



REQUEST FOR QUALIFICATIONS (RFQ)

Pavement Maintenance Management Program RFQ: #AVI012523JR

Release Date: January 27, 2023
Submittals Due: March 10, 2023, at 2:00 PM Central Time (CT)

This solicitation has been identified as High-Profile.

PROHIBITED CAMPAIGN CONTRIBUTIONS

Notice Regarding Prohibition on Campaign or Officeholder Contributions for Individuals and Entities Seeking High-Profile Contracts. Under Section 2-309 of the Municipal Campaign Finance Code, the following are prohibited from making a campaign or officeholder contribution to any member of City Council, candidate for City Council or political action committee that contributes to City Council elections beginning on the *10th business day after a contract solicitation has been released through the 30th calendar day following the approval by City Council ("blackout" period):

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

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

For this solicitation, the first-day contributions are prohibited is **Friday, February 10, 2023.
The first day contributions may be made is the 31st day after the contract is approved at a City Council "A" Session.*

RESTRICTIONS ON COMMUNICATIONS

In accordance with and as authorized by Section 2-61 of the City Code, the following restrictions on communications apply to this solicitation: Respondents are prohibited from contacting 1) City officials, as defined by §2-62 of the City Code of the City of San Antonio, regarding the 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 submittal 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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Respondent's submittal must contain the following documents. Required Forms must be uploaded individually in CivCast.		
No Form #	Statement of Qualifications (Criteria A, B, C)	-
Form 1	Submittal Checklist and Table of Contents	-
Form 2	Submittal Cover/Signature Sheet	-
Form 3	Contracts Disclosure Form	-
Form 4	Litigation Disclosure Form	-
Form 5	DBE Forms	-
No Form #	Proof of Insurability (Current Certificate of Insurance)	-
No Form #	Certificate of Interested Parties - TEC Form 1295	-

Pavement Maintenance Management Program

(RFQ: # AVI012523JR)

I. BACKGROUND

The City of San Antonio (City), Aviation Department (Department) is issuing a Request for Qualifications (RFQ) seeking Statement of Qualifications (SOQ) from qualified firms (Respondents) with demonstrated technical capabilities and aviation experience to update or provide a Pavement Maintenance Management Program (PMMP) for the airfield, vehicle service (emergency response or perimeter) roads, and landside roadway and parking lot pavement surfaces as required by the Federal Aviation Administration (FAA).

A. HISTORY

The Department routinely updates both its Airfield PMMP and Vehicle Service Road PMMP at San Antonio International Airport (SAT) every three years in accordance with FAA guidelines for pavement management. The Department plans to initiate development of a PMMP for the landside roadway and parking lot surfaces at SAT.

The PMMPs are a key planning document routinely incorporated into the Airport Capital Improvement Plan (ACIP) developed annually in partnership with the FAA. The ACIP is incorporated into the City's 6-year Capital Budget. Once the landside roadway and parking lot PMMP is established, this plan will also be incorporated into the City's 6-year Capital Budget.

B. PURPOSE AND INTENT

The purpose of the PMMP is to evaluate, document, and recommend short-term and long-term maintenance, rehabilitation, and budget requirements to extend the useful life of the various pavements at SAT. The Department's intent is to perform PMMP updates on an annual basis, rotating between the different areas listed below on a three-year cycle.

- Airfield pavements (runways, taxiways, aprons, and taxi lanes)
- Airside service roads (emergency response roads or perimeter roads)
- Landside pavement (roadways and parking lots)

The City intends to award one (1) contract, as a result of this RFQ. The base contract term shall be an initial period of three (3) years. At City's option, this contract may be renewed under the same terms and conditions for up to one (1), three (3) year period. Each term shall be for a not to exceed amount of \$1,100,000 for a total not to exceed amount of \$2,200,000 for the initial term, and all additional periods. The award of this contract does not guarantee the entire work shown in this RFQ; the City may order all, some, or none of the work shown in this RFQ.

II. SCOPE OF WORK, PROJECT OBJECTIVES, AND GENERAL REQUIREMENTS

Respondents must be experienced in the design of pavements (runways, taxiways, aprons, vehicle roadways, and parking lots, etc.), have prepared a PMMP for airports of similar size, and be proficient with PAVER or other similar software, all in accordance with current FAA Advisory Circulars (ACs).

The selected Respondent shall be responsible for completing the following project tasks:

- Prepare and update the pavement network definition map to show branches, sections, and sample units.
- Perform a Pavement Condition Index (PCI) assessment of both asphalt and Portland Cement Concrete (PCC) pavements by conducting a manual visual inspection of airfield pavements, airside and landside roadways and parking lots.
- Compute the PCI for each pavement section and determine the overall area-weighted PCI
- Develop or update pavement distress maps.
- Calculate the airport pavement strength using the Aircraft Classification Rating – Pavement Classification Rating (ACR-PCR) method.
- Non-destructive structural testing and end-of-life evaluation.

- Conduct geotechnical investigations for pavement sections that do not have historical data.
- Establish or update a PMMP database using the latest version of PAVER or other similar software.
- Customize user defined policies and data in PAVER or similar software to reflect local practice and costs appropriate for the type of pavement.
- Conduct analysis with PAVER or similar software by developing a (minimum) 6-year maintenance work plan and capital improvement plan.
- Prepare technical report which documents the findings of the study.
- Perform GIS map-linking of the study maps to the PAVER database or similar software.

III. SCHEDULE OF EVENTS

The following tentative schedule has been prepared for this project:

Request for Qualifications Advertisement	January 27 2023
Pre-Submittal Conference:	February 3, 2023, 9:00 AM (CT)
Deadline for Submission of Written Questions:	February 15, 2023, 4:00 PM (CT)
Responses Due:	March 10, 2023
Interviews, if necessary	April 2023
Anticipated City Council Consideration	May 2023

IV. PRE-SUBMITTAL CONFERENCE

A Pre-Submittal Conference is scheduled for **February 3, 2023, at 9:00 a.m. CT** in-person at Terminal A Mezzanine Conference Room, **San Antonio International Airport 9800 Airport Blvd, San Antonio, Texas, 78216** and **via WebEx** meeting. Respondents may join the WebEx using the following instructions:

Join by phone: 1-415-655-0001

Meeting number (access code): 2453 093 0960

Meeting password: COSA

Join meeting: <https://sanantonio.webex.com/sanantonio/j.php?MTID=ma1ddf95ad4bd5bd67f0e82a642df3a39>

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.

Respondents are 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. 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 will appoint a selection committee to perform the evaluation of the received submittals. Each submittal received by City will 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 deemed reasonably qualified for award. Final approval of a selected Respondent is subject to the action of the San Antonio City Council.

Respondent's submittal 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 shall state the number of years conducting Pavement Maintenance and Management Plans for Aviation client(s)/airport(s) and municipally/state/federally owned roadway system(s).
3. **CONTRACT TEMPLATE REVIEW (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 Template in Respondent's submitted proposal under **"Tab 3"**. **(Note: To be added via Amendment)**
4. **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 required qualifications provided in **Section V** of this RFQ in submittal.

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

A. Experience, Background, Qualifications of Respondent, Key Personnel and Key Subconsultants (50 Points)

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

1. **Qualifications (Indexed and Labeled as "Tab 4")** – Provide descriptions of the Prime's experience with the each of the following: The Qualification summary shall be limited to two (2) pages.
 - a. Demonstrated working experience with pavement evaluations using FAA standards
 - b. Use and understanding of PAVER or similar software.
 - c. Demonstrated knowledge and experience in creating and maintaining a PMMP to include key components of the PMMP such as network definitions, sections, visual inspections, and ACR-PCR calculations.
 - d. Demonstrated knowledge and use of creating pavement maintenance and rehabilitation cost and budget estimates.
2. **Team Profile (Indexed and Labeled as "Tab 5")** – Provide a description of the Respondent team, their qualifications and experience, including Prime Firm, Joint Venture Parties or Partners and Sub-Consultants and identify which services they are proposed to provide (limited to five (5) pages). Include teaming rationale and objectives. Include key team members such as Project Manager, Lead Pavement Engineer, Project Engineer, and Project Estimator.
3. **Proposed Key Personnel/Organizational Chart (Indexed and Labeled as "Tab 6")** – Provide a detailed organizational chart or graphic representation of your team, identifying key personnel who shall be assigned to work on the tasks assigned through this professional service agreement. Describe, in graphic and written form, the proposed assignments and lines of authority and communication for each team member to be directly involved in the project(s). Also identify the firm for which each team member is employed.

4. **Project Sheets (Indexed and Labeled as “Tab 7”)** Using one (1) page for each Project Sheet, identify four (4) similar projects performed by the Prime within the last five (5) years to include two airfield pavement and two roadway or parking lot pavement projects. Subconsultants, using one (1) page for each Project Sheet, shall also identify up to four (4) similar projects completed in the last five (5) years. Each Project Sheet should be no more than one (1) pages with a maximum of eight (8) pages for this section to include the following:
 - a. Project name and description which highlights how Respondent meets Qualifications provided in Section V of this RFQ.
 - b. List of team members (Prime Firm, Joint Venture Parties or Partners and major Subconsultants) along with key personnel who were assigned to or who were under contract for each Project. Provide role of proposing firm on the Project (Prime, Subconsultant, etc.) as well as individuals’ respective roles. If any are proposed to be assigned to or contracted for the Project resulting from this RFQ, note what role they will be assigned.
 - c. Relevant Project Dates: Task start date and Task completion date
 - d. The owner’s name and the name of the Owner’s Representative (if different) who served as the owner’s day-to-day liaison during the project pavement inspections and plan development in the following format:
 - Name of Owner:
 - Name of Owner’s Representative:
 - Representative’s Phone Number:
 - Representative’s E-mail:
 - e. Description of the project.
 - f. Photographs of the pavement inspections and other pertinent photos.

5. **Resumes (Indexed and Labeled as “Tab 8”)** Respondent shall provide a one-page resume for each key team member identified in the Organizational Chart. Resumes should link back to Project Sheets, if applicable. If person did not work on the Project Sheet projects, then the resume should show projects where the person performed similar roles proposed for the City’s project. Resumes shall include:
 - a. License type (if applicable) and number of years licensed
 - b. Certification or other role specific recognitions, and number of years
 - c. Number of years employed with the Respondent or Subconsultant firm
 - d. Number of years of experience in proposed role as identified on the Organizational Chart
 - e. Number of years of experience working on pavement design projects
 - f. Number of years of experience working on aviation related projects
 - h. City/State of residence and City/State of office from which person is officially based, if different

6. **Experience Matrix for Proposed Staff (Indexed and Labeled as “Tab 9”) –** Complete the Staff Experience Matrix (Exhibit H) to include all proposed team members, Prime, Joint Venture Parties and Partners and Sub-Consultants indicating demonstrable experience, in years, of each individual proposed on the Organizational Chart. Respondents may duplicate the form if more than one page is needed. The Experience Matrix may be an 11” x 17” page. Additional areas of expertise may be added by the Respondent if needed to represent Team experience.

B. Understanding of the Project and Proposed Management Plan (30 points) Respondent shall submit information in a brief narrative plan which clearly and concisely describes the organizational structure, resource availability, and approach to project management and execution over the life of the contract. This section shall be limited to five (5) pages indexed and labeled as **Tab 10**” in the submittal.

1. Describe Respondent’s approach to management and coordination of team members.
2. Detail the current capacity of key personnel and their availability, and the Respondent’s capabilities to respond to assigned projects to complete the services outlined herein.

4. Briefly describe Respondent's understanding of the City and Department's unique issues, constraints, nuances, or other factors that may affect the successful completion of assignments. Provide the approach of your Respondent Team to meet and manage those factors and comprehensively address all the issues, standards and requirements needed
5. Include, in the narrative, the Respondent's approach to:
 - a. PMMP updates
 - b. development of new PMMPs, including considerations for future updates
 - c. schedule management and budget management
 - d. project management
 - e. requested work proposal response
 - f. quality control, quality assurance, safety management and lessons learned
6. Describe the Respondent's approach to Department, City, and stakeholder involvement and to providing seamless, successful delivery of the services outlined in this RFQ
7. Provide information related to Respondents or any of its proposed team members' failure to complete any contract awarded and an explanation. If Respondent and its proposed team members have never failed to complete a contract awarded, please include a statement affirming this.
8. Describe Respondent's approach to the assignment if data/information was needed prior to completion of the PMMP report for use in coordinating pavement needs.

C. Disadvantaged Business Enterprise (DBE) Program Requirements (20 Points) (Indexed and Labeled as "Tab 11")

This is a DOT federally assisted contract and therefore Disadvantaged Business Enterprise (DBE) Program requirements of 49 CFR Part 26 applies.

Notification is hereby given that a DBE contract specific goal has been established for this RFQ. The applicable DBE goal is 9% of the total dollar of the contract value.

Respondent **must** make good faith efforts by either of the following things:

1. Documents that it has obtained enough DBE participation to meet the goal; or
2. Documents that it made adequate good faith efforts to meet the goal, even though it did not succeed in obtaining enough DBE participation to do so.

DBE participation shall be evaluated based on the good faith efforts participation plan and other information submitted by Respondent as set forth in the DBE Program Requirements, DBE Exhibits, and DBE Forms 1-2 and if applicable DBE Form 4. If these required DBE forms and documentations are not submitted with this solicitation, the RFQ submittal will not be accepted for consideration.

The DBE Liaison Officer will evaluate the "good faith efforts" of a firm. If the DBE Liaison Officer determines the respondent failed to do so, then the respondent will be deemed non-responsive.

DBE EVALUATION CRITERIA

The following DBE Participation Percentage Points (20% total) shall be utilized for the award of this project:

- a. Up to 10 points based on Respondent's Diversity Equity Inclusion Statement which describes and meets the following criteria:
 - Respondent's Business Diversity Plan which should include, but not be limited to, the following types of information: commitment in addressing diversity; activities to be taken to assure equal employment opportunity for all persons, regardless of race, color, religion, age, national origin, citizenship status, or disability; and institutional strategies to ensure diversity
 - Respondent has achieved significant and meaningful diversity in its team compilation
 - Respondent has shown positive historical DBE utilization on previous contracts
- b. 10 points based on Respondent meeting the DBE goal.
 - There is no partial credit or partial points

Note: Diversity Equity Inclusion Statement does not have a limit and shall be included with RFQ

submittal.

The selection process for this RFQ will be based on the information submitted by Respondent as set forth in the DBE Program Requirements, DBE Exhibits and DBE Forms 1-2 and if applicable DBE Form 4. If these required DBE forms and documentations are not submitted with this solicitation, the RFQ submittal will be deemed non-responsive.

Below is the Evaluation Criteria Summary:

Evaluation Criteria Summary	Maximum Points
A. Experience, Background, Qualifications of Respondent, Key Personnel and Key Subconsultants	50
B. Understanding of the Project and Proposed Management Plan	30
C. Disadvantaged Business Enterprise (DBE) Program	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. 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. DISADVANTAGE BUSINESS ENTERPRISE (DBE) PROGRAM FORMS (Form #5, Exhibit F)** Respondent shall submit completed and signed: DBE Good Faith Effort Plan for Federally Funded Contracts (DBE Form 1), Letter(s) of Intent (DBE Form 2) for all firms to be utilized on this contract and if applicable DBE LLC/Joint Venture Information and JV draft Agreement (DBE Form 4). DBE Current Certificates for all DBE firms identified. Submit and complete Bidder's List Collection Form (DBE/ACDBE Form 5) online at <https://flysanantonio.com/business/doing-business-with-sat/business-opportunities/bidders-list-collection-form/>
- 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

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. RFQ: AV122122DR, RFO: 6100001234 or RFCSP: PW051822DR).

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 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. 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 statement of qualifications on **January 27, 2023, and close on March 10, 2023, at 2:00 p.m. CT**. Follow submittal instructions on <https://www.civcastusa.com/>. **Hard copies and submittals sent by facsimile or email will not be accepted.**

Please adhere to the following criteria:

- "Page" means one electronic page
- Sheets are 8.5"x11" unless otherwise stated
- 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 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, 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 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 submittal submitted by Respondent.

Violation of this provision by Respondent and/or its agent may lead to disqualification of Respondent's 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, 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 **February 15, 2023, 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 Aviation Department's DBE Liaison Officer, Barbara Patton, for assistance or clarification with issues specifically related to the Disadvantaged Business Enterprise (DBE) Program policy and/or completion of the required DBE forms. The point of contact, Barbara Patton, may be reached by telephone at (210) 207-3592 or by e-mail at BODD@sanantonio.gov. After the

solicitation closing date, there is no contact permitted to Ms. Patton or her Business Opportunity & Diversity Development (BODD) staff regarding this solicitation.

4. Respondent shall provide responses to any questions asked of it by the DBE Liaison Officer and/or BODD staff about 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 the Respondent determined to be the most qualified to successfully complete the Project based on demonstrated competence and qualifications t, 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 this 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/att/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. City reserves the right to verify any and all information submitted by Respondents at any time during the solicitation/evaluation process.
- N. Final approval of a selected firm(s) is subject to the action of the San Antonio City Council.
- O. City reserves the right to contact any Respondent to negotiate a contract, if such action is deemed desirable by City.

P. **TEXAS GOVERNMENT CODES**

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.

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.

"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.

"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.

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.

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.

"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).

"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.

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.

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.

"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.

"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.

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.

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". Respondent 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 Respondent's certification. If found to be false, or if Respondent is identified on such list during the course of its contract with City, City may terminate this Agreement for material breach.

Q. 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 submittal, 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 submittal or terminate the Contract for material breach.