

**CITY OF SAN ANTONIO
PUBLIC WORKS DEPARTMENT**



**REQUEST FOR QUALIFICATIONS
("RFQ")**

for

**ON-CALL ARCHITECTURAL SERVICES
RFQ#: PublicWorks04292020JEC**

**Release Date: April 29, 2020
Proposals Due: June 02, 2020; 10:00 AM Central Standard Time (CST)**

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 RFQ or submittal from the time the RFQ 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 RFQ 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 RFQ and/or proposal submitted by Respondent.

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

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

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ATTACHMENTS

Contract Template	Exhibit A
SBEDA Ordinance Contract Provisions	Exhibit B
General Conditions	Exhibit C

Forms to be uploaded in Civcast with Statement of Qualifications:

Submittal Checklist and Table of Contents	Form 1
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Required Forms must be Uploaded/Submitted Individually in Civcast:

Respondent Submittal Cover Sheet	Form 2
Contracts Disclosure Form and Instructions	Form 3
Litigation Disclosure Form	Form 4
SBEDA Subcontractor/Supplier Utilization Commitment Form	Form 5

ON-CALL ARCHITECTURAL SERVICES (RFQ#: PUBLICWORKS04292020JEC)

I. BACKGROUND

The City of San Antonio (hereafter referred to as “City”), Public Works Department (hereafter referred to as “PWD”) is seeking Statement of Qualifications (hereafter referred to as a “SOQ”) from qualified firms to provide professional architectural services for the On-Call Architectural Services Project (hereafter referred to as “the Project”).

Professional architectural services may be utilized during the execution of City projects. This agreement allows consultants to assemble team members of comprised of various disciplines to address potential issues, and to commence services immediately upon City’s recognition of the requirement for services. As part of the Public Works Department’s continuing efforts to improve efficiency, PWD will utilize services under this agreement to expedite project delivery and completion. Consultants may be called upon to provide design services due to unforeseen issues; the level of design could range from extensive to minor, but are imperative for continued facility operation and the provision of community services or benefits. The selected consultant(s) may provide civil architectural services on an as-needed basis for time sensitive situations in connection with City improvements and construction projects.

Selection of the Respondent(s) and performance of the contract resulting from this RFQ shall be governed by requirements of the Texas Professional Services Procurement Act pertaining to architectural services. The contracts resulting from this RFQ shall be for a one-year term with an option to extend one (1) one-year option period(s) for a total amount not to exceed \$800,000.00.

II. SCOPE OF WORK AND GENERAL REQUIREMENTS

The professional architectural services provided under this agreement may include, but are not limited to:

- assessment and evaluation of facilities;
- building design;
- design services for minor interior modifications;
- design and/or evaluation for improved accessibility for the disabled;
- periodic field observation and reporting as required; and
- the development of recommendations for repairs, preparation of plans and specifications, the oversight of any required construction, repair, rehabilitation or alteration of a facility or improvement as necessary.

The scope of work will be specifically identified in Work Tasks provided by City and in the subsequent individually negotiated and City-accepted Consultant proposals.

The Consultant shall commence work on the project once they have been thoroughly briefed regarding the scope of the specific project and have been notified in writing, hereafter known as Notice to Proceed (NTP).

The Consultant, in consideration for the compensation herein provided, shall render professional architectural consulting services, in accordance to agree upon defined scope, as necessary for the development of the Project to final completion.

III. SCHEDULE OF EVENTS

The following tentative schedule has been prepared for this project:

Pre-Submittal Conference:	May 13, 2020 @ 10AM
Deadline for Submission of Written Questions:	May 19, 2020
Responses Due:	June 02, 2020
Interviews, if necessary	July 2020
Anticipated City Council Consideration	September 2020

IV. PRE-SUBMITTAL CONFERENCE

A Pre-Submittal Conference is scheduled, for **Wednesday, May 13, 2020 at 10:00 a.m. CST**. 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): 800 713 157
Meeting password: 7nFDTAKKe64

Join meeting:

<https://sanantonio.webex.com/sanantonio/j.php?MTID=med43c49da695e3176ff217c3260d58e6>

Attendance at the Pre-Submittal Conference is optional, but highly encouraged.

Respondents who join the WebEx Pre-Submittal Conference are highly encouraged to email the solicitation's point of contact person confirming Respondent attendance and participation through the WebEx.

Respondent is encouraged to submit written questions concerning this RFP 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.

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 (45 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 of Respondent. Respondent shall provide a narrative, on (1) page, describing the Respondent’s qualifications, as they relate to the referenced scope of services in this solicitation.
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 Manager;
 5. Superintendent;
 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: _____
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.

Label assignments as:

- a. Project Manager
- b. Superintendent
- c. Safety Coordinator
- d. Chief Estimator

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 (35 Points)

Respondent shall describe its understanding of the Project and specific issues and challenges Respondent likely sees shall 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 RFQ contract;
- b. Describe the constraints and technical challenges, Respondent foresees related to design and construction while exercising this contract, and
 - Respondent's approach to addressing each.

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 project management approach and team organization, for the provision of the services outlined in this solicitation;
- b. Describe Respondent's Quality Control/Quality Assurance process, approach and capabilities to maintain quality control of all documents and construction;
- c. Describe Respondent's approach to managing the quality of Subcontractors;
- d. Describe Respondent's ability to coordinate work with all Project stakeholders;
- e. Describe Respondent's approach to assuring timely completion of projects, including methods for schedule recovery, if necessary.

C. Experience with issues in the San Antonio Region & past experience with the City of San Antonio Contracts (20 Points) (Indexed and Labeled as "Tab 11")

The City is interested in evaluating Respondent's team (including Sub-consultant(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 ten (10) years. In narrative form, using a maximum of two (2) pages for Respondent's response and one (1) page for Sub-consultant(s) response, if applicable, briefly describe Respondent's team experience in the following areas, referencing projects related to that experience:

- a. local area construction costs and practices;
- b. local environmental 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

More than one (1) project may be referenced per page, and projects should be discussed in reverse chronological order. (Note: You 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 you are 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 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

Evaluation Criteria Summary	Maximum Points
A. Experience, Background, Qualifications of Firm, Key Personnel, and Key Sub-Consultants	45
B. Understanding of the Project and Proposed Management Plan	35
C. Experience with issues in the San Antonio Region & past COSA Contracts	20
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/att/ContractsDisclosureForm.pdf>, print a copy of the completed form and submit as part of the required uploads in CivCast. 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 as part of the required uploads in CivCast. 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 UTILIZATION PLAN or COMMITMENT FORM (Form #5)** – Respondent shall submit a completed and signed [Subcontractor/Supplier Utilization Commitment Form indicating Respondent’s firm commitment to satisfy the established (**Enter 25%**) subcontracting goal to a M/WBE 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 uploads. The Waiver Request Form may be download at <https://www.sanantonio.gov/SBO/Form>.
5. **PROOF OF INSURABILITY** – Respondent shall submit a copy of its current insurance certificate.
6. **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 through the CivCast website, 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 Wednesday, April 29, 2020 and close on Tuesday, June 02, 2020 at 10:00 A.M. CST.** Follow submittal instructions on <https://www.civcastusa.com/>.

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

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

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 RFQ or proposal from the time the RFQ 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 RFQ 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 RFQ 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 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 CST, Tuesday, May 19, 2020**. Questions received after the stated deadline shall not be answered.
3. 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, Diane Nicho, Interim Economic Development Manager, may be reached by telephone at Diane.Nicho@sanantonio.gov.
4. This exception to the restriction on communication does not apply to the Small Business Office during the solicitation period. After the solicitation closing date, there is no contact permitted to the 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 SBEDA 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. (Contracts Disclosure Form) – 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 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 PW within seven (7) calendar days from the date the Notice of Non-Selection was sent. When the PW Director receives a timely written request, the PW 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 PW Director shall notify Respondent in writing of his/her determination.
- N. **Debriefings:** In an effort to improve solicitation responses, PW 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 PW 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.

T. 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 RFP 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 RFP is made in reliance thereon, that it, has not knowingly or intentionally failed to comply with this subchapter in a previous RFP 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.