract for material breach.

**Prohibition on Contracts with Companies that Discriminate Against Firearm and Ammunition Industries.**

Texas Government Code §2274 provides that a governmental entity may not enter into a contract with a company for goods or services, unless the contract contains a written verification from the company that it: (1) does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and (2) will not discriminate during the term of the contract against a firearm entity or firearm trade association.

"Discriminate against a firearm entity or firearm trade association": (A) means, with respect to the entity or association, to: (i) refuse to engage in the trade of any goods or services with the entity or association based solely on its status as a firearm entity or firearm trade association; (ii) refrain from continuing an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association; or (iii) terminate an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association.

By submitting an offer to or executing contract documents with the City of San Antonio, Company hereby verifies 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 contract against a firearm entity or firearm trade association. City hereby relies on Company's verification. If found to be false, City may terminate the contract for material breach.

**R. TEXAS GOVERNMENT CODE § 2252.152:**

Contracts with companies engaged in business with Iran, Sudan, or foreign terrorist organization prohibited.

**Texas Government Code §2252.152** provides that a governmental entity may not enter into a governmental contract with a company that is identified on a list prepared and maintained under Texas Government Code §2270.0201 or §2252.153 "Listed Companies". Consultant/Contractor hereby certifies that it is not identified on such a list and that it will notify City should it be placed on such a list while under contract with City. City hereby relies on Consultant's/Contractor's certification. If found to be false, or if Consultant/Contractor is identified on such list during the course of its contract with City, City may terminate this Agreement for material breach.

**S. S.B. 943 – Disclosure Requirements for Certain Government Contracts.**

S.B. 943 – Disclosure Requirements for Certain Government Contracts. For contracts (1) with a stated expenditure of at least \$1 million in public funds for the purchase of goods or services by the City, or (2) that result in the expenditure of at least \$1 million in public funds for the purchase of goods or services by the City in a given fiscal year, Respondent acknowledges that the requirements of the Texas Public Information Act, Government Code, Chapter 552, Subchapter J, pertaining to the preservation and disclosure of Contracting Information maintained by the City or sent between the City and a vendor, contractor, potential vendor, or potential contractor, may apply to this RFQ and any resulting contract. Respondent agrees that the contract can be terminated if Respondent knowingly or intentionally fails to comply with a requirement of that subchapter.

By submitting a proposal, Respondent warrants and certifies, and a contract awarded pursuant to this RFQ is made in reliance thereon, that it, has not knowingly or intentionally failed to comply with this subchapter in a previous RFQ or contract. City hereby relies on Respondent's certification, and if found to be false, City may reject the proposal or terminate the Contract for material breach.