



# **REQUEST FOR QUALIFICATIONS (RFQ)**

## **NON-SERVICE ALLEY INVENTORY (NSA) RFQ: #PW122021DH**

**Release Date: December 20, 2021  
Proposals Due: January 25, 2022, at 10:00 AM Central Time (CT)**

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### **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**

<b>Contract Template</b>	Exhibit A
<b>SBEDA Ordinance Contract Provisions</b>	Exhibit B
<b>Insurance Requirements</b>	Exhibit C

**Forms for Submittal with Statement of Qualifications:**

Submittal Checklist and Table of Contents	Form 1
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**Required Forms (to be uploaded individually):**

Submittal Cover/Signature Sheet	Form 2
Contracts Disclosure Form	Form 3
Litigation Disclosure Form	Form 4
SBEDA: Subcontractor/Supplier Utilization Plan	Form 5

# NON-SERVICE ALLEY INVENTORY (NSA) (RFQ: PW122021DH)

## I. BACKGROUND

The City of San Antonio (City), Public Works Department (PW) is issuing a Request for Qualifications (RFQ) seeking Statement of Qualifications (SOQ) from qualified firms (Respondents) to provide an assessment of the entire city inventory of Non-Service Alleys (NSA) within the City of San Antonio to identify the conditions of NSAs and the respective roles and responsibilities of the City, utilities, and private citizens.

Currently, the City has an inventory of 4,103 Non-Service Alleys (NSA). NSAs are those alleys not receiving collection services by the Solid Waste Management Department. Per Chapters 14 and 35 of the Unified Development Code (UDC), the NSAs are the responsibility of the property owner to maintain. However, many of the alleys are neglected in the form of overgrown vegetation and rutting, resulting in many of the alleys experiencing drainage and ponding issues. The Public Works Department is concerned with the condition of NSAs and the respective roles and responsibilities of the City, utilities, and private citizens to provide for their maintenance.

In FY 2021, through the use of an on-call contract, the Public Works Department hired a consultant to perform a Pilot Program of approximately 10% of the NSA inventory (425 NSAs) in Districts 1 and 7. The purpose of the pilot program was to identify ownership (public or private), classification of the alley use (utility, drainage), and perform a condition assessment (identify accessibility and defect issues). As a result of this pilot program, the Public Works Department is seeking to perform this same effort for the remaining 3,678 NSA locations citywide.

This project's duration is approximately for one year and the Agreement term is until project completion and is not to exceed amount of \$448,000.00.

## II. SCOPE OF WORK AND GENERAL REQUIREMENTS

For the entire City inventory of Non-Service Alleys (NSA), scope of services includes research property records to identify NSA ownership, classify the alley use, and identify the existence of utilities within each NSA. Additionally, an assessment based on field verification must be made to identify the condition of the NSA surface (accessibility) and to pinpoint the location(s) of utility infrastructure defects that should be addressed by the applicable utility companies. The data deliverable must include the research data relied upon to identify NSA ownership, the GIS location of each NSA, point locations of utility defects, and .jpg formatted photos of the starting and ending point of each NSA segment as well as photos of the individual point defects.

At the time of data delivery, the GIS data must be compatible with the City of San Antonio's version of ESRI ArcGIS. The GIS data must be in a File Geodatabase format and must be projected in the NAD 1983 State Plane Texas South Central FIPS 4204 Feet coordinate system. A map package GIS deliverable is preferred. This deliverable must be integrated with the data deliverable received from the FY 2021 NSA Pilot Project to result in a single comprehensive dataset.

The City will administer, this agreement through its Internet-Based Project Management System, PRIMELink. In such case, Consultant shall conduct communication through PRIMELink and perform all Project-related functions utilizing PRIMELink, with the exception of Sub-Consultant payment monitoring activities through City's Contract Management System (CCMS). This includes correspondence, submittals, requests for information, vouchers, compensation requests and processing, amendment, change orders and other administrative activities. The City will administer the PRIMELink software, provide PRIMELink training to Project Team Members and will make the software accessible via the Internet to all necessary Project Team Members. All invoices for this agreement will be submitted through PRIMELink.

## III. SCHEDULE OF EVENTS

The following tentative schedule has been prepared for this project:

<b>Pre-Submittal Conference:</b>	<b>January 6, 2022; 2:00 PM, CT</b>
<b>Deadline for Submission of Written Questions:</b>	<b>January 13, 2022, 4:00 PM, CT</b>
<b>Responses Due:</b>	<b>January 25, 2022, 10:00 AM CT</b>
<b>Interviews, if necessary</b>	<b>March 2022</b>
<b>Anticipated City Council Consideration</b>	<b>May 2022</b>

#### IV. PRE-SUBMITTAL CONFERENCE

A Pre-Submittal Conference is scheduled for **January 6, 2022, at 2:00 p.m. CT** via WebEx meeting. Respondents may join the WebEx using the following instructions:

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

**Meeting number (access code): 2460 274 9645**

**Meeting password: XFgPUhy56c2**

**Join meeting: <https://sanantonio.webex.com/sanantonio/j.php?MTID=m57562e2ae6fdce0c800c6600e7563fd4>**

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's attendance and participation through the WebEx.

Respondent is encouraged to submit written questions concerning this RFQ 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 proposals received in response to this RFQ. 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 RFQ. 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. Final approval of a selected Respondent is subject to the action of the San Antonio City Council.

Respondent's proposal shall 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 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 "Tab 2")** – 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 (Indexed and labeled as "Tab 3")** – Respondent shall review the Contract Template provided hereto, and made a part hereof and labeled as **Exhibit A** and provide written acknowledgment that Respondent accepts the terms, conditions and requirements of the City's contract, in Respondent's submitted proposal under "**Tab 3**".
4. **LETTERS OF REFERENCE (required) (Indexed and labeled as "Tab 4")** – Respondent must 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 proposal. to indicate its team has met or exceeded the minimum qualifications provided in **Section V** of this RFQ in proposal.

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 proposal shall include five (5) 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, including proposed team's involvement in, the cited project;
  4. Project Manager;
  5. 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 & Title 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. Principal/Partner
  - b. Project Manager
  - c. Senior Project Engineer/Lead
  - d. Project Engineer/Lead
  - e. Sub-consultants (for any services deemed necessary to fulfill the duties of 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 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 Project.
- b. Describe the constraints and technical challenges related to the scope of work as outlined in this RFQ, Respondent foresees 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 services provided.
- c. Describe Respondent’s approach to managing the work quality of sub-consultants, as applicable.
- d. Describe Respondent’s ability to coordinate work with all Project stakeholders.
- e. Describe Respondent’s approach to assuring timely completion of work or services, including methods for schedule recovery, if necessary.

**C. Experience with the San Antonio Region & Past Performance (15 Points) (Indexed and Labeled as “Tab 11”)**

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 Sub-consultants(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. Environmental conditions and constraints.
- b. Involvement with the public, citizens and other stakeholders
- c. Respondent’s experience with private and public utilities.
- d. Site development practices.
- e. City and Building code requirements.

2. 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 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. SBEDA (10 Points)**

**SBE Prime Contract Program – 5 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 (5) evaluation criteria points, and

**M/WBE Prime Contract Program – 5 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 (5) evaluation criteria points.

Below is the Evaluation Criteria Summary:

<b>Evaluation Criteria Summary</b>	<b>Maximum Points</b>
<b>A. Experience, Background, Qualifications of Respondent, Key Personnel, and Key Sub-Consultants</b>	<b>45</b>
<b>B. Understanding of the Project and Proposed Management Plan</b>	<b>30</b>
<b>C. Experience with the San Antonio Region &amp; Past Performance</b>	<b>15</b>
<b>D. SBEDA</b> <b>SBE Prime Contracting Program – 5 Points</b> <b>M/WBE Prime Contracting Program – 5 Points</b>	<b>10</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:

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. Respondent is required to enter the Texas Secretary of State Filing Number and the System of Award Management (SAMS) DUNS and/or CAGE number.
2. **CONTRACTS DISCLOSURE FORM (Form #3)** – Respondent shall 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 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. **SMALL BUSINESS ECONOMIC DEVELOPMENT UTILIZATION Plan (Form #5)** – Respondent shall submit a completed and signed Subcontractor/Supplier Utilization Plan.
5. **PROOF OF INSURABILITY** – Respondent shall submit a copy of its current insurance certificate.

6. **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 submission will be via CivCast at <https://www.civcastusa.com/bids>. Online submission services will open for submitting proposals on **December 20, 2021, and close on January 25, 2022, at 10:00 a.m. CT**. Follow submittal instructions on <https://www.civcastusa.com/>. **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 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 no 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 Proposal.

## **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 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 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 verbal questions concerning this RFQ at the Project's Pre-Submittal Conference.
2. Respondent must submit questions concerning this RFQ through the CivCast website at <https://www.civcastusa.com/bids> until **January 13, 2022, at 4:00 p.m. CT**. 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 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.
4. 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 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 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 proposals or reject any or all proposals received in response to this RFQ and to waive informalities and irregularities in any proposal 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. **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 shall 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 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 Public Works within seven (7) calendar days from the date the Notice of Non-Selection was sent. When the Public Works Director receives a timely written request, the Public Works 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 Public Works Director shall notify Respondent in writing of his/her determination.
- N. **Debriefings:** In an effort to improve solicitation responses, Public Works 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 proposal 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, 2021**
- 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 proposal debriefing shall deliver a written request to the Public Works 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 any time 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:**

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.

**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 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.