



REQUEST FOR QUALIFICATIONS (RFQ)

CONSTRUCTION MATERIALS TESTING SERVICES ON AN IDIQ BASIS RFQ#: AVI072523AP

Release Date: July 25, 2023

Proposals Due: September 8, 2023, at 2:00 PM Central Time (CT)

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 **Tuesday, August 8, 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 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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Form #	Required Forms	
Respondent's submittal must contain the following documents. Required Forms must be uploaded individually in CivCast.		
No Form #	Statement of Qualifications (Criteria A, & B)	-
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	-

CONSTRUCTION MATERIALS TESTING SERVICES ON AN IDIQ BASIS RFQ#: AVI072523AP

I. BACKGROUND

The City of San Antonio (City) is seeking Statement of Qualifications (SOQ) from qualified firms interested in providing Construction Materials Testing Services (CMT Services) on an Indefinite Delivery Indefinite Quantities (IDIQ) basis to the Aviation Department (Department) as needed for various Aviation projects at both the San Antonio International Airport (SAT) and Stinson Municipal Airport (SSF).

The Department's intent is to gain timely access to CMT Services by entering into one or more IDIQ Professional Services Agreement(s) (PSAs) with qualified, selected Respondents (Consultants). Projects for which CMT Services may be required include, but are not limited to:

- New and/or Rehabilitated Airfield Pavements (Runways, Taxiways, Aprons)
- New, Relocated, and/or Modified Airfield Facilities (Drainage Structures, Utility Duct Banks, etc.)
- New and/or Rehabilitated Vehicle Roadways (Landside and Airside)
- New Vertical Construction, and/or
- Modifications to Existing Structures (Terminals, Parking Garages, etc.).

Once the responses have been reviewed and Respondents have been selected, the Department will seek the City Council's approval of an ordinance authorizing the total funds that may be expended ("Authorized Expenditure") under the PSA(s). The City does not guarantee that the Authorized Expenditure will be spent under the PSA(s). The City does not guarantee to use any selected Respondent for any minimum amount of work, any minimum percentage of work, or any minimum value of work.

The awarded firms shall provide Construction Materials Testing Services (CMT Services) on an Indefinite Delivery Indefinite Quantities (IDIQ) basis to the Aviation Department (Department) as needed for various Aviation projects at both the San Antonio International Airport (SAT) and Stinson Municipal Airport (SSF) in connection with this RFQ and resulting Contract(s) for a three-year (3) initial term with an option to extend two (2), one-year renewal periods. All contracts to be awarded with terms to include initial and extensions shall not exceed the total amount of \$1,500,000.00 The City anticipates awarding 3 contracts as a result of this RFQ.

II. SCOPE OF WORK AND GENERAL REQUIREMENTS

CMT Services to be provided under the PSA(s) resulting from this RFQ must be compliant with ASTM standards and FAA requirements, including those set forth in FAA Advisory Circular (AC) 150/5370-10G (Exhibit H), Standards for Specifying Construction on Airports, or most current version. A listing of specific tests is provided in RFQ Exhibit E – Summary of Required Tests. All CMT Services shall include, but not be limited to, the following:

Provide all labor, equipment, and transportation necessary to complete CMT Services in a timely fashion to meet project timelines.

All tests will be conducted under the guidance and direction of a registered professional engineer or professional licensed to work in the State of Texas, as required by law.

Maintain qualified staff to respond to Department's CMT Service requirements throughout the term of the contract. Provide staff for regular, overtime, night, and weekend work, as requested by Department. Respondent must be able to provide at a minimum the following personnel and facilities with the experience indicated:

Field Testing Personnel

Testing functions occurring in the field such as density testing, material sampling, or specimen preparation may be performed by accredited laboratory personnel or other qualified personnel. Unless otherwise specified, field-testing personnel shall have a minimum of two-years of experience in field-testing of the material being placed or constructed. In lieu of 1-year of working experience, a certificate of completion from an acceptable training course may be accepted subject to FAA approval.

Laboratory Personnel

The supervisors of the main testing laboratory and/or field laboratory shall have a minimum of two years prior employment with a testing laboratory with approved accreditation. The laboratory supervisor is ultimately responsible for the testing activity but need not be present for field sampling or field-testing.

Testing Laboratory

The laboratory must have proper accreditation for the specific tests required of the specified material. The laboratory accreditation must be current and listed on the accrediting authority's website. For FAA standard paving materials, the accreditation shall be from a nationally recognized accreditation program (AASHTO, NVLAP, A2LA, etc.) as opposed to a State Highway program. All test methods required for acceptance sampling and testing must be listed on the lab accreditation.

Promptly forward to Department Project Manager a weekly log on tests and test results in Adobe PDF to avoid any delay in construction progress. At the end of the project, provide a compact disc of all reports in Adobe PDF, which will include the testing lab's letterhead and signed document by a Professional Engineer or appropriate licensed Professional, of the test results which include:

- a. the project name
- b. date(s)/ time(s)/ location(s) of service
- c. report identification number
- d. price of tests performed and quantity performed
- e. test results
- f. agreement standards controlling the test(s)
- g. compliance or noncompliance with the specifications
- h. any extenuating circumstances affecting the test(s) or result(s)
- i. observations to include service time chargeable to delays, rescheduling and overtime premiums
- j. if manpower is involved, provide names, classification and hours
- k. number of trip(s) with work performed on the project
- l. name of person who ordered the test(s)
- m. identify any and all re-test services

At the end of each Project, provide a final report that includes final test results and a quality control report that documents the results of all tests performed. Highlight tests that failed or did not meet the applicable test standard and note corrective action and re-testing results. The report shall include any applied pay reductions and justification for accepting any out-of-tolerance materials.

For projects that utilize the Percentage of Material Within Specification Limits (PWL) methodology, perform the PWL calculations and submit to the Engineer and Owner. PWL methodology is presented in FAA AC 150/5370-10G (Exhibit H), Standards for Specifying Construction on Airports, Section 110, Method of Estimating Percentage of Material Within Specification Limits (PWL).

Vertical project CMT and inspection services will be in accordance with 2021 International Building Code and City of San Antonio Amendments, or most current adopted code.

OTHER REQUIREMENTS: Personnel provided by the selected Respondent must be able to obtain proper Transportation Security Administration (hereafter referred to as "TSA") security clearances, to include the required background check for airfield access. Selected Respondent shall be responsible for either having all sub-consultants properly badged or providing escorts as needed to properly staff and execute the project. Driving within the security areas of the airfield will be necessary and will require an airfield driver's license. See Exhibit F – Procedures for Obtaining Airport Personnel Identification Badge & Airfield Driver's License. Upon award of the PSA, Respondent shall take action as outlined in the Procedures for Obtaining Airport Personnel Identification Badge and Airfield Driver's License in RFQ Exhibit F, to obtain at Respondent's expense, sufficient staff security clearances, badges and driving operator licenses to be able to initiate CMT Services in a timely manner upon issuance of an NTP.

The selected Respondent will be required to adhere to all terms and conditions in the City's Contract Template (Exhibit A). Additionally, the selected Respondent will be required to comply with provisions of FAA AC 150/5100-14E "Architectural, Engineering, and Planning Consultant Services for Airport Grants Projects", or its most current version. This AC can be obtained through the internet at <http://www.faa.gov/>. Note: Selected Respondent and their sub-consultants must provide substantiation for labor, overhead and burden rates. To meet the overhead substantiation requirements, the selected Respondent will be required to submit an audited overhead statement supported by the report of independent auditor that accompanied the audited overhead

statement. Selected Respondent may also submit a recent Defense Contract Audit Agency audit or other governmental agency audit report in lieu of the audited overhead statement.

MINIMUM QUALIFICATIONS

The project will be funded in whole or part by FAA grant funds. Respondents must have an established in-house laboratory meeting the standards of the American Standard Testing Materials (ASTM) requirements, must be qualified as consultants, as required by law for the proposed services, and Respondent Team must be capable of providing the personnel and services indicated in the basic services required. In addition, laboratory accreditations must be current and listed on the accrediting authority’s website. All test methods required for acceptance sampling and testing must be listed on the lab accreditation.

III. SCHEDULE OF EVENTS

The following tentative schedule has been prepared for this project:

Pre-Submittal Conference:	August 2, 2023, CT, 11:00 am, CT
Deadline for Submission of Written Questions:	August 18, 2023, 4:00 pm, CT
Responses Due:	September 8, 2023, 2:00 pm, CT
Interviews, if necessary	October 2023
Anticipated City Council Consideration	November/December 2023

IV. PRE-SUBMITTAL CONFERENCE

A non-mandatory Pre-Submittal Conference is scheduled, for **August 2, 2023, at 11:00 a.m.** CT. The Pre-Submittal Conference will be held via WebEx meeting. Prospective Respondents may join the WebEx using the following instructions:

Join by phone: 1-415-655-0001

Meeting number (access code): 2633 866 3585

Meeting password: Procurement

Join meeting: <https://sanantonio.webex.com/sanantonio/j.php?MTID=m066248cef92c2c26dc968063d7fb17d9>

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

Respondent is encouraged to submit written questions concerning this 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>.

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

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 Statement of Qualifications (SOQ). Each SOQ 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

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to final approval of a selected Respondent or seek best and final qualifications from Respondents deemed reasonably qualified for award. Final approval of a selected Respondent is subject to the action of the San Antonio City Council.

Respondent's SOQ 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 and respondents team members 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 AND GENERAL CONDITIONS REVIEW (Indexed and labeled as "Tab 3")** – Respondent shall review the Contract Template and General Conditions, provided hereto and made a part hereof and labeled as **Exhibit A & Exhibit B** and provide written acknowledgment that Respondent accepts the terms, conditions and requirements of the City's General Conditions, in Respondent's submitted proposal under **"Tab 3"**. **Note: Contract Template document will be provided to the recommended Respondent during the negotiation phase.**
4. **LETTERS OF REFERENCE (required) (Indexed and labeled as "Tab 4")** – Respondent shall provide a maximum of five (5) letters of reference.
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 and respondents team members. 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. **Special attention should be given to experience of similar size and complexity as reflected in the scope of work.**
2. **Project Sheets (Indexed and Labeled as "Tab 6")** – Respondent's SOQ shall include three (3) and a maximum of five (5) project sheets, limited to two (2) pages for each project included, which shall describe similar design projects Respondent has completed within the last five (5) years. Each project sheet shall include the following:
 1. Name, description and dollar value of the completed project, including any similarity to the Project defined in this solicitation;
 2. Year(s) of work on the cited project;
 3. Scope of the project, including number and types of tests that were performed;
 4. Respondent's role in the cited project;
 5. Project Designer;
 6. Design Support Staff;
 7. Cited project's original and final contract amounts (explain inconsistencies);
 8. Cited project's proposed completion date and the actual completion date achieved (explain inconsistencies);
 9. Include challenges encountered and associated resolutions
 10. Names of the Team members who worked with on the project. Please indicate if they are still retained by the Respondent.
 11. DBE actual utilization versus DBE Goal;
 12. Provide a list of the CMT Services projects Respondent has completed for the City in the past four years. List only the Project name and the city Department to which the services were provided.
 13. Cited project's owner's name and the name of the representative (if different) who served as the day-to-day

liaison for the cited project, in the following format:

- a. Name of Owner: _____
- b. Name of Owner's representative: _____
- c. Representative's Phone Number: _____
- d. Representative's Phone Number: _____
- e. Representative's E-mail: _____

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

Label assignments as:

- a. Principal/Partner;
- b. Project Manager(s);
- c. Senior Project Architect/Engineer;
- d. Project Architect/Engineer;
- e. Subconsultants (for any services deemed necessary to fulfill the duties of this contract)

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

Resumes also shall include:

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

B. Understanding of the Project and Proposed Management Plan (35 Points)

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

1. Project Understanding (Indexed and Labeled as "Tab 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 design and construction 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 construction.
- c. Describe Respondent's approach to managing the quality of Sub-consultants.
- d. Describe Respondent's ability to coordinate work with all Project stakeholders.
- e. Describe Respondent's approach to assuring timely completion of construction, including methods for schedule recovery, if necessary.
- f. The City has implemented Ready to Work which is an education and job placement program. Respondents can learn more about this initiative at Ready to Work (www.sanantonio.gov) whose goal is to connect residents to career opportunities. Describe how Respondent can leverage this initiative in their training and hiring practices.

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 13%** of the contract value.

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

- Documents that it has obtained enough DBE participation to meet the goal; or
- 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.

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

1. DBE Participation Points (10 total) based on Respondent’s meeting the DBE goal.
 - There is no partial credit or partial points.
2. DBE Participation Points (10 total) shall be utilized for the award of this project based on submitting a two (2) page maximum description of Respondent’s DBE Narrative Statement to include the following information:
 - A narrative describing commitment in addressing diversity; activities to be taken to assure equal employment opportunity for all persons, regardless of race, color, religion, age, national origin, or disability; and institutional strategies to ensure diversity.
 - A narrative describing Respondent’s business practices to provide hiring opportunities for DBEs on a race and gender-neutral basis, including small businesses and other historically underutilized businesses.
 - A narrative describing the diversity in Respondent’s team; and
 - A narrative describing Respondent team members’ historical DBE utilization on previous 5 contracts.

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 (DBELO) 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.

Respondent shall submit completed and signed DBE forms listed below. These forms along with the Narrative Statement shall be indexed and labeled as **Tab “11”**.

Below is the Evaluation Criteria Summary:

Evaluation Criteria Summary	Maximum Points
A. Experience, Background, Qualifications of Respondent, Key Personnel, and Key Sub-Consultants	45
B. Understanding of the Project and Proposed Management Plan	35
C. Disadvantaged Business Enterprise (DBE) Program Requirements	20
Total Maximum	100 Points

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, Tax ID Number, and the System of Award Management (SAMS) Unique Entity ID.

2. **CONTRACTS DISCLOSURE FORM (Form #3)** – Respondent shall complete the form online at: <https://webappl.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 C)** – Respondent shall submit completed and signed: DBE Good Faith Effort Plan for Federally Funded Contracts (DBE Form 1) and Letter(s) of Intent (DBE Form 2), DBE Current Certificates for all DBE firms identified, Bidder’s List Collection DBE Form. If applicable submit DBE LLC/Joint Venture Information (DBE Form 4), JV draft Agreement and the required Joint Venture documentation described in RFQ. If these required DBE forms and documentations are not submitted with this solicitation, the RFQ submittal will be deemed non-responsive.
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. 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 Statement of Qualifications on **July 25, 2023**, and close on **September 8, 2023, at 2:00 p.m. CT**. Follow submittal instructions on <https://www.civcastusa.com/>. **Hard copies of submittal 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.

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

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. Respondent must submit questions concerning this RFQ through the CivCast website at <https://www.civcastusa.com/bids> until **August 18, 2023, at 4:00 p.m. CT**. Questions received after the stated deadline shall not be answered. The point of contact for this RFQ is:

Adrian Pena, Procurement Specialist III
City of San Antonio, Finance Department – Procurement Division
Adrian.Pena@sanantonio.gov

2. Respondents are encouraged to contact the Aviation Department’s DBE Liaison Officer Barbara Patton for assistance or clarification with issues specifically related to the DBE policy and/or completion of the DBE forms. Mrs. Patton may be reached by telephone at (210) 207-3592 or by e-mail at Barbara.Patton@sanantonio.gov. Respondents may contact Mrs. Patton or Business Opportunity and Diversity Development (BODD) office at BODD@sanantonio.gov any time prior to the due date for submission of proposals. Contacting her or her office regarding this RFQ after the proposal due date is not permitted.
3. 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.

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

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

IX. AWARD OF CONTRACT AND RESERVATION OF RIGHTS

City reserves the right to award one, more than one or no contract(s) in response to this 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. City reserves the right to verify any and all information submitted by Respondents at any time during the solicitation/evaluation process.
- N. Final approval of a selected firm(s) is subject to the action of the San Antonio City Council.
- O. City reserves the right to contact any Respondent to negotiate a contract if such action is deemed desirable by City.

P. TEXAS GOVERNMENT CODE §2270.002:

State Prohibitions on Contracts:

This section only applies to a contract that:

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

"Company" means a for-profit organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly

owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations that exists to make a profit. This term does not include a sole proprietorship.

Prohibition on Contracts with Companies Boycotting Israel.

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

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

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

Prohibition on Contracts with Companies Boycotting Certain Energy Companies.

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

"Boycott energy company" means, without an ordinary business purpose, refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations with

a company because the company: (A) engages in the exploration, production, utilization, transportation, sale, or manufacturing of fossil fuel-based energy and does not commit or pledge to meet environmental standards beyond applicable federal and state law; or (B) does business with a company described in (A).

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

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

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

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

By submitting an offer to or executing contract documents with the City of San Antonio, Company hereby verifies that it does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and will not discriminate during the term of the contract against a firearm entity or firearm trade association. City hereby relies on Company's verification. If found to be false, City may terminate the contract for material breach.

Q. 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.

R. 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.