



REQUEST FOR QUALIFICATIONS (RFQ)
DESIGN-BUILD SERVICES
FOR
SAN ANTONIO FIRE DEPARTMENT EMERGENCY GENERATOR PROJECT
RFQ: #2024-107

Release Date: July 1, 2024
Submittals Due: August 16, 2024, at 10:00 AM 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 **Tuesday, July 16, 2024.*****
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”.

TABLE OF CONTENTS

Section	Section Name	Page
I.	Background	3
II.	Scope of Work, Project Objectives and General Requirements	3
III.	Schedule of Events	5
IV.	Pre-Submittal Conference	5
V.	Site Visit	6
VI.	Submittal Documents Requirements and Evaluation Criteria	6
VII.	Submission Instructions	13
VIII.	Step 2 Evaluation Criteria (Interviews), If selected	13
IX.	Amendments to RFQ	14
X.	Restriction on Communication	14
XI.	Award of Contract and Reservation of Rights	15
Exhibit #	RFQ Exhibits	
Exhibit A	Design Build Contract Template	-
Exhibit B	General Conditions	-
Exhibit C	Wage Decision	-
Exhibit D	SBEDA Ordinance Contract Provisions	-
Exhibit E	Insurance Requirements	-
Form #	Required Forms	
Form 1	Submittal Checklist and Table of Contents	-
Form 2	Submittal Cover/Signature Sheet	-
Form 3	Contracts Disclosure Instructions Form	-
Form 4	Litigation Disclosure Form	-
Form 5	SBEDA: Subcontractor/Supplier Utilization Plan	-
Form 6	Veteran-Owned Small Business (VOSB) Tracking Form	-
Form 7	Local Preference Program (LPP) Tracking Form	-
Form 8	Heat Illness Prevention Acknowledgment Form	-

**DESIGN-BUILD SERVICES FOR
SAN ANTONIO FIRE DEPARTMENT EMERGENCY GENERATOR PROJECT
RFQ: 2024-107**

I. BACKGROUND

The City of San Antonio (City), San Antonio Fire Department (SAFD) is seeking an experienced Design Build (DB) firm (Respondent) to provide a design and construction services for the installation of emergency generators at various SAFD facilities throughout the City of San Antonio in support of its resiliency program.

This Request for Qualifications (RFQ) is the first of a two-step solicitation process. Through the first step of the solicitation process, the City anticipates shortlisting up to five (5) DB firms, that submit responses to this RFQ. The City reserves the right to shortlist fewer teams depending on qualifications. Only the shortlisted Respondents will be eligible to participate in the second step of the solicitation process, which will be initiated by the City's issuance of a Request for Proposals (RFP) and may include other procurement-related activities as will be described in the RFP.

The City is subject to the City of San Antonio Small Business Economic Development Advocacy (SBEDA) Program. Competitive bidding of work packages is required.

The Project must be complete by August 31, 2025. The Project budget is \$4,020,000. The budget is inclusive but not limited to design, pre-construction services, construction, environmental services, historical survey, geotechnical investigation and reports, bonds, fees, and insurance.

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

This section is intended to provide potential Respondents to this RFQ with summary information concerning the project requirements, budget, scope and schedule to ensure that Respondent understand SAFD's basic expectations and to allow the Respondent to submit their qualifications accordingly.

The City is seeking to contract with a Design-Build (DB) firm who will take SAFD's provided programming documents and, via a DB contract, complete construction documents as the Architect of Record and perform all required construction for the project. Upon completion, the Design-Builder will deliver the completed operational infrastructure to SAFD.

A. The DB team shall provide qualifications for the delivery of the Project consisting of:

1. Generator installation shall be turn-key and fully functional with the following specifications included:
2. Generator shall support the entire building electrical load to include building HVAC system.
3. Load estimations shall be calculated by a qualified MEP engineer.
4. Generator brand of choice shall be Generac. Exceptions allowed only with written consent from Project Manager Mark Beavers or Facilities Captain Taylor King.
5. Where available, natural gas shall be prioritized.
6. The Generator at Fire Station 54 shall be sized to power the entirety of future fire station 54. Load calculations shall be based on previously built Fire Station 24 and include a 10% overage to account for future additional loads.

B. The following locations for generator installation are listed in priority order:

1. Fire Department Services – 230 S. Callaghan Road. Additional parking spaces may be required depending on location of generator at this facility.
2. Fire Station 42 – 10400 Horn Boulevard
3. Fire Station 17 – 8545 Jones Maltsberger Road
4. Fire Station 36 – 5826 Ray Ellison Boulevard
5. Fire Station 9 – 649 Delmar Street
6. Fire Station 29 – 827 Hot Wells Boulevard
7. Fire Station 22 - 1100 March Avenue
8. Fire Station 38 – 6000 Distribution
9. Fire Station 46 – 1165 Evans Road
10. Fire Station 54 – 1215 N. Foster Road
11. Fire Station 48 – 18100 Bulverde Road

12. Fire Station 34 – 15300 Babcock Road
13. Fire Station 50 – 15000 Applewhite Road
14. Fire Station 51 – 5020 Beckwith Boulevard
15. Fire Station 32 – 4839 Charles Katz Drive
16. Fire Station 18 – 1410 S. W.W. White Road
17. Fire Station 7 – 1414 S. St. Mary’s Street
18. Fire Station 19 – 2307 Vance Jackson Road

The SAFD’s prioritization of stations to receive generators may be determined by required individual fixed price proposals for each facility, including the cost for removal of existing generators, etc.

C. Construction phase services may include, but are not limited to, the following:

1. Construction of the infrastructure as outlined above;
2. Coordination with SAFD, Consultants and Stakeholders;
3. Procurement of all materials and equipment, including generators, transfer switches, etc.;
4. Scheduling and management of site operations at each facility;
5. Quality control management plan;
6. Bonding and insurance of the construction;
7. Maintaining a safe work site for all Project participants;
8. Individual fixed price proposals for each facility;
9. Bidding, award and management of all construction-related contracts, in compliance with City of San Antonio’s solicitation requirements, including City of San Antonio’s Small Business Economic Development Advocacy Policy.

D. General

1. Respondent shall submit qualifications demonstrating capability to perform architectural design services, for the completion of the emergency generator project inclusive of all generators, transfer switches, concrete, metal work, mechanical, electrical, plumbing, specialty systems, and landscaping to include design, fertilizing, planning, etc. In addition, Respondent shall demonstrate capability to construct and furnish the proposed improvements.
2. All design shall be in conformance with the technical standards described in the following documents:
 - a. City of San Antonio’s Facility Design Guidelines and Standards for City Buildings and Parks
 - b. City of San Antonio’s Standard Specifications for Construction and Standard Details
 - c. City of San Antonio’s adopted building codes
3. The DB Team shall be Responsible for verification of, and adherence to all applicable codes.
4. The DB Team shall be Responsible for verification of requirements of utility companies, and coordination of all work with utility companies.
5. The DB Team shall give the SAFD a minimum of 48 hours’ notice of shutdown of any services at each facility. Shutdown of services shall be limited to a maximum of 8 hours.
6. Upon date of completed installation, generators shall be covered by a two (2) year warranty that includes both parts and labor. The general contractor shall provide a 1-year warranty for all work other than the generator itself. The one (1)-year warranty shall begin at the date of substantial completion as determined by the SAFD.

E. Project Timeline:

Notice to Proceed for Design is anticipated to be given on January 2025 based on negotiation of the design fees. Construction is anticipated to begin as soon as feasible, with completion of the entire project by August 31, 2025. The Selected DB firm shall be responsible for scheduling design and construction for completion within SAFD’s time frame and may propose early permit and construction packages in its response to the second step of this solicitation. A provision for Liquidated Damages has been included in the DB Contract (see the DB Contract Template attached hereto as Exhibit A).

F. Owner Required Provisions:

ALL DB WORK SHALL BE IN ACCORDANCE WITH THE DB CONTRACT AND THE GENERAL CONDITIONS FOR CITY DB CONTRACTS (INCLUDED BY REFERENCE IN THIS RFQ).

1. Personnel:

- a. The selected DB firm shall provide managers, properly trained, licensed and experienced personnel and administrative staff to ensure satisfactory performance under a contract awarded in connection with this solicitation.

- b. By submission of this RFQ, Respondent certifies that each individual or business entity, which is an architect or engineer proposed by Respondent as a member of the DB team, was selected based on demonstrated competence and qualifications only in accordance with Section Texas Board of Architectural Examiners: TITLE 6. REGULATION OF ENGINEERING, ARCHITECTURE, LAND SURVEYING, AND RELATED PRACTICES, SUBTITLE B. REGULATION OF ARCHITECTURE AND RELATED PRACTICES, CHAPTER 1051 of the Texas Government Code.

2. Project Execution:

- a. Following selection of a DB firm, the firm’s Architects and Engineers shall complete the Construction Documents, submitting all design elements for review and determination of scope compliance to the SAFD at a mutually agreed to level of completion for review and approval prior to submitting for permit and before construction.
- b. An Architect and/or Engineer shall be licensed in the State of Texas and have the responsibility of ensuring compliance with all applicable engineering design requirements including but not limited to the requirements of the Texas Occupation Code, Title 6, Chapter 1001, and the Texas Administrative Code, Title 22, Part 6, Chapter 131. Any other professional shall be licensed with the appropriate authority and shall be responsible for compliance with the requirements.
- c. The SAFD shall provide or contract for, independent of the DB Contractor, inspection services, special inspection services, testing of construction materials and any verification testing services necessary for acceptance of the project by the SAFD. SAFD inspections shall be for quality assurance and does not relieve the DB contractor from its quality control requirements. The DB firm shall provide for all testing and inspections necessary for quality control.
- d. The DB Contractor/Firm shall supply a set of “as-built” construction documents in PDF electronic form, following the City’s Design Guidance Manual, for the Project to Owner at the conclusion of construction as a precondition to final payment.

3. Safety/Environmental Protection Programs:

- a. Contractor shall establish and maintain, throughout the contract period, a viable safety program in accordance with requirements of applicable regulatory authorities.
- b. Contractor shall comply with all applicable federal, state, and local environmental regulations.

III. SCHEDULE OF EVENTS

The following tentative schedule has been prepared for this project:

Request for Qualifications (RFQ) Advertisement	July 1, 2024
Pre-Submittal Conference:	July 11, 2024, 10:00 AM (CT)
Site Visits:	July 11 and July 12, 2024
Deadline for Submission of Written Questions:	July 24, 2024, 4:00 PM (CT)
RFQ Submittal Due Date – Step 1:	August 16, 2024, 10:00 AM (CT)
Notification of Shortlisted Firms:	September 2024
RFP Proposal Due Date – Step 2:	October 2024
Notification of Selected Firms and Negotiation	October 2024
Anticipated City Council Consideration / NTP	January 2025

IV. PRE-SUBMITTAL CONFERENCE

A Pre-Submittal Conference is scheduled for **July 11, 2024, at 10:00 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): 2634 677 7827

Meeting password: 2024107

Join meeting: <https://sanantonio.webex.com/sanantonio/j.php?MTID=m9985921cba0f3412755ddec0128927b>

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 Conference through 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>. Respondents shall draft questions in a manner that does not explicitly identify or otherwise indicate Respondent’s identity in the body of the question. City reserves the right, in its sole discretion, to respond to timely and pertinent questions it receives from Respondents but does not commit to respond to all questions. City may re-phrase or consolidate questions as it deems appropriate. Respondents bear the responsibility to review and be familiar with all questions and responses and any other information posted by City on Civcast through the RFQ Submittal Due Date identified in Section III. City will not be responsible for any failure of a Respondent to receive information on Civcast.

Any oral responses provided by City staff at the Pre-Submittal Conference and at the site visit 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/Site Visit that is not confirmed in the posted written summary from the Pre-Submittal Conference/Site Visit 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. SITE VISIT

Several non-mandatory site visits are scheduled on July 11, 2024, and July 12, 2024. The times of the site visits and locations are listed below:

Thursday, July 11, 2024		
Location	Address	Time
Fire Station 46	1165 Evans Road, SATX 78258	1:00 PM CT
Fire Station 17	8545 Jones Maltsberger Road, SATX 78216	3:00 PM CT

Friday, July 12, 2024		
Location	Address	Time
Fire Station 36	5826 Ray Ellison Boulevard, SATX 78242	9:00 AM CT
Fire Station 54	1215 N. Foster Road, SATX 78219	11:00 AM CT
Fire Station 9	649 Delmar Street, SATX 78210	1:00 PM CT

VI. 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 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 two (2) page Executive Summary at the beginning of the Statement of Qualifications. Respondent’s Executive Summary shall state, at a minimum, the number of years Respondent’s team has been in business. If Respondent is a joint venture, provide information for each member of the joint venture.

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 should 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, should 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 RFQ Submittal.

3. **CONTRACT TEMPLATE AND GENERAL CONDITIONS REVIEW (Indexed and labeled as “Tab 3”)** – Respondent shall review the Design Build 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 Design Build Contract Template and General Conditions as it relates to the duties of Respondent, in submittal under “**Tab 3**”.
4. **LETTERS OF REFERENCE (Indexed and labeled as “Tab 4”)** – Respondent and Co-Respondents shall provide a maximum of five (5) letters of reference including contact information for projects completed within 5 years.
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 sections include additional submittal requirements and associated evaluation criteria that the City will use to shortlist Respondents who will be invited to participate in the RFP step of the procurement:

A. Experience, Background, Qualifications of DB Firm, Key Personnel, and Key Sub-Consultants – (30 Points)
Respondent shall respond to the following items, as related to Scope of Work:

1. **Experience (Indexed and Labeled as “Tab 5”)** – City shall consider the relevance of past experience for all parties proposed as a part of Respondent’s team. Respondent shall provide a narrative, in five (5) pages describing the Respondent’s successful experience constructing projects similar to this Project through Design Build or another collaborative delivery method. As part of this narrative, describe Respondent’s experience providing:
 - a. Proposed team has worked together on past similar projects
 - b. Number of years working as a team
 - c. Sub-Consultants function within the team’s organization
 - d. Proposed roles and responsibilities, lines of authority and communication among all team members
 - e. Successful preconstruction services in partnership with project teams.
 - f. Construction phase experience delivering projects of similar scope on schedule, on budget, and with excellent quality and safety performance.
 - g. Include a discussion of the experience of the team members working together on other comparable projects and the results of that experience, including the number of years working together.

Addition, Respondent’s narrative must:

- i. Demonstrate a minimum of ten (10) years’ experience in building projects of similar size, complexity and type. Provide date(s) services were provided. If Respondent is proposing a joint venture for this Project, a minimum of ten (10) years’ experience is required of each joint venture member.
- ii. Demonstrate experience with multi-phased projects, and programs with multiple project components comprising the program.
- iii. Demonstrate success in utilizing comparable preconstruction phase services to establish a plan for execution that provides an executable program on schedule and on budget.
- iv. Demonstrate success using Primavera P6 and other project management software tools.
- v. Demonstrate experience and success of key subcontractors on the team.

2. **Project Sheets (Indexed and Labeled as “Tab 6”)** – Respondent’s submittal shall include, at maximum, three (3) project sheets, limited to one (1) page for each project included, describing similar projects Respondent has completed within the last five (5) years of similar size, scope, and complexity utilizing the Design Build method or another collaborative delivery method. Each project sheet shall include, at minimum, the following:
- a. Name and Description of the project, including similarity to the scope of work in this RFQ
 - b. Photograph of the project
 - c. Year of project
 - d. Respondent’s role in the project
 - e. Project Designer and note whether this person will work on the Project and his/her role planned for the Project;
 - f. Project Manager and note whether this person will work on the Project and his/her role planned for the Project
 - g. Project Superintended and note whether this person will work on the Project and his/her role planned for the Project
 - h. Project Estimator and firm for which they were employed and note whether this person will work on the Project
 - i. Project’s original and final construction contract amounts (explain inconsistencies)
 - j. Project’s proposed substantial completion date and actual completion date achieved (explain inconsistencies)
 - k. Project owner’s name and the name of the representative (if different) who served as the day-to-day liaison for the project in the following format:
 - i. Name of Owner
 - ii. Name of Owner’s representative
 - iii. Representative’s Phone Number
 - iv. Representative’s E-mail
 - v. Name of the Prime Firm and key Sub-Consultants and Subcontractors, including S/M/WBE status
 - l. Types of joint bid utility work included in project
3. **Proposed Key Personnel/Organizational Chart (Indexed and Labeled as “Tab 7”)** – Provide a one (1) page organizational chart that identifies Respondent’s proposed team organization. Key personnel should be clearly identified. Team roles should be clearly identified. Only include personnel who would perform work under the Design Build contract. The organizational chart can be formatted on an 11” x 17” page, if needed.
- At a minimum, the following key personnel must be clearly labeled on the organizational chart and described in the following section:
- a. Senior Project Managers (on-site team leader);
 - b. Project Managers;
 - c. Pre-Construction Manager
 - d. Sr. General Superintendent (construction phase onsite lead)
 - e. General Superintendents
4. **Organizational Chart Narrative (Indexed and Labeled as “Tab 8”)** – Provide a narrative description (up to (2) two pages) of the organization chart describing the proposed assignments, roles and responsibilities, lines of authority, transition of responsibilities from preconstruction to construction phases, and communication for each team member to be directly involved with the Project. The proposed key personnel must have demonstrated experience of projects similar to the scope of the project.
5. **Resumes (Indexed and Labeled as “Tab 9”)** – Not included in the page count for Section B – Include the following in support of the above. Respondent shall provide a two (2) pages maximum resume for each of the key personnel listed above.
- a. Resumes should link back to project sheets submitted in accordance with Section 3.A.2 and may reference additional previously completed relevant projects not highlighted in the project sheets, where applicable. If a person did not work on any project included in the project sheets, then the resume should reference projects where the person performed roles similar to the role proposed for this Project.

- b. Resumes shall include:
 - i. license type (if applicable) and number of years licensed;
 - ii. certification or other role specific recognitions, and number of years, including LEED Accreditation, if any;
 - iii. number of years employed with the Respondent or subcontractor;
 - iv. number of years of experience in proposed role identified on the Organizational Chart.

B. Understanding of the Project and Proposed Management Plan (15 Points)

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

Proposed Management Plan

This information should include the firm's proposed organizational structure, availability of labor resources (capacity to perform) in executing the firm's effort. The firm shall submit information in a brief narrative plan that clearly and concisely describes the organization and approach to project to the information below:

1. Design Management (Indexed and labeled as "Tab 10")

Limit responses to the following items to three (3) pages:

- a. Describe your firm's project management approach and team organization for the provision of the services outlined in this RFQ.
- b. Describe Team's Quality Control/Quality Assurance Process, approach and capabilities to maintain quality control of the design and construction.
- c. Describe your approach to assuring timely completion of designs, including methods for schedule recovery, if necessary. Include timing of permitting and utility coordination, design and management.

2. Construction Management - (Indexed and labeled as "Tab 11")

Limit responses to the following items to two (2) pages:

- a. Describe your construction observation approach and ability to coordinate work with all stakeholders.
- b. Describe your cost estimating methodology and approach to construction documents and bid phase management.
- c. Describe your mechanism to track and respond to contractor requests for information, review of change orders, coordinating construction progress meetings with the contractor, preparing and distributing meeting minutes, reviewing contractor schedules, and other construction phase services as described in the City's Design Guidance Manual.
- d. Describe your approach to managing traffic during construction.
- e. Describe your construction phasing approach for incorporating joint-bid utility work into construction.

C. Experience with issues in the San Antonio Region & Past Experience with the City of San Antonio (15 Points) (Indexed and Labeled as "Tab 12")

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

- 1. Local environmental community, conditions and constraints
- 2. Involvement in project development, as it relates to condition assessment and infrastructure management practices in the local area
- 3. Local area construction costs and practices
- 4. Involvement in project development as it relates to public awareness in the local area

5. Respondent's experience with private and public utilities within the San Antonio or surrounding area
6. Local site development
7. City of San Antonio storm water management criteria
8. City of San Antonio Design Guidelines
9. Respondent's experience with public organization within the San Antonio and/or surrounding area

Note a portion of the scoring for this **Section B** may be based on City's Consultants' Scorecard, experience with City projects and/or other documentation generated by City staff and previous City Consultants on other City projects. City shall consider the history of Respondent in complying with project programs, schedules and budgets on previous City projects. No items shall be submitted by Respondent for this criterion. Specific items used for consideration may include, but are not limited to:

- a. Timely completion of City projects
- b. Cooperative working relationship with City
- c. Prompt payment of Sub-Consultants at all levels
- d. Compliance with other City contract terms
- e. Compliance with City Ordinances on substitution/addition/deletion of Sub-Consultants
- f. Provision of contracting opportunities for S/M/WBEs
- g. Compliance with City standards
- h. Conformance to City budget requirements

D. DB Team's Past Experience Working Together as a Team (20 Points) (Indexed and Labeled as "Tab -13")

Please list the projects and timeframe for which respondents proposed DB team has worked together on similar projects.

In narrative form, using a maximum of two (2) pages, briefly describe relevant projects on which respondents proposed DB team has worked together. (Note: you may reference projects included in the project sheets under **Criteria A** above or include other projects, but no additional project sheets shall be provided for this criteria). Please include the following:

- a. Name and Description of the project
- b. Project Owner
- c. Year of project
- d. Project's original construction budget
- e. DB team structure and project approach

E. SBEDA – (20 Points)

SBE Prime Contract Program – 10 pts.

Certified SBE firms (see Small Business Enterprise definition) headquartered or having a Significant Business Presence within the San Antonio Metropolitan Statistical Area responding to this solicitation as Prime CONTRACTORS proposing at least 51% SBE participation (Prime and/or Subcontractor) will receive ten (10) evaluation criteria points, and

M/WBE Prime Contract Program – 10 pts.

Certified M/WBE firms (see Minority/Women Business Enterprise definition) headquartered or having a Significant Business Presence within the San Antonio Metropolitan Statistical Area responding to this solicitation as Prime CONTRACTORS proposing at least 51% M/WBE participation (Prime and/or Subcontractor) will receive ten (10) evaluation criteria points.

No evaluation criteria points will be awarded to non-SBE or non-M/WBE Prime CONTRACTORS through subcontracting to certified SBE or M/WBE firms.

Each proposal shall be analyzed, to determine overall responsiveness, and consideration shall be given to a combination of price and other factors, such that City may determine which Respondents' proposal will provide the best value to City. If City elects to conduct interviews of one or more Respondents, in connection with this solicitation, Respondent(s) shall be notified in writing and an interview date shall be scheduled.

Below is the RFQ-Step Evaluation Criteria Summary:

Evaluation Criteria for Step 1		Maximum Points
A.	Experience, Background and Qualifications of DB Firm, Key Personnel, Key Sub-Consultants	30
B.	Understanding of the Project and Proposed Management Plan	15
C.	Experience with issues in the San Antonio Region & Past Experience with the City of San Antonio	15
D.	DB Team’s Past Experience Working Together as a Team	20
E.	SBEDA SBE Prime Contract Program – 10 Points M/WBE Prime Contract Program – 10 Points	20
TOTAL		100 Points

For each evaluation criterion above, City will review the submittals and any other information corresponding to the criterion and will provide a score within the maximum allotted points that reflects the extent to which the information provided demonstrates in a comprehensive and credible way the Respondent team’s ability to deliver the Project while meeting the City’s project-related goals and objectives.

Required Forms (to be uploaded individually):

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

- SUBMITTAL COVER/SIGNATURE SHEET (Form #2)** – Respondent and Co-Respondents must include the completed Submittal Cover/Signature Sheet with the other required forms. The Submittal Cover/Signature Sheet must 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 must 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.
- CONTRACTS DISCLOSURE FORM (Form #3)** – Respondent, Co-Respondents and all subconsultants on this submittal must 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.
- LITIGATION DISCLOSURE FORM (Form #4)** – Respondent, Co-Respondents and all subconsultants on this submittal must 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.
- SMALL BUSINESS ECONOMIC DEVELOPMENT SUBCONTRACTOR/SUPPLIER UTILIZATION COMMITMENT FORM (Form #5)** – Respondent shall submit a completed and signed Subcontractor/Supplier Utilization Plan Indicating Respondent’s firm commitment to satisfy the established (14%) subcontracting goal to a Minority/Women Business Enterprise (M/WBE) and (1%) subcontracting goal to African American Business Enterprise (AABE) for this Project. If Respondent believes they cannot meet the subcontracting goal, Respondent must also submit a Waiver Request Form as part of the required forms. The Waiver Request Form may be download at <https://www.sanantonio.gov/SBO/Form>.
- VETERAN-OWNED SMALL BUSINESS PROGRAM TRACKING FORM (VOSB) (Form #6)** – Respondent must submit a completed and signed VOSB Tracking form with this solicitation. This solicitation is not eligible for a preference based on status as a veteran-owned small business (VOSB). Nevertheless, in order to determine whether the program can be expanded at a later date, the City tracks VOSB participation at both prime contract and subcontract levels. San Antonio City Code Chapter 2, Article XI describes the City’s veteran-owned small business preference program.

6. **LOCAL PREFERENCE PROGRAM (LPP) IDENTIFICATION FORM (Form #7)** – Respondent must submit a completed and signed LPP Identification form with this solicitation. The City of San Antonio Local Preference Program, described in the San Antonio City Code Chapter 2, Article XII, establishes a local preference for specific contracting categories. Each time a bidder or respondent submits a bid for a solicitation, this Local Preference Program Identification Form must be completed and turned in with the solicitation response in order to be identified as a City Business and receive the preference described below. The City will not rely on Local Preference Program Identification Forms submitted with prior or contemporaneous bids or proposals.
7. **HEAT ILLNESS PREVENTION ACKNOWLEDGMENT FORM (Form #8)** – Respondent and Co-Respondents must include the complete the Heat Illness Prevention Acknowledgment form with this solicitation. Effective August 31, 2023, the Heat Illness Prevention Ordinance implemented requirements to certain City-funded contracts involving activities in outdoor and unconditioned spaces. For more detailed information on the Heat Illness Ordinance, see Ordinance No. 2023-08-31-0585 and General Conditions for Construction Contract, Article X.1.5 and Art.X.2.3(a).
8. **PROOF OF INSURABILITY** – Respondent and Co-Respondents shall submit a copy of its current insurance certificate.
9. **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 RFQ 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.

VII. 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 1, 2024, and close on August 16, 2024, at 10:00 a.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:

- 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 Submittal.

Co-Respondents are two (2) or more entities proposing as a team or joint venture with each signing the contract, if awarded. Sub-contractors are not Co-Respondents and should not be identified here. If you are conducting business in Texas, it is likely you will have to register your business with the State Comptroller. Depending on the type of business you conduct, you may also be required to obtain a permit, collect and or pay tax, and file tax returns.)

(If Respondent/Co-Respondents are not registered with the Texas Secretary of State, please note the City of San Antonio requires Respondents selected for award of a contract register with the Texas Secretary of State. Changes to the registered agent or registered office information must always be filed with the Texas Secretary of State and comply with applicable statutory requirements. A sole proprietor, conducting business under an assumed name (a name other than the surname of the individual), shall file an assumed name certificate with the Office of the Bexar County Clerk. Any associated costs, fees or expenses should be considered in Respondent's price 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.

VIII. REQUEST FOR PROPOSAL (RFP) - STEP 2 EVALUATION CRITERIA FOR SHORTLISTED FIRMS

Based on the evaluation process of Step 1, the selection committee shall qualify a maximum of five (5) Respondents to participate in Step 2 of the solicitation process. Step 2 of the solicitation process shall include requests for additional information from the short-listed firms and shall include an invitation for an interview. Additional information requested may include more detailed information from Respondent regarding demonstrated competence and qualifications, the ability of Respondent to meet the Project schedule and other information, as appropriate. During the Step 2 of the solicitation process, the selection committee will evaluate and rank the short-listed firms based on the published evaluation criteria set forth below:

Evaluation Criteria for Step 2		Maximum Points
A.	Proposed Design Plan	20
B.	Proposed Construction Plan	20
C.	Context Sensitive Design	5
D.	Overall Evaluation of the Firm/Team and its Ability to Provide the Required Services	25
E.	Costing Methodology	10
F.	SBEDA SBE Prime Contract Program – 10 Points M/WBE Prime Contract Program – 10 Points	20
TOTAL		100 Points

IX. AMENDMENTS TO RFQ

Changes, amendments or written responses to questions received in compliance with **Section X**, 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 X**, 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.

X. RESTRICTION ON COMMUNICATIONS

Respondents are prohibited from contacting 1) City officials, as defined by §2-62 of the City Code of the City of San Antonio, regarding the RFQ or proposal from the time the RFQ has been released until the contract is posted for consideration as an agenda item during a meeting designated as an A session; and 2) City employees from the time the RFQ has been released until the contract is approved at a City Council “A” session.

Restrictions extend to “thank you” letters, phone calls, emails and any contact that results in the direct or indirect discussion of the RFQ and/or proposal submitted by Respondent.

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

As used herein, City Official is defined as the Mayor; members of City Council; Municipal Court Judges and Magistrates; City Manager; Deputy City Manager; City Clerk; Deputy City Clerk; Assistant City Clerk; Assistant City Managers; Assistants to City Manager; all City department heads and assistant department heads; Internal Auditor and Assistant Internal Auditors; Compliance Auditor; Assistant to City Council; Assistants to City Council, including contract personnel; Assistant to Mayor; Assistants to the Mayor, including contract personnel; Executive Secretaries; Public Utilities Supervisor; members of bid committees; members of the Historic and Design Review Commission; Zoning Commission; and members of any board or commission that is more than advisory in nature.

Exceptions to the restrictions on communication with City employees include:

1. Respondent may ask verbal questions concerning this RFQ at the Project’s Pre-Submittal Conference.
2. Respondent may ask verbal questions concerning this RFQ at the Project’s Site-Visit Meeting if one is scheduled.
3. Respondent must submit questions concerning this RFQ through the Civcast website at <https://www.civcastusa.com/bids> until **July 24, 2024, 4:00 PM CT**. Questions received after the stated deadline shall not be answered.
4. Respondents and/or their agents are encouraged to contact the Small Business Office of the Economic Development Department for assistance or clarification with issues specifically related to the City’s Small Business Economic Development Advocacy (SBEDA) Program policy and/or completion of the required SBEDA forms. The point of

contact may be reached by telephone at (210) 207-3932 or by e-mail at SBEDAdocs@sanantonio.gov. After the solicitation closing date, there is no contact permitted to the Small Business Office regarding this solicitation. Respondent must provide responses to any questions asked of it by City's Staff Contact Person and/or his/her designee about City's SBEDA Program both before and after responses are received and opened.

5. During interviews, if any, verbal questions and explanations will be permitted. If Respondent is invited for an interview and/or demonstration, the City requests Respondents limit the size of their team to no more than four (4) people of Respondent's choosing and subject to City's approval. Attorneys and/or lobbyists are strictly prohibited from attendance. If you are utilizing a subcontractor, a subcontractor representative should be included. The City reserves the right to exclude any persons from interviews as it deems in its best interest.

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.

XI. 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;
- (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;
- (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.