



**City of San Marcos  
2017 Bond Program**

**REQUEST FOR QUALIFICATIONS  
FOR  
DESIGN BUILDER  
LIBRARY ADDITIONS/RENOVATIONS  
219-126**

**Issued: January 13, 2019**

**QUALIFICATION SUBMISSIONS DUE:**

**February 7, 2019 Prior to 2:00 PM CTD**

**ISSUED BY:  
City of San Marcos  
Purchasing and Contracting Division  
630 East Hopkins Street  
San Marcos, Texas 78666**

## TABLE OF CONTENTS

1) REQUEST FOR QUALIFICATIONS – DESIGN BUILD .....	3
2) SCOPE OF SERVICES.....	3
3) PRE-PROPOSAL MEETING.....	4
4) INSTRUCTIONS AND REQUIREMENTS FOR RESPONSES .....	4
5) EVALUATION CRITERIA - STEP 1.....	6
6) STATEMENT OF QUALIFICATIONS CONTENTS.....	7
7) SHORTLISTED/FINALISTS – STEP 2 .....	11
8) EVALUATION CRITERIA – STEP 2.....	12
9) INTERVIEWS.....	14
10) AWARD AND EXECUTION OF CONTRACT.....	14
11) SPECIAL PROVISIONS AND REQUIREMENTS .....	16
12) INQUIRIES AND OTHER INFORMATION.....	19
13) DESIGN AND CONSTRUCTION (POST CONTRACT EXECUTION).....	19
14) ANTICIPATED SOLICITATION SCHEDULE .....	21

### STEP 1 ATTACHMENT:

ATTACHMENT “A” VENDOR INFORMATION QUESTIONNAIRE

### STEP 2 ATTACHMENTS:

ATTACHMENT “B” – DESIGN BUILD AGREEMENT

ATTACHMENT “C” – PAYMENT BOND

ATTACHMENT “D” - PERFORMANCE BOND

ATTACHMENT “E” – GENERAL CONDITIONS

ATTACHMENT “F” - DESIGN CRITERIA PACKAGE

## **I. REQUEST FOR QUALIFICATIONS – DESIGN BUILD**

The City of San Marcos (City) is seeking a Design Builder on the basis of qualifications and other established criteria set out in this Solicitation. This procurement will comply with applicable City policies and State of Texas law, including Texas Government Code Title 10, Subtitle F, Chapter 2269, Subchapter G: Building Using Design-Build Method. The City will select the successful Design Builder that offers the best value based on the published Evaluation Criteria and ranking.

The design-build contract will be awarded to a single entity following a two-step process using qualifications statements and responses to additional information, and optional interviews. Step 1, Request for Qualifications (RFQ), will result in the City qualifying up to a maximum of five (5) firms who will be invited to participate in Step 2. Step 2 will consist of Request for Responses to additional information as determined by the City. Resulting from evaluations of written responses, interviews, and final ranking, the City will begin contract negotiations with the top ranked firm.

The Project Budget is \$14.11M. The Construction Budget is \$10,481,500 which includes the construction contingency.

Contract Time is of the essence and all Work shall be substantially completed no later than 680 calendar days from written Notice to Proceed with Preliminary Phase Services, subject to change as the Preliminary Phase progresses and the schedule becomes more defined.

The City is looking for a Design Builder who is a highly skilled and experienced project team comprised of seasoned, well-rounded team members with related design-build experience for projects including city halls, libraries, public meeting spaces, law enforcement, and emergency operation facilities, as well as public service maintenance facilities.

It is the express intent to the City, that each Response as submitted be: comprehensive, prepared in good faith, present a reasonable likelihood to be developed, built and become fully operational in a reasonable length of time, and its development, design, and construction to be in full compliance with applicable laws, rules, regulations, court orders, standards and ordinances. Acceptance of any Response is expressly conditioned upon funding of the Project after approval of all documents by counsel for the City or City's Designee. **Acceptance of any Response is not acquiescence or agreement with any term or condition set forth in the Response or any proposed documents included in, or reference by, the Response.**

## **II. SCOPE OF SERVICES**

The scope of the Design-Build services consists of a remodel of the existing 27,000 square feet existing Library and new construction of a proposed 29,000 square feet expansion of the existing library located at 625 East Hopkins Street, San Marcos, Texas. The Project Background and Information is as follows:

### **Public Library, Design – 4-6 months, Construction – 18 to 20 months**

The City is currently served by a 27,000 square foot, single-story Library, which opened in January 1994. The Library is located at 625 East Hopkins Street across the street from City Hall and next door to the San Marcos Activity Center. There are approximately 1.2 acres of vacant city-owned land immediately behind and to the east of the Library, which is available for the Library expansion.

The Library is extremely busy, with an average of over 1,100 patron visits each day and an annual circulation of 474,000. The Library sponsors a wide variety of programs which include English as a Second Language ("ESL") and General Educational Development ("GED") tutoring, income tax aid, computer and language classes, as well as many popular children's programs. Total program attendance in 2017 was 51,000. The Library has 51 public access computers, wireless Internet service, and a collection of 165,000 books, DVDs, and CDs. It also houses a popular, well-used local history collection.

The Library has a public meeting room which seats about 50, a small conference room, a quiet study area and a learning center which is used for GED, ESL, and computer classes. The Library has a staff of 14 full-time employees, 13 part-time employees, and several dozen regular volunteers.

In 2014, the architectural firm of Dewberry Architects completed a Library Master Plan which called for a proposed 29,000 square feet expansion. For reference, a copy of that master plan can be accessed at the following link: <http://sanmarcostx.gov/1488/Library-Expansion-Project>.

The expansion of this facility would be used to create additional meeting rooms, classrooms as well as an enclosed children's room. The project would include a parking lot expansion and drive-thru book drop.

A 30% Design Package which will be provided to the Shortlisted Finalists in Step 2 of this solicitation.

### **III. PRE-PROPOSAL MEETING AND SITE VISIT**

A non-mandatory pre-proposal conference will be held on **Monday, January 28, 2019 at 2:00 PM** in the Municipal Building Human Resources Training Room, located at 630 East Hopkins St., San Marcos, TX 78666. Attendance is highly encouraged. A site visit will be part of this pre-proposal meeting. No other site visits will be conducted by the City as part of this solicitation.

### **IV. INSTRUCTIONS AND REQUIREMENTS FOR RESPONSES**

Each Respondent must submit a full and complete response to each of the items stated in the Evaluation Criteria and must fully complying with all applicable requirements of this Solicitation. No price or cost information is to be included.

Interested Respondents are invited to submit one (1) original and four (4) copies of their Qualification Submission, and one (1) USB flash drive containing the submission in a single file searchable PDF document. **Qualification Submissions should be limited to fifty (50) pages, inclusive of covers, tabs, dividers, and appendices.**

To the extent permitted by law, all documents pertaining to this Solicitation will be kept confidential until a contract is awarded. No information about any submission will be released to the public until the process is complete. The City is under no obligation to return submissions.

It is the sole responsibility of the firm to ensure that its submission reaches the City's Purchasing Division. Deliver all submissions, unless otherwise specified, to the address on the label no later than the submittal deadline. The respondent is cautioned that it is responsible for delivery to the Office of the Purchasing Manager. Therefore, if a submission is delivered by an express mail carrier or by any other means, it is the

respondent's responsibility to ensure delivery to the address below. The City is not responsible for deliveries made to any place other than the Office of the Purchasing Manager.

Responses to both Step 1 and Step 2 must be signed by a person authorized to bind the entity responding to this Solicitation, and proof of this authority must be included in the response. Responses must contain a letter or other clear evidence of such authority, and all other information requested or required by this Solicitation, or as determined by the City. All Responses must be delivered in sealed wrappings.

**Sealed Responses shall be mailed or delivered to:**

**Office of the Purchasing Manager  
Municipal Building, 1<sup>st</sup> Floor  
630 East Hopkins Street  
San Marcos, Texas 78666**

**The City will not accept Qualification Submissions after the 2:00 PM on February 7, 2019 submittal deadline. The outermost sealed envelope/container will be labeled as such:**

**SEALED QUALIFICATION SUBMISSIONS – STEP 1  
DO NOT OPEN**

**SEALED PROPOSAL NO.: 219-126**

**PROPOSAL TITLE: Design-Build for Library Additions/Renovations**

**DUE DATE/TIME: February 7, 2019, 2:00 PM**

## V. EVALUATION CRITERIA – STEP 1 QUALIFICATION SUBMISSIONS

The Qualifications Submissions received will be reviewed, evaluated and ranked by the City, and/or its designees, based upon the following evaluation criteria and weighting factors. If a Respondent is unable to provide qualifications responsive to each of the criteria listed below, it will be disqualified. No other criteria or factors will be considered in Step 1.

Only the information included in the Responses to this Solicitation will be used to rank and select and shortlist the Finalists who will then be offered the opportunity to submit additional information and potentially to interview. The City will select no more than five (5) qualified Respondents (the “Finalists”) to submit responses to additional information in Step 2. The City may, at its option, request an interview with the Finalists.

1	<b>PRIOR DESIGN-BUILD EXPERIENCE WITH PROJECTS OF SIMILAR SIZE, SCOPE, AND SCALE</b> Demonstrates adequate prior experience on projects of similar size, scope, and scale using the Design-Build delivery method	25 points
2	<b>ORGANIZATIONAL PLAN AND PROJECT APPROACH</b> Provide evidence of the technical competence in scheduling, reporting, project controls, and quality control, including the team’s safety record and policies, for similar projects. Provides evidence of the capabilities and methodology in planning, staging and delivery of recent Design Build projects.	35 points
3	<b>CAPABILITY/CAPACITY OF PERSONNEL TO PERFORM A DESIGN-BUILD PROJECT OF THIS SCOPE AND SCALE</b> Provides evidence of the team’s proposed personnel directly assigned to this project, and their ability to work to the City’s mission and goals.	25 points
4	<b>CAPABILITY/CAPACITY OF SUBCONSULTANTS TO PERFORM A DESIGN-BUILD PROJECT OF THIS SCOPE AND SCALE</b> Provides evidence of the team’s consultants’ ability to work to the City’s mission and goals.	10 points
5	<b>REFERENCES</b> References provide positive feedback regarding past performance on projects listed.	5 points
	<b>VENDOR QUESTIONNAIRE / TEAM PROFILE</b> Provides proof of insurance, financial and legal stability, and letter of surety from bonding company for projects of similar scope and scale	Yes/No
	<b>FINANCIAL CAPACITY</b>	Yes/No
	TOTAL	100 points

## **VI. STATEMENT OF QUALIFICATIONS (SOQ) CONTENTS**

In order to expedite the evaluation of qualifications, SOQ Responses will be organized in the sequence provided below. These instructions are designed to ensure the submission of information essential to the understanding and comprehensive evaluation of the proposal.

### **1) Executive Summary:**

Provide an Executive Summary of the major features of the proposal, including any conclusions, assumptions, and general recommendations the respondent desires to make. In addition, provide the following information. The Executive Summary section is limited to a length of two (2) pages.

- The name and experience of the Design-Builder project lead.
- Confirmation that Respondent is able and willing to provide all of the services requested in this Solicitation, including design and construction in compliance with all applicable laws, rules, regulation and court orders.
- Verification that the proposed Design Builder team members are currently employed by the Respondent and a written commitment that the proposed team members will remain on the project through completion.
- Confirmation that general liability insurance, workers' compensation, and professional liability insurance will be provided within five (5) days of notification of contract award.
- Confirmation that payment and performance bonds will be provided prior to the start of construction phase services.
- Provide proof of your Design Builder's financial ability to perform and execute the work if selected.
- If the Design-Builder is proposing as a Joint Venture or Partnership, statement acknowledging the entity type, the individual companies that make up the entity, and the proposed split (e.g. 50:50)
- Acknowledgment of addenda if any.

### **2) Vendor Information Questionnaire**

- Complete and submit Vendor Information Question Attachment "A".
- Provide sufficient documentation of Respondent's legal name and entity status signed by an authorized representative of the Respondent which clearly indicates not only the legal name and entity status, but also the capacity and authority of the person signing on behalf of Respondent. Accordingly, a partnership/joint venture must file its partnership/joint venture agreement; a corporation must file its articles and bylaws; a limited liability company must file its certificate of organization and article of organization and regulations; and, a limited partnership must file not only limited partnership agreement and the certificate of limited partnership, but also the documentation for its general partner. Respondent must file a copy of any assumed name certificate, or such limited portion of such documents reasonably establishing signature authority, as applicable.

### **3) Prime Firm/Team Profile**

- Firm/Team name, address for local and home offices, telephone and fax numbers, and website URLs.
- Year the Firm/Team was established under the current name and type of organization. List all former names under which the Firm/Team has operated.
- List the Firm/Team's owners, principals, and officers. Identify the principal-in-charge for the project and provide his/her contact information.
- Indicate total number of full time staff to be assigned to this engagement. List by discipline and indicate how many are licensed (architects, engineers, construction administrators, etc.)
- List professional services provided by the Firm/Team.
- Outline any judgments, claims, mediation/arbitration proceedings, and/or lawsuits, against the Firm/Team or its officers pertaining to similar services, in the past five (5) years and/or outstanding. (Additional pages are authorized if necessary to properly respond to this item)
- Describe the Firm/Team's special qualifications, achievements, expertise, or any other relevant information applicable to the scope of services.
- Provide a summary of Experience Modification Rate (EMR) for the last three (3) years, as well as a summary of your company's safety policies and procedures.
- Provide proof of insurance as required by this RFQ

### **4) Prime Firm/Team's Design-Build Experience**

- Provide five (5) design-build project examples performed by the Firm/Team for public/municipal clients in the last ten (10) years.
- Show one (1) design-build project per page, including the following information: project name, location, client name, Firm/Team's role, year design started, initial project construction budget, final project construction cost, initial substantial completion date, final substantial completion date, main consultants and staff members, and name of contractor/builder.
- Describe any experience designing/building public libraries.
- Highlight relevant project features and indicate if the project won any design, planning or construction awards and/or sustainable certifications. Include graphics and/or images, at the Firm/Team's discretion within the space limitations.

### **5) Organizational Plan and Project Approach**

Provide a proposed Team Organization Chart. Identify prime and consultants' resources. Identify key personnel. Describe the firm's philosophy, strategy, and approach to the design and construction of municipal projects. Address how the proposed organization will accomplish quality and timely deliverables, design and construct scope within budget, minimize disruption to the existing operations, project team collaboration, safety, sustainability, estimating, scheduling, cost controls, construction, post-construction, and other critical components of a successful project. Include graphics and/or images, at the firm's discretion within the space limitations. State if sole firms or joint



ventures/partnerships (if joint ventures/partnerships, clearly indicate past experience working together).

This section should also address the following:

- **Cost Control**
  - Describe Firm/Team's typical cost estimating methods during the pre-construction and construction phases.
  - Describe Firm/Team's methodology for working with the Owner and Project Manager to deliver a Guaranteed Maximum Price within budget.
  - Describe typical cost control methods during construction.
  - Describe the means of procuring subcontracts, scope confirmation, amounts, and ensuring proper payment.
  - Provide a sample of a cost estimate used to establish a contract amount from any project listed in this response.
- **Schedule Control**
  - Describe Firm/Team's typical scheduling methods during the pre-construction and construction phases.
  - Describe typical schedule control methods during construction.
  - Give examples of how you assured timely completion of other projects, including methods for schedule recovery, if necessary. From the projects listed in this response, provide examples of how these techniques were used including specific scheduling challenges / requirements and actual solutions.
  - Describe Firm/Team's experience with using CPM scheduling. From the projects listed in this response, provide one (1) sample of the monthly schedule reports, including identified milestones and schedule recovery plans.

## **6) Personnel**

Provide qualifications/resumes of all firm's/team's personnel identified in the Team Organization Chart and to be assigned to the project, including overall experience, municipal experience, and prior experience in proposed role, registrations, certifications, and years with the firm. Indicate experience of the proposed personnel working as a team on previous municipal projects. Provide statement at the end of this section delineating the firm's commitment to maintaining the proposed team, per the Organization Chart, for the duration of the project.

At a minimum, provide a full resume (educational, professional, work related history) of:

- 1) Firm/Team's highest ranking officer, or highest ranking officer with direct oversight of this project (whichever is more relevant);
- 2) The highest ranking officer of each of Respondent's key team members (if any);
- 3) Proposed Design Lead;
- 4) Proposed Project Manager;
- 5) Proposed Project Superintendent;
- 6) Provide a very brief summary of any appropriate factors about the qualification of Firm/Team or Firm/Team's team members, that you believe are relevant to the consideration of you (and your team member's) Qualification for the Project, that has not been disclosed in answer to the questions and requests listed above.

**7) Consultant Services**

Describe any prior experience working with your proposed consultants and delineate their own municipal project specific experience. Provide relevant qualifications for one key person for each consultant identified in the Team Organizational Chart and to be assigned to the project, including overall experience, municipal experience, and prior experience in proposed role, registrations, certifications, and years with the firm. This applies to the major engineering disciplines (e.g. mechanical engineer, etc.), as well as specialized consultants (e.g. IT, etc.)

**8) References**

List one reference for each project included in *Section 4. Prime Firm/Team's Design-Build Experience*. The reference must have been employed by the Owner. Indicate the person's name, client's name and title at the time the project was ongoing, current telephone number, and email address.

**9) Financial Capacity – provide one (1) copy in separately sealed envelope**

- Include your firm's three most recent audited financial statements including your organization's latest balance sheet and income statement. If audited financial statements are not available, include a letter from your certified public accountant verifying how the financial statements were prepared.
- Indicate whether your company is currently in default on any loan agreement or financing agreement with any bank, financial institution, or other entity. If so, specify date(s), details, circumstances, and prospects for resolution.

## **VII. SHORTLISTED / FINALISTS – STEP 2**

The City will select no more than five (5) qualified Respondents to submit Responses to additional information in Step 2 (“the Finalists”). Shortlisted respondents will be evaluated and scored on the criteria listed below. The City may, at its option, request an interview with the Finalists.

The Step 2 Responses will be reviewed, evaluated and ranked by the City, and/or its designees, based upon the application of the following evaluation criteria and weighting factors. No other criteria or factors will be considered in Step 2.

City reserves the right to reject any or all Responses to Step 2 of this solicitation, and reserves the right to waive any irregularity in the Responses received.

Shortlisted Finalists are invited to submit one (1) original and four (4) copies of their Response to Step 2, one (1) USB flash drive containing the submission in a single file PDF document. **Responses should be limited to twenty-five (25) pages.**

**Sealed Responses shall be mailed or delivered to:**

**Office of the Purchasing Manager  
Municipal Building, 1<sup>st</sup> Floor  
630 East Hopkins Street  
San Marcos, Texas 78666**

**The anticipated date to receive responses from shortlisted firms is anticipated to be late March/early April 2019. The Purchasing Office will provide notification to Shortlisted Finalists of date and time.**

**The outermost sealed envelope/container will be labeled as such:**

**SEALED RESPONSE – STEP 2  
DO NOT OPEN**

SEALED PROPOSAL NO.: **219-126**

PROPOSAL TITLE: **Design-Build for Library Renovations/Additions**

DUE DATE/TIME: \_\_\_\_\_

## VIII. EVALUATION CRITERIA – STEP 2

Points will not roll forward from Step 1 to Step 2. All Shortlisted Finalists will start with a clean slate.

Respondent's <i>demonstrated competence and qualifications, safety and long-term durability, feasibility of implementing the project as proposed, and the team's ability to meet the schedules, or costing methodology on project of similar scope and size.</i>	Max Points
<b>FEASIBILITY OF IMPLEMENTING THE PROPOSED PROJECT</b>  Evaluation of the proposed project and the feasibility of implementing it as proposed by Respondent	25 Points
<b>SCHEDULING - CAPABILITY TO PERFORM AND MEET SCHEDULE</b> <ul style="list-style-type: none"><li>• Technical quality of Respondent's Proposed Schedule</li><li>• Respondents (and team's) capability to deliver project on-time</li><li>• Feasibility of implementing Project as proposed</li><li>• Ability of respondent to meet schedules and estimated time for completion</li></ul>	25 Points
<b>SAFETY AND LONG-TERM DURABILITY</b> <ul style="list-style-type: none"><li>• Safety and long-term durability</li><li>• The extent to which the proposal meets the City's needs</li><li>• Quality assurance / quality control plan</li><li>• Safety History and Quality of Safety Plan</li></ul>	10 points
<b>COSTING METHODOLOGY</b>  The Costing Methodology of the Respondent (policies of subcontractor markup, definition of general conditions, range of costs for general conditions, policies on retainage, policies on contingencies, discount for prompt payment, and expected staffing for administrative duties)	40 points
TOTAL	100 points
<b>OPTIONAL INTERVIEWS</b>	<b>25 points</b>

The following items are required to be submitted with the Step 2 Response. In order to expedite the evaluation of proposals, interested Design Build Teams will organize their proposal in the sequence provided below. These instructions are designed to ensure the submission of information essential to the understanding and comprehensive evaluation of the proposal package. **The City will establish a deadline for submission of responses to Step 2.**

## **1) Proposed Project**

Using narratives and concept drawings (not requiring specific architecture or engineering licensure), describe your vision and approach to accomplish the project based on the Design Criteria package, including specific phasing plans. Describe why your vision for the project is unique and will generate the greatest benefit to the public. Provide details for your proposed design including the feasibility of implementing the project and how the design will be implemented.

## **2) Schedule, Work Plan, Sub Contractor Relations**

- Explain the phasing and schedule constraints. Include options and key indicators for measuring the success of the project.
- Indicate any outreach plans for subcontractors.
- With the proposed completion date of **December 2020**, describe your approach to ensure timely completion of the project, taking into account City review time and quality control, and ability to construct multiple structures simultaneously, including methods for schedule recovery, if necessary.
- Describe the type of scheduling system and software.
- Describe your approach to ensure timely completion of design, buyout and construction phases.
- Explain and address how Design Builder intends to comply with all existing laws, rules or applicable municipal charters relating to the use of historically underutilized businesses
- Provide a detailed DRAFT project schedule, with a minimum of 3 Levels of Work Breakdown Structure, to show how this project will be implemented by the expected completion date.

## **2) Safety, Quality Assurance/Quality Control**

- Provide detailed narrative for your proposed design including how the design will perform with regards to safety and the long-term durability and benefit to the City. Include in this section a narrative that explains and compares the design to the City's needs.
- Provide in detail your quality assurance/quality control plan for this project.

## **4) Budget and Costing Methodologies**

- Explain your policies of subcontractor markup, definition of general conditions, range of costs for general conditions, policies on retainage, policies on contingencies, discount for prompt payment, and expected staffing for administrative duties.
- Describe any work Respondent proposes to self-perform and how Respondent will ensure competitive pricing on all bid packages, including self-performed work
- Describe any processes, software or other tools that will be used to generate estimates, analyze alternatives, control, monitor, and report cost performance throughout this project's duration to stay within budget.
- Describe how your design-build approach will protect the City from total project cost overrun exposure.
- Describe your methodology and process to deliver a GMP and to maintain the GMP throughout the design and construction process. Describe when in the process you will present a GMP for approval.

- Describe your design-build cost control approach and your expectation of the City's involvement when gaps in bid packages occur after a GMP is approved and the Project does not come together as a working system due to incompleteness of key elements.

#### **IX. INTERVIEWS - 25 points max**

Interviews will consist of a formal presentation and question and answer session with the Evaluation Panel. The number of firms invited to interview will depend on the scores following evaluation of the written submittals. City will consider significant gaps in point separation between the top ranked Respondents in determining the number to be interviewed. No more than five (5) firms will be invited to interview.

#### **X. AWARD AND EXECUTION OF CONTRACT**

The City reserves the right to select the Response or negotiated Response which, in its discretion is determined to provide the best value to the City and which it believes to serve its best interests and in accordance with all applicable laws, including but not limited to Texas Government Code Section 2269.

**Negotiations:** After selection of the most highly qualified Respondent based on the evaluation criteria, the City may then enter into negotiations with the selected firm as to the terms of the agreement, and all aspects of the project to reach a price offering the best value to the City of San Marcos. The selected Design Builder will be required to submit its Guaranteed Maximum Price proposal and fee within five (5) calendar days of the City's request.

The City shall first attempt to negotiate a contract with the highest ranked Finalist. If the City is unable to negotiate a satisfactory contract with the highest ranked Finalist, the City shall, formally and in writing, end negotiations, and proceed to negotiate with the next Finalist in the order of the evaluation ranking, until a contract is reached or negotiations with all ranked Finalists end.

The entire contents of the Respondent's submittal will become a part of the Design-Builder's executed Contract Documents. Failure of the successful Respondent to accept this obligation may result in cancellation of any award. Any damages accruing to Owner as a result of the successful Respondent's failure to contract may be recovered from the selected Respondent.

**Inability to Reach an Agreement:** In the event the negotiations between the most highly qualified firm and the City cannot be completed as a result of an inability to reach agreement on a fair and reasonable fee for services, or the scope of work to be performed, then the City may formally end negotiations with that firm and attempt to negotiate a contract with the next most highly qualified firm until a contract is entered.

**Successful Respondent's Documents:** The successful firm will provide its submittal documents and any negotiated amendments to the submittals documents to the Office of the Purchasing Manager as an electronic Microsoft Office Word file.

**City Council Approval:** The City Council will consider the final contract for approval in the event the final contract amount is anticipated to exceed \$49,999.99.

**Final Contract:**

1. The successful firm will be required to enter into a written contract with the City. The City's legal terms and conditions for this contract are attached as Attachment "B". Where conflicts exist between the provisions of Attachment "B" and the provisions of this Solicitation, the provisions imposing greater responsibility on the successful firm will control.
2. The Design Builder will assume responsibility for all services offered in its submittal response, whether or not such services are provided by a subconsultant or joint venture arrangement. The successful Design Builder will be considered the sole point of contact with regard to contractual matters, including payment of any and all charges resulting from the contract.
3. Following selection of Design Builder, and agreement upon an acceptable contract, the Design Builder shall complete the design of the Project, submitting all design elements to the City, before or concurrently with construction. The design elements so submitted shall be reviewed to determine their compliance with the Design Criteria Package, this RFQ/RFP, the Response submitted by the Finalist and the terms of the Design Build contract agreed upon by the City.

## **XI. SPECIAL PROVISIONS AND REQUIREMENTS**

**Selected Response:** The City reserves the right to include the selected response or any part or parts of the proposed response in the final contract.

**Reimbursement:** The City makes no commitment to any Respondent of this Solicitation beyond consideration of the written Response. The City will not reimburse firms for the costs incurred in response to this solicitation.

**Collusion:** By submission of a Response, the Respondent certifies, and in the case of a joint submission each party certifies as to its own organization, that in connection with any cost proposal submitted by the firm, the prices which are quoted are not the product, direct or indirect, of any collusion with any other firm, and have not been knowingly disclosed by the firm directly or indirectly to any other firm prior to submission to the City.

**Addenda:** Any changes resulting from the questions submitted affecting the scope of work, or which may require an extension to the solicitation due date will be reduced to writing in the form of an addendum to this solicitation. Addenda may only be viewed at [www.sanmarcostx.gov/eprocurement](http://www.sanmarcostx.gov/eprocurement). It is the Respondent's responsibility to check the above site to determine if the City has issued any addenda. Addenda will be issued no later than five (5) business days prior to the solicitation due date.

**Lobbying:** Respondents are prohibited from directly or indirectly communicating with City Council members regarding their qualifications or any other matter related to the eventual award of a contract for the services requested in this Solicitation. Firms are prohibited from contacting City staff or evaluation committee members regarding their qualifications or the award of a contract, unless in response to an inquiry from a staff or committee member through the Purchasing Manager. **Any violation will result in immediate disqualification of the Firm from the selection process.**

**City of San Marcos Artwork:** Use of the City seal or the City brand on SOQs is **not** permitted.

**Taxpayer Identification Form:** Prior to the execution of a contract for these services, the selected Firm will complete a Request for Taxpayer Identification Number and Certification Form (IRS Form W-9). The City will not make payment against the contract until it has received the properly completed form.

The Design Builder will invoice the City for services rendered accompanied by the City's required documentation. The City's representative and the appropriate staff in the City's Finance Department must approve payments.

**"Green" Procurement:** It is the City's objective to be proactive with regard to the environment. The City encourages "Value Purchasing" of environmentally friendly products. Firms are encouraged to clearly identify any green solution in their proposals or a firm may propose a separate alternative "Green" solution, in a separate envelope marked "Green Solution". The Green solution alternative proposal will meet the minimum performance, and delivery standards.

**Protests:** A protest to the City's consideration of any proposal must be submitted in writing and received by the Purchasing Manager no later than five (5) calendar days after the proposal due date. A written reply to the protest will be sent to the protesting firm by the City's Purchasing Manager. The protest must



contain:

1. Identification of the statute or procedure that is alleged to have been violated;
2. A precise statement of the relevant facts;
3. Identification of the issues to be resolved; and
4. Aggrieved party's argument and supporting documentation.

**Smoking Prohibition:** Pursuant to San Marcos Ordinance No. 2013-57, as amended, all City of San Marcos owned and rented/leased properties are smoke free properties. All contractors, vendors, subcontractors, and their employees are prohibited from smoking while on City property. This prohibition includes the enclosed areas of public places and workplaces and within 10 feet of doors and windows of City-owned or rented buildings, all city parks and the grounds outside of any city building. This prohibition includes e-cigarettes and other inhaled vapor devices. The City may terminate the contract for noncompliance with this ordinance.

**Certificate of Interested Parties:** A contract greater than \$50,000 requires the vendor to electronically create a Certificate of Interested Parties Form 1295 through the Texas Ethics Commission ("TEC") website (<https://www.ethics.state.tx.us/whatsnew/elfinfoform1295.htm>) and submit a signed copy of the form to the City prior to the award of the contract. A contract, including a City-issued purchase order, will not be enforceable or legally binding until the City receives and acknowledges receipt of the properly completed Form 1295 from the vendor.

**Prohibition on Contracts with Companies Boycotting Israel:** Pursuant to Chapter 2270 and 808, *Texas Government Code*, Contractor certifies that is not ineligible to receive the award of or payments under the Agreement and acknowledges that the Agreement may be terminated and payment may be withheld if this certification is inaccurate. Failure to meet or maintain the requirements under this provision will be considered a material breach.

**2252 Compliance:** Section 2252 of the *Texas Government Code* restricts the City from contracting with companies that do business with Iran, Sudan, or a foreign terrorist organization. Contractor hereby certifies that is not ineligible to receive the award of or payments under this Agreement. Failure to meet or maintain the requirements under this provision will be considered a material breach.

**Payment and Performance Bonds:** Payment and performance bonds as required by Texas law will be required from the selected Design Builder in the amount of the Guaranteed Maximum Price, less the portion of the Guaranteed Maximum Price attributable to the design services only. The successful Design Builder must deliver the performance and payment bonds to the City not later than the 5<sup>th</sup> day after the contract is awarded by City Council or by the date specified by the City but prior to construction on the bond forms provided (Attachment "D").

**Insurance:** The successful respondent must provide liability insurance covering its activities in the coverage amount of not less than \$2,000,000.00 per occurrence and \$10,000,000.00 aggregate, with the aggregate applying to this Project only. City must be named as an additional insured. The successful respondent must provide builder's risk / property insurance for the Project in the amount of the full contract sum. City must be named as an additional loss payee on the insurance. The successful respondent must provide workers compensation insurance for its employees. Automobile liability insurance must be

provided for all motor vehicles involved in the Project in the amount of \$1,000,000.00 per single limit for bodily injury and property damage with umbrella coverage in an amount not less than \$3,000,000.00.

**Professional Liability Insurance:** The Design Builder must be covered by professional liability insurance in a coverage amount of not less than \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate.

For services performed on Owner's premises, Design Builder shall furnish to Owner Certificates of Insurance as set forth below prior to the commencement of any work hereunder and shall maintain such coverage during the full term of the Agreement.	
Worker's Compensation	Statutory Limits
Employer's Liability	\$1,000,000 each occurrence \$1,000,000 aggregate
Comprehensive General Liability	\$1,000,000 each occurrence \$2,000,000 aggregate
Comprehensive Auto Liability	\$1,000,000 each person
Bodily Injury	\$1,000,000 each occurrence
Property Damage	\$1,000,000 each occurrence
Professional Liability	\$2,000,000 aggregate
Builders' Risk Insurance.	Design Builder shall maintain Builders' Risk Insurance or Installation Insurance on an all risk physical loss form in the Contract Amount. Coverage shall continue until the Work is accepted by Owner. Owner shall be a loss payee on the policy. If off-site storage is permitted, coverage shall include transit and storage in an amount sufficient to protect property being transported or stored.

**Design Criteria Package:** The Design Criteria Package will be provided to the Shortlisted / Finalists. Respondents must not include detailed engineering or architectural designs as part of its response. Respondents are encouraged to include conceptual drawings and illustrations in their proposals, to assist the City, and its designees, in evaluating the Proposal.

**Conflict of Interest:** The City may not accept a proposal or award a contract with firm who is currently under contract or who has received compensation to participate in preparing the specifications or any other work for which this Design Build Solicitation is based. The City will be conducting a thorough review of the participants of each proposed team, and their potential conflicts as part of the evaluation process. Participants found to be in conflict must be replaced upon the request of the City.

**Prevailing Wage Rates:** Workers on the Project shall be paid not less than wage rates, including fringe benefits, as published by the Department of Labor (DOL) for Building Construction and Heavy and Highway Trades "As Applicable".

**Exceptions or Exclusions:** Be advised that exceptions to any portion of the Solicitation may jeopardize acceptance of your response. If exceptions are taken to the City's Agreement, this will be clearly indicated and a full explanation given for each exception. It is required that the Response enumerate the specific clauses that the firm wishes to amend or delete and suggest alternative wording. In view of the length of

time involved in obtaining the approval of legal counsel, firms are cautioned not to state that the firm's Response is subject to the firm's standard terms and conditions or that the final terms and conditions are subject to negotiation after award. This may result in the Response being deemed non-responsive, in which no further consideration or evaluation will be made.

**Exhibits and Attachments:** All exhibits and attachments included in this Solicitation are incorporated herein for all purposes.

## **XII. INQUIRES AND OTHER INFORMATION**

All questions and other communication from firms will be permissible **until 5:00 P.M., January 31, 2019**. All responses to this Request for Qualifications, as well as any questions, clarifications, or requests for general information are to be directed to the following Point of Contact:

**Office of the Purchasing Manager**  
**Attention: Lynda Williams or Charles Blue**  
**City of San Marcos**  
**Email: [cosmpurchasing@sanmarcostx.gov](mailto:cosmpurchasing@sanmarcostx.gov)**  
**Phone: 512-393-8170**

## **XIII. DESIGN AND CONSTRUCTION (POST CONTRACT EXECUTION)**

The approximate design period of four (4) calendar months is desired. The maximum construction period of eighteen (18) calendar months is desired, not to exceed twenty (20) calendar months (assumes design and construction are partially overlapped).

The Design Builder shall complete the design submitting all design elements for review and approval by the City and its designated independent A/E. At each design stage, the Design Builder's design solutions must be submitted to the City's Code Compliance Department and the City's independent A/E.

The Guaranteed Maximum Price (GMP) is the total cost of work comprised of design, construction, contingency, fees, and general conditions. The Design Builder will agree to design and build the Project in full compliance with the requirements of this Solicitation, with all applicable laws, rules, regulations and court orders, and in full compliance with all the offers, proposals terms and conditions set forth in the negotiated and executed Agreement. A GMP is anticipated within 2-3 months of Notice to Proceed.

Construction shall be carried out in accordance with the contract documents (including the approved drawings, plans, specification and project manual), and in accordance with applicable regulations and standards including Texas Public Library Standards, Texas Administrative Code, City of San Marcos Standards, applicable Federal, State and Local laws, regulations, and ordinances. Construction draws and retainage shall be in accordance with the negotiated contract. Construction shall include providing all necessary furnishings and equipment to make the facility operational for its intended purpose.

The Design Builder shall supply a signed and sealed set of "as built" construction documents for the Project to the City at the conclusion of construction of the Project.

#### **XIV. ANTICIPATED SOLICITATION SCHEDULE**

##### **STEP 1**

This Design Build solicitation will consist of two-steps. The first step is the **Qualification Submission** which is followed by the **Proposal Submission**.

- January 13, 2019 – 1<sup>st</sup> Advertisement: Advertise, mail, or email Request for Qualifications/Request for Proposal RFQ/RFP
- January 20, 2019 – 2<sup>nd</sup> Advertisement: Advertise, mail, or email Request for Qualifications/Request for Proposal RFQ/RFP
- January 28, 2019 - 2:00 PM – Pre-Proposal Meeting
- February 7, 2019 @ 2:00 PM CST – Deadline for Receipt of Qualification Submittals to be delivered to Office of the Purchasing Manager, Municipal Building, 1<sup>st</sup> Floor, 630 East Hopkins Street, San Marcos, Texas 78666. The names of respondents will be publicly read at that same time and location.
- Week of February 18th or 26th, 2019 – Selection Committee will qualify up to five (5) firms for the Step 2 process.

##### **STEP 2**

- Late February 2019 2:00 PM at the City of San Marcos - Mandatory Pre-Response meeting with the shortlisted firms. Purchasing Office will provide a date and time to all Shortlisted Firms.
- Early March, 2019 – Deadline for Receipt of Step 2 responses. Purchasing Office will provide a date and time to all Shortlisted Firms.
- March, 2019 – Interviews may be conducted by Selection Committee. Purchasing Office will provide a date and time to all Shortlisted Firms.
- March, 2019 – Selection Committee selects and makes its recommendation for the most highly qualified Finalist. Negotiations begin with the highest ranking firm.
- April/May, 2019 – Recommendation to City Council for consideration and contract award to the Design Build Firm who offers the best value to the City of San Marcos.



## ATTACHMENT "A"

### VENDOR INFORMATION QUESTIONNAIRE

If this document is not submitted with the bid/proposal, it may be considered non-responsive.

Name of Company:	
Primary/Principal Office Address:	
Telephone Number:	
Email Address:	
DUNS Number (if applicable):	

Form of Ownership (check one):

- ☐ Corporation State Incorporated/Registered \_\_\_\_\_ / Date Incorporated/Registered \_\_\_\_\_
- ☐ LLC
- ☐ Joint Venture
- ☐ Partnership: If Partnership, select one of the following: ( ) Limited or ( ) General
- ☐ Individual

Company has been in business since: \_\_\_\_\_

List of Partners, Principals, Corporate Officers or Owners:

Name	Title

List of Corporate Directors:

Name	Title

1. Have you had any contracts terminated for default or other performance reasons? ☐ Yes ☐ No

If yes, explain: \_\_\_\_\_

2. Has your company been convicted of a criminal offense involving fraud, theft, bribery, kickbacks, or unlawful gifts to a public official? ☐ Yes ☐ No

If yes, has the conviction occurred within three (3) years immediately preceding either the date of submission of a bid/proposal, or the date of award of the contract?

If yes, explain: \_\_\_\_\_

3. Is your company involved in pending investigation or criminal prosecution of a criminal offense involving fraud, theft, bribery, kickbacks, or unlawful gifts to a public official? ☐ Yes ☐ No

If yes, explain: \_\_\_\_\_

4. Does your company have pending claims, investigations, or civil litigation involving allegations of fraud, misrepresentation, or conversion? ☐ Yes ☐ No

If yes, explain: \_\_\_\_\_

5. Does your company have previous final judgments against the City for breach of contract, fraud misrepresentation or conversion? ☐ Yes ☐ No

If yes, explain: \_\_\_\_\_

6. Has your company failed to timely pay/remit sales tax, property tax, or utility payments to the City of San Marcos?

☐ Yes ☐ No

If yes, explain: \_\_\_\_\_

7. Has your company refused to execute a contract following an award by the San Marcos City Council?

☐ Yes ☐ No

If yes, explain: \_\_\_\_\_

8. Has your company violated the anti-lobbying provisions in a current or previous City of San Marcos procurement process by making contact with a member of the San Marcos City Council prior to the award of a contract?

☐ Yes ☐ No

If yes, explain: \_\_\_\_\_

9. Has your company furnished unauthorized substitutions of materials not meeting contract specifications in a current or previous contract with the City of San Marcos? ☐ Yes ☐ No

If yes, explain: \_\_\_\_\_

I, \_\_\_\_\_, as \_\_\_\_\_  
Name of Individual Title & Authority

of \_\_\_\_\_, declare under oath  
Company Name

that the above Statements, including any supplemental responses attached hereto, are true and correct, and that the representations made herein are accurate to the best of my knowledge and are based upon a diligent search of records. I further acknowledge that any failure to conduct a diligent search or to make a full and complete disclosure may result in cancellation of my contract by the City of San Marcos, and possibly debarment.

\_\_\_\_\_  
Signature

THIS FORM MUST BE SUBMITTED WITH YOUR BID/PROPOSAL