City of San Antonio

TRANSPORTATION AND CAPITAL IMPROVEMENTS

AMENDMENT No. 1

REQUEST FOR QUALIFICATIONS (RFQ)

PROJECT NAME: On-Call Professional Engineering Services for Traffic Engineering – #013120DR

DATE: February 28, 2020

This amendment is separated into sections for convenience; however, all respondents, and other parties shall be responsible for reading the entire amendment. The failure to list an item or items in all affected sections of this amendment does not relieve any party affected from performing as per instructions, providing that the information is set forth one time any place in this amendment. These documents shall be attached to and become part of the Contract Documents for this project. The respondent shall be required to acknowledge the receipt of this amendment.

GENERAL:

1. The following changes and/or additions to the Contract Documents, via this amendment, shall apply to submittals made for and to the execution of the various parts of the work affected thereby.
2. Careful note of the Amendment shall be taken by all interested parties and all trades affected shall be fully advised in their performance of the work involved.

GENERAL COMMENTS:

The following items and sections of the RFQ have been revised.

1. The following TxDOT items have been removed from the list of categories:
   a. 3.1.1 Route Studies and Schematic Design (Minor Roadways)
   b. 4.1.1 Minor Roadway Design
   c. 4.1.2 Major Roadway Design
   d. 7.2.1 Highway-Rail Grade Crossing Studies
2. The following TxDOT item has been added to the list of categories:
   a. 4.2.1 Roadway Design
3. Section V.A.3. - Proposed Key Personnel/Organizational Chart revised to read:
   The Proposed Key Personnel shall consist of a Licensed Consultant with a minimum of five (5) five years demonstrated experience in traffic engineering services.
4. Section V.C. C. Experience with issues in the San Antonio Region…… revised to read:
   b. Engineering community, conditions and constraints

QUESTIONS FROM THE PRE-SUBMITTAL MEETING:

1. Scorecard for past work, is it releasable?

   Response: If a company has a scorecard with the City of San Antonio, they would have to submit an "Open Records Request" to receive that document.

2. Environmental Services, is it required by this RFQ Contractor?

   Response: If Environmental Services is required for any task orders through this project, the City will assigned that work to an Environmental Consultant firm the City has under contract.

END OF AMENDMENT No. 1

CITY OF SAN ANTONIO

TRANSPORTATION & CAPITAL IMPROVEMENTS

REQUEST FOR QUALIFICATIONS:

On-Call Professional Engineering Service for Traffic Engineering
RFQ: #013120DR

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 contributing to City Council elections from **February 14, 2020** until 30 calendar days after the contract has been awarded (black out period):

1. legal signatory of a high-profile contract;
2. any individual seeking a high-profile contract;
3. any owner or officer of an entity seeking a high-profile contract;
4. the spouse of any of these individuals;
5. any attorney, lobbyist or consultant retained to assist in seeking contract.

A high-profile contract cannot be awarded to the individual or entity if a prohibited contribution has been made by any of these individuals during the "black out" period.

HIGH PROFILE

RFQ ISSUE DATE:

January 31, 2020

SUBMITTAL DEADLINE:

March 16, 2020 - 10:00 AM Local Time

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ATTACHMENTS

Contract Template	Exhibit A
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DBE Program Provisions	Exhibit C
Forms for Submittal with Statement of Qualifications:	
Submittal Checklist and Table of Contents	Form 1
Required Forms (to be uploaded individually):	
Submittal Cover/Signature Sheet	Form 2
Contracts Disclosure Form	Form 3
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DBE Good Faith Efforts Plan	Form 5
DBE Commitment Agreement Form	Form 6

On-Call Professional Engineering Services for Traffic Engineering
(RFQ: #013120DR)

I. BACKGROUND

The City of San Antonio (hereafter referred to as "City"), Transportation and Capital Improvements Department (hereafter referred to as "TCI") is seeking Requests for Qualifications (hereafter referred to as a "RFQ") from qualified firms interested in providing on-call or as needed engineering services for the **On-Call Professional Engineering Services for the Traffic Engineering** Project (hereafter referred to as "the Project").

Services may include providing plans, studies, analysis and preliminary and final design documents, cost estimates, plan and/or reports, which discuss findings, engineering calculations, recommendations, and work product. Consultants will need to demonstrate pre-qualifications in certain TxDOT work categories for planning, studies, design and analysis. Projects requiring traffic engineering services will be in support of the City's various transportation, pedestrian, bicycle, and traffic calming initiatives and programs such as Vision Zero, School Pedestrian Safety, Neighborhood Traffic Calming, and the Infrastructure Management Program (IMP).

II. SCOPE OF WORK AND GENERAL REQUIREMENTS

The selected consultant(s) shall provide services and have staffing within the specialized categories listed below, which are similar to the Texas Department of Transportation (TxDOT) pre-certification working categories:

Transportation Systems Planning
1.1.1 Policy Planning
1.2.1 Systems Planning
1.3.1 Subarea/Corridor Planning
1.4.1 Land Planning/Engineering
1.5.1 Feasibility Studies

Schematic Development
3.2.1 Route Studies and Schematic Design (Major Roadways)

Roadway Design
4.2.1 Roadway Design

Traffic Engineering Studies
7.1.1. Traffic Engineering Studies
7.3.1 Traffic Signal Timing
7.4.1 Traffic Control Systems Analysis, Design and Implementation
7.5.1 Intelligent Transportation System

Traffic Operations Design
8.1.1 Signing, Pavement Marking and Channelization
8.2.1 Illumination
8.3.1 Signalization
8.4.1 ITS Control Systems Analysis, Design and Implementation
8.6.1 Rail-Highway Design

Bicycle and Pedestrian Facilities
9.1.1 Bicycle and Pedestrian Facility Development

Material Inspection and Testing
12.1.3 Materials Engineering
12.1.5 Portland Cement Concrete Placement

Geotechnical Services
14.1.1 Soil Exploration
14.2.1 Geotechnical Testing

14.3.1 Transportation Foundation Studies

Surveying and Mapping
15.1.1 Right of Way Surveys
15.2.1 Design Survey
15.2.2 Construction Survey

Utility Engineering
18.2.1 Subsurface Utility Engineering

The selected consultant(s) also shall:

- Be available to commence services, as described herein, immediately as needs arise.
- Be able to complete the project within the specified time.
- Be able to immediately assign qualified personnel necessary to perform and complete the traffic engineering assignment. Traffic engineering services provided by the chosen firm/team will include, but not be limited to, field investigation and measurement, traffic data collections, existing and ultimate condition evaluation, calculations, development of alternatives, design, Level of Service (LOS) analysis, proposed improvement evaluation and recommendations, cost estimating, etc. necessary to complete the assignment. Periodic updates, documenting field observations and service status, also must be provided. The consultant(s) will serve as the liaison between the City of San Antonio, stakeholders and other interested parties, as needed. As part of these professional services, it will be necessary for the consultant to document all activities and contacts, as well as to prepare the following documents:
  - Preliminary documents, plans and/or reports, as directed, which discuss findings and recommendations
  - Final documents, plans and/or reports, per City requirements
  - Handouts and graphical displays for use at public meetings
  - Synchro or VISSIM files
  - CAD Files (Microstation or Auto CAD)
  - Cost estimate calculations

Requirements for each task shall be detailed in the individual work order assigned. In the event additional services are required, the scope of services and any additional fees related to these services will be agreed upon by the City of San Antonio and the Consultant in advance of these services being performed. One or more contracts may be awarded in response to this RFQ. The selected Consultant(s) shall be retained in a standby mode. As projects are identified and funded, work to the selected Consultant(s) shall be authorized.

The terms of the contract initially will be for one (1) year with an option to renew for two additional one (1) year option periods at the City's discretion, as approved by the Director of Transportation & Capital Improvements. Work shall be authorized as projects are determined and funding is identified. However, the execution of an agreement does not guarantee any specific issuance of work to the selected consultant(s).

The estimated fee per project will vary, with a maximum contract amount of $500,000 per year.

III. SCHEDULE OF EVENTS

The following tentative schedule has been prepared for this project:

Pre-Submittal Conference:	**February 14, 2020**
Deadline for Submission of Written Questions:	**February 28, 2020**
Responses Due:	**March 16, 2020**
Interviews, if necessary	**May 2020**
Anticipated City Council Consideration	**August 2020**

IV. PRE-SUBMITTAL CONFERENCE

A Pre-Submittal Conference is scheduled to be held on **February 14, 2020 at 9:00A.M. at the Municipal Plaza Building, Plaza "B" Room, located at 114 W. Commerce St., San Antonio, TX 78205**. Respondent is highly encouraged to submit written questions concerning this RFQ through the CivCast website in writing 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.

This meeting place is accessible to disabled persons. Interpreters for the Deaf shall be requested at least 48 hours prior to the meeting. For assistance, call (210) 207-7245 Voice/TTY.

Any oral responses provided by City staff at the Pre-Submittal Conference shall be preliminary. A written summary of the Pre-Submittal Conference shall contain 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.

V. SUBMITTAL DOCUMENT REQUIREMENTS AND EVALUATION CRITERIA

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

Respondent's submittal shall include the following items included in Submittal Checklist & Table of Contents in the following sequence combined in PDF format:

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

2. **EXECUTIVE SUMMARY (Indexed and labeled as "Tab2")** – Respondent shall include a one (1) page Executive Summary at the beginning of the Statement of Qualifications. Respondent's Executive Summary shall 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. **CONTRACT TEMPLATE AND GENERAL CONDITIONS REVIEW (Indexed and labeled as "Tab 3")** – Respondent shall review the Contract Template and its General Conditions, provided hereto and made a part hereof and labeled as RFQ **Exhibit A and B**, and provide written comments and/or concerns regarding the Contract and General Conditions. If Respondent does not have any comments and/or concerns, Respondent shall indicate this in this **Tab 3**. If no objections are submitted by the Respondent, City and Respondent agree Respondent shall sign the Contract as presented, if a contract is awarded.

4. **LETTERS OF REFERENCE (required) (Indexed and labeled as "Tab 4")** – Respondent shall provide a maximum of five (5) letters of reference including contact information.

5. **STATEMENT OF QUALIFICATIONS** – Respondent shall provide a narrative document, as outlined in the **Statement of Qualifications** below, addressing all evaluation criteria in **Section V** of this RFQ considering the project defined in this solicitation. Sufficient information regarding Respondent's past projects and key personnel's experience shall be provided in Respondent's submittal to indicate its team has met or exceeded the minimum qualifications provided in **Section V** of this RFQ in submittal.

   City shall conduct a comprehensive, fair and impartial evaluation of all submittals received, in response to this RFQ. It currently is anticipated City shall appoint and utilize a selection committee to perform said evaluation.

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

A. Experience, Background, Qualifications of Firm, Key Personnel, and Key Sub-Consultants (40 Points)

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

1. **Experience (Indexed and Labeled as "Tab 5")** – City shall consider the relevance of past experience for all parties proposed as a part of Respondent's team. Respondent shall provide a narrative, in two (2) pages or less, describing the team's qualifications, as they relate to the Project's scope in this RFQ. Respondent's submittal shall include how the proposed team has worked together on past similar projects and shall include the number of years working as a team. For any Sub-Consultants listed as part of Respondent's team, Respondent shall include information on how those named Sub-Consultants shall function within the team's organization. In addition, Respondent shall provide a narrative description of the proposed roles of Respondent and each Sub-Consultant, to include assignments, roles and responsibilities, lines of authority and communication among all team members.

2. **Project Sheets (Indexed and Labeled as "Tab 6")** – Respondent's submittal shall include a maximum of three (3) project sheets, limited to one (1) page for each project included, which shall describe similar projects Respondent has completed within the last five (5) years. Each project sheet shall include the following:

    1. Name and Description of the completed project, including any similarity to the Project defined in this solicitation;
    2. Year(s) of work on the cited project;
    3. Respondent's role in the cited project;
    4. Project Designer;
    5. Project Manager;
    6. Cited project's original and final 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:
    9. Name of Traffic Engineer directly responsible for generating deliverable
    10. For traffic signal timing projects, name of Traffic Engineer implementing and fine tuning traffic signal timings.
    11. List the team members (Prime Firm, Co-Respondents, Joint Venture Parties or Partners and major sub-consultants), along with key personnel which were assigned to or that were under contract, for each previously completed project, provide details regarding their respective roles and note, if they are proposed to be assigned to this project, what role they will play.

        <u>Label assignments as:</u>
        - Traffic Operations design;
        - Traffic Signal design;
        - Traffic Engineering study;
        - ITS design
        - Traffic Signal timing plan development and implementation;
        - Bicycle facility design;
        - Pedestrian facility design;
        - Intersection design;
        - Quality Assurance (design);
        - Plan review coordination (for securing permits)
        - Development of bidding of documents;
        - Field observation/construction phase administration;
        - Project Management;
        - Cost estimating services; and
        - Surveying services.

3. **Proposed Key Personnel/Organizational Chart (Indexed and Labeled as "Tab 7")** – Provide a detailed organizational chart of Respondent's proposed team, identifying key personnel who will be committed to work on the various tasks for this Contract. The Proposed Key Personnel shall consist of a Licensed Consultant with a minimum of five (5) five years demonstrated experience in traffic engineering services.

   Label assignments as:
   a. Coordination of the project and requirements with regulatory agencies and authorities (if any);
   b. Quality assurance/quality control Coordination for submitting applicable notifications;
   c. Proposed Project Principal;
   d. Proposed Project Manager; and
   e. Sub-Consultants (for any services deemed necessary to fulfill the duties under this contract).

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

   Resumes also shall include:
   a. the license type (if applicable) and number of years licensed,
   b. Number of years employed with the firm
   c. Number of years' experience in proposed role corresponding to the assignments included in the organizational chart
   d. City of residence

B. Understanding of the Project and Proposed Management Plan (30 Points)

Respondent shall describe its understanding of the Project and specific issues and challenges likely to be involved, as well as the availability of labor resources (Respondent's capacity to perform) in executing the scope of work required. Respondent shall 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 9")**

   Respondent shall limit its response to the following items to one (1) page:

   a. Describe Respondent's understanding of the primary objectives of the Project; and
   b. Describe the constraints and technical challenges related to design and Respondent's approach to addressing each.
   c. Briefly describe your Firm's understanding of this project, including all of the requirements to successfully complete the project(s). Provide the approach of your firm and/or team partner(s) in meeting those requirements and comprehensively address all the issues, standards and requirements needed to produce a finished project. Include the following.

      1. Describe respondent's approach to master planning and programming;
      2. Describe respondent's project management approach and team organization for the provision of services outlined in this RFQ.
      3. Describe respondent's approach to design management including quality control and quality assurance;
      4. Describe respondent's approach to construction management
      5. Describe respondent's approach to schedule management

2. **Proposed Management Plan (Indexed and Labeled as "Tab 10")**

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

   a. Describe Respondent's approach to obtaining input from stakeholders, assessing biases and gaining consensus and support
   b. Indicate the percentage of time to be devoted to the projects outlined in this RFQ.
   c. Describe your firm's project management approach and team organization for the provision of the services outlined in this RFQ.
   d. Detail the current capacity of key team individuals in your local office and the firm's capabilities to complete the services outlined herein.
   e. Briefly describe the firm's plans for quality control, dispute resolution, and safety management in providing the services outlined in this RFQ.

C. Experience with issues in the San Antonio Region & past experience with the City of San Antonio Contracts (30 points) (Indexed and Labeled as "Tab 11")

City is interested in evaluating Respondent's and Respondent's key Sub-Consultants' experience with San Antonio issues, as may be evidenced by work in San Antonio and the surrounding area, during the past five (5) years. In narrative form, using a maximum of two (2) pages, briefly describe Respondent's and its team's experience in the areas listed below, referencing projects relating to that experience. (Note: you may reference projects included in the project sheets under **Criteria A** above or include other projects, but no additional project sheets shall be provided for this criteria.)

a. Local area construction costs and practices;
b. Engineering community, conditions and constraints;
c. Involvement in project development as it relates to public awareness in the local area;
d. Firm's experience with private and public utilities within the San Antonio or surrounding area;
e. Local site development;
f. Building code requirements; and
g. City of San Antonio Design Guidelines

Note a portion of the scoring for this **Section C** may be based on City'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 Subcontractors
f. Compliance with City standards
g. Conformance to City budget requirements

D. Disadvantaged Business Enterprise (DBE) Obligation

The TCI Department and/or its Consultants agree to ensure that DBEs as defined in 49 CFR Part 26 (**Exhibit C**) have an equal opportunity to participate in the performance of contracts financed in whole or in part with federal funds provided under this agreement. In this regard the TCI Department and its Consultants shall not discriminate on the basis of race, color, national origin, gender, or disability in the award and performance of TXDOT-assisted contracts.

THE DBE GOAL FOR THIS CONTRACT WILL BE **8%**

Evaluation Criteria Summary	Maximum Points
A. Experience, Background, Qualifications of Firm, Key Personnel, and Key Sub-Consultants to deliver all components of the project	**40**
B. Understanding of the Project and Proposed Management Plan	**30**
C. Experience with issues in the San Antonio Region & past COSA Contracts	**30**
Total Maximum	**100 Points**

Required Forms (to be uploaded individually):

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

1. **SUBMITTAL COVER/SIGNATURE SHEET (Form #2)** – Respondent shall include the completed Submittal Cover/Signature Sheet with the other required forms. The Submittal Cover/Signature Sheet shall 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 shall 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.

2. **CONTRACTS DISCLOSURE FORM (Form #3)** – Respondent shall complete the form online at: https://www.sanantonio.gov/eforms/atty/ContractsDisclosureForm.pdf, print a copy of the completed form and 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 shall 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. **DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM GOOD FAITH EFFORT PLAN (Form #5)** – Respondent shall submit a completed DBE Good Faith Efforts Plan.

5. **DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM COMMITMENT AGREEMENT FORM (Form #6) –** Respondent shall submit a completed DBE Commitment Agreement Form.

6. **PROOF OF INSURABILITY** – Respondent shall submit a copy of its current insurance certificate.

7. **CERTIFICATE OF INTERESTED PARTIES TEC FORM 1295** – Effective January 1, 2016, the City of San Antonio is required to comply with Texas Government Code, Chapter 2252, Subchapter Z, and Section 2252.908 (hereafter referred to as "the Code"). The Code states City shall not enter into a contract with a business entity unless and until the business entity has submitted a Certificate of Interested Parties (hereafter referred to as "Form 1295") to City for filing with the Texas Ethics Commission (hereafter referred to as "TEC"). The Form 1295 requirement imposed upon the City applies to **all** contracts:

   a. Having a value greater than $50,000
   b. Requiring San Antonio City Council approval and/or
   c. Renewals, extensions or amendments requiring the approval of the San Antonio City Council.

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

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

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

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

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

   City shall review Form 1295 as part of the Minimum Requirements Review performed upon all submittals 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. 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 bidding will be utilized via CivCast at https://www.civcastusa.com/bids. Online bid services will open for bidding on **January 31, 2020** and close on **March 16, 2020 at 10:00 A.M. CST**. Follow submittal instructions on https://www.civcastusa.com/. **Hard Copies will not be accepted for this solicitation**.

Hard Copies will not be accepted for this solicitation. Submittals sent by facsimile or email will not be accepted.

Please adhere to the following criteria:

- 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 RFQ.
- 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 not page limits for that section.

To correctly submit a response to this RFQ, Respondent shall 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 shall comport exactly with the corporate and franchise records of the Texas Secretary of State and Texas Comptroller of Public Accounts. Individuals and proprietorships, if operating under other than an individual name, shall match with exact Assumed Name filings. Corporate Respondents and limited liability company Respondents shall include the 11-digit Comptroller's Taxpayer Number on the signature page of the Submittal.

VII. AMENDMENTS TO RFQ

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 submittal. If Respondent does not have access to the Internet, Respondent shall notify City, in accordance with **Section VIII**, Restrictions on Communication, 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 RFQ and all changes to this RFQ – if any – shall be made by City only in writing.

VIII. RESTRICTION ON COMMUNICATIONS

Respondent is prohibited from communicating with elected City officials and their staffs regarding this RFQ or Respondent's submittal from the time this RFQ has been released until the contract is posted as a City Council agenda item. A person or entity who seeks or applies for a City contract, or any other person acting on behalf of such person or entity, is prohibited from contacting City Officials and/or employees, regarding such a contract after a request for proposal (RFP), request for qualification (RFQ), request for competitive sealed proposals (RFCSP) or other discretionary solicitation has been released. This no-contact provision shall conclude when the contract is posted as a City Council agenda item. If a contact is required with City Officials and/or employees, such contact shall be done in accordance with procedures incorporated into the solicitation document. Violation of this provision by Respondents or their agents may lead to disqualification of their submittal 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; 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.

These restrictions on communications extend to "thank you" letters, phone calls, emails and all other contact that results in the direct or indirect discussion of this RFQ and/or submittal submitted by Respondent. Violation of this provision by Respondent and/or its agent may lead to disqualification of Respondent's submittal from consideration.

Exceptions to the restrictions on communication with City employees include:

1. Respondent may ask questions concerning this RFQ at the Project's Pre-Submittal Conference.
2. Respondent is highly encouraged to submit written questions concerning this RFQ through the CivCast website at https://www.civcastusa.com/bids until **4:00 PM (Local Time), February 28, 2020**. Questions received after the stated deadline shall not be answered.
3. Respondents and/or their agents are encouraged to contact the TCI Small Business Office of the Transportation & Capital Improvements Department for assistance or clarification with issues specifically related to the City's Disadvantage Business Enterprise (DBE) Program policy and/or completion of the required DBE forms. The point of contact, Courtney McClure, may be reached by telephone at (210) 207-4633 or by e-mail at Courtney.McClure@sanantonio.gov.
4. This exception to the restriction on communication does not apply to the TCI Small Business Office during the solicitation period. After the solicitation closing date, there is no contact permitted to the TCI Small Business Office regarding this solicitation.
5. Respondent shall provide responses to any questions asked of it by City's Staff Contact Person and/or his/her designee about City's DBE Program both before and after responses are received and opened. During the interview stage of this selection, if any, verbal questions to Respondent and Respondent's answers and explanations shall be permitted. If interviews are conducted, Respondent shall not bring lobbyists. City reserves the right to exclude any persons from such selection committee meetings/interviews as it deems in City's best interests.

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 RFQ.

A. A Contract, if awarded, shall be awarded to a Respondent whose submittal 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 submittal in whole or in part. If subsequent contract negotiations are conducted, such negotiations shall not constitute a rejection or alternate RFQ 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 submittals or reject any or all submittals received in response to this RFQ and to waive informalities and irregularities in any submittal received. City also reserves the right to terminate this RFQ, reissue a subsequent solicitation and/or remedy technical errors in the RFQ 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 submittal, all documents listed in the RFQ 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 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 RFQ does not commit City to enter to an agreement or award any services related to this RFQ, 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. (Discretionary Contracts Disclosure) – Instructions and web-link to electronic form are included in **Form 3** of RFQ.

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 shall be deemed to be an Independent Contractor(s), responsible for its/their respective acts or omissions, that City shall in no way be responsible for Respondent's actions and that none of the parties to this award shall have authority to bind the other or to hold out to third parties that it has such authority.

J. Effective January 1, 2006, Chapter 176 of the Texas Local Government Code requires that persons or their agents who seek to contract for the sale or purchase of property, goods or services with City shall file a completed Conflict of Interest Questionnaire (hereafter referred as "CIQ"), with City Clerk not later than the seventh (7th) business day after the date that the person:

(1) begins contract discussions or negotiations with City; or
(2) submits to City an application, response to a request for submittal, offers, correspondence or another writing related to a potential agreement with City. The CIQ form is available from the Texas Ethics Commission at:

https://www.ethics.state.tx.us/data/forms/conflict/CIQ.pdf.

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

https://www.sanantonio.gov/Portals/0/Files/Ethics/OCC-CIQ-Addendum.pdf.

Completed CIQ forms and CIQ addendum forms may delivered by hand to the Office of the City Clerk, Municipal Records Facility, at 719 S. Santa Rosa, San Antonio, TX 78204 or may be mailed to the Office of the City Clerk, P.O. Box 839966, San Antonio, TX 78283-3966. Respondent shall consult its own legal advisor if it has any questions regarding the statute, CIQ form or CIQ Addendum.

K. All submittals 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 submittal, the Pre-Submittal Conference or during any phase of the selection process, if any, shall be borne solely by Respondent.

M. **Solicitation Process Review:** If Respondent desires a review of the solicitation process followed by City, Respondent shall deliver a written request to the Director of TCI within seven (7) calendar days from the date the Notice of Non-Selection was sent. When the TCI Director receives a timely written request, the TCI Director (or his/her designee) shall review Respondents concerns and City's solicitation process for legitimacy and procedural correctness. After performing a full review, the TCI Director shall notify Respondent in writing of his/her determination.

N. **Debriefings:** In an effort to improve solicitation responses, TCI is making available on its website a "Solicitation Response Tip List" that includes the top common items historically that "make or break" submissions to City. Providing this information prior to the due date of the submittal may provide Respondent with an opportunity to develop a better response for a solicitation. As a result of this up-front effort, each Respondent is entitled to one (1) debriefing per calendar year – available after the San Antonio City Council has made the award sought by Respondent – if Respondent:

(a) is not the selected Respondent; and

(b) has not been debriefed since January 1, 2020.

Once Respondent has been debriefed, it shall not be eligible for future debriefings within that calendar year. Any Respondent meeting the above criteria that desires an individual submittal debriefing shall deliver a written request to the TCI Contract Services Division within seven (7) calendar days from the date a Notice of Non-Selection was sent.

O. City reserves the right to verify any and all information submitted by Respondents at anytime during the solicitation/evaluation process.

P. Final approval of a selected firm(s) is subject to the action of the San Antonio City Council.

Q. City reserves the right to contact any Respondent to negotiate a contract, if such action is deemed desirable by City.

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

Texas Government Code §2270.002 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.

R.1 "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.

R.2 "Company" means a for-profit sole proprietorship, 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.

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 affirmation is found to be false, City may terminate the contract for material breach.

S. **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.