



Hays CISD
21003 IH 35
Kyle, Texas 78640
512-268-2141 ext. 45092

RFQ #28-012301VL Construction Manager at Risk

Opens 02-24-2023 @ 2:00 p.m.

Dear Prospective Vendor:

The purpose of this letter is to invite you to submit qualifications for the above-referenced item for Hays CISD.

Responses must be clearly marked with the above referenced RFQ number, opening date, and time. Responses must be received in the HCISD Purchasing Office, 21003 IH 35, Kyle, TX 78640 by the above referenced date and time. **LATE RESPONSES WILL NOT BE CONSIDERED.** Respondent must complete the attached disclaimer statement giving full name and address, and disclaimer must bear the manually executed signature and title of the authorized agent.

No response may be withdrawn by the vendor for a period of sixty (60) days subsequent to the opening of RFQs without consent of the Board of Trustees, Hays CISD District. The Board of Trustees reserves the right to reject any and/or all bids, award contracts for individual items as may appear advantageous, and waive all formalities in the RFQ process.

Award will be made to the most qualified respondent.

Thank you for your interest.

Valerie Littrell

Valerie Littrell, CTSBS, CTCD, CTCM
Buyer

**HAYS CONSOLIDATED SCHOOL DISTRICT
REQUEST FOR QUALIFICATIONS – RFQ #28-012301VL
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SECTION I - INSTRUCTIONS TO PROPOSERS

1. INTRODUCTION.

Hays Consolidated Independent School District (HCISD) invites qualified firms to submit proposals for Construction Manager at Risk to construct projects approved by the Board of Trustees for the 2023 Bond Program and future Bond programs. Future projects are contingent upon Bond passing. It is the intention of Hays CISD to select one or more firms. The district will be utilizing a one-step process for this RFQ requiring proposers to provide both qualified information and price proposals.

The District plans to utilize the AIA document A133-2019 Standard Form of Agreement Between Owner and Construction Manager as Constructor, *where the basis of the payment is the Cost of Work Plus a Fee with a Guaranteed Maximum Price*, as modified by the Owner. The Owner’s modified versions of the A133-2019 and A201-2017 General Conditions will be made available to all finalists selected.

The basis of design for this solicitation is identified in Exhibit B – *NEW “EXAMPLE” ELEMENTARY SCHOOL* as a new elementary school of approximately 115,000 gross square feet with a functional capacity of 900 students in 47 classrooms, 2 flex rooms and 1 life skills area. The District reserves the right to deviate from this design concept as needed.

The Construction Cost Limitation for this project is \$52,000,000 (Fifty-Two Million Dollars).

- 1.1. HCISD will accept responses either by mail or hand carried until **2:00 p.m., Friday February 24, 2023.** Proposals received after the opening date and time will not be accepted and will be returned unopened to vendor. One (1) clearly defined original and five (5) clearly defined copies, one (1) in electronic format - flash drive) of the response are required for evaluation purposes. Electronic copy must be in a Microsoft Office format (i.e. Word, Excel) or a searchable PDF document. Responses may be hand carried or mailed in a sealed envelope/package clearly marked with the offering company's name, return address, the RFQ number and opening date and time, and addressed to: Hays Consolidated Independent School District, PURCHASING DEPARTMENT, Valerie Littrell, 21003 IH 35, Kyle, TX 78640.
- 1.2. **A Pre-Bid conference will be held on Monday, February 20th at 10:00-11:30 a.m. at Sunfield Elementary School, located at 155 Vista Gardens Dr., Buda, Texas 78610.**

1.3 ANTICIPATED SCHEDULE OF RFQ PROCESS

Release/Posting of RFQ	January 30, 2023
Advertisement in Hays Free Press	February 08 & 15, 2023
Final day for RFQ Questions	February 13, 2023
Formal Response to all Questions	February 17, 2023
Pre-Qualifications Conference	February 20, 2023
Request for Qualifications (RFQ) Due Date	February 24, 2023
RFQ Evaluation Period	February 25, 2023 – March 09, 2023
Board Approval/Anticipated Award	March 27, 2023

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1.4 PROJECT PLANNING SCHEDULE

Key Project planning schedule milestone are:

Board Approval/Anticipated Award	March 27, 2023
Notice to Proceed for Pre-Construction Services	April 17, 2023
Architect begins Schematic Design	May 08, 2023
Architect completes Schematic Design	August 21, 2023
Architect begins Design Development	August 22, 2023
Architect completes Design Development	October 30, 2023
Architect begins Construction Documents	October 31, 2023
Architect completes Construction Documents	December 19, 2023
District approves Guaranteed Maximum Price Proposal	February 26, 2024
CMR initiates Subcontractor Bid and Award	February 27, 2024
Notice to Proceed for Construction Phase Services	March 04, 2024
Jurisdictional Approval Complete	March 22, 2024
District accepts Substantial Completion of Construction	June 27, 2025
Construction Manager achieves Final Completion of Construction	August 02, 2025
Teachers arrive to begin 2025-2026 school year	August 04, 2025

The schedule of events presented above represents a basic timeline for the project. A final project timeline will be developed with the District at a later time. The District can be expected to work with the Architect and CMR to validate and improve on this initial schedule.

1.5 GENERAL TERMS, CONDITIONS AND REQUIREMENTS FOR SOLICITATIONS. This Request for Proposal shall be governed by the following documents unless an exception is otherwise taken within this Solicitation.

- 1.1. A133-2019 Standard Form of Agreement Between Owner and Construction Manager as Constructor as modified by Owner A201-2017 General Conditions as modified by Owner 4 Allowable General Condition Line Items 1-31-19
- 1.2. 5 Certification of Project Compliance 1-31-2019
- 1.3. 6 Directive to Contractor – Owner Contingency Authorization Form 1-31-2019

The anticipated contract between the District and the selected Proposer will be based on the documents included in Exhibit B – *NEW “EXAMPLE” ELEMENTARY SCHOOL*. All proposers are encouraged to thoroughly read and be familiar with the terms of these documents prior to submission of a Proposal response. All scopes of work related to the project shall be governed by the executed agreement. The executed contract between the District and the awarded Proposer shall supersede the terms and conditions of this RFQ and the Proposer’s response.

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2. **PRE-RESPONSE QUESTIONS.**

Questions regarding this RFQ must be in writing and shall be directed to Valerie Littrell, Buyer, via email (valerie.littrell@hayscisd.net), mail (21003 IH 35, Kyle, TX 78640). **To provide HCISD sufficient time to adequately prepare responses to vendor inquiries, all questions must be submitted by February 13, 2023 by 11:00 a.m. CST.** Contact with HCISD personnel other than Valerie Littrell or her designee regarding this solicitation may be reason for elimination from the selection process. Any prospective respondent detecting a conflict or ambiguity in the RFQ should notify the Director of Purchasing, in writing, setting forth the grounds of the alleged conflict or ambiguity and requesting the issuance of a clarifying addendum. If HCISD believes that clarification is necessary or proper, a clarifying addendum will be distributed to all prospective vendors. HCISD will not be bound by any oral or other informal explanation of the requirements of the RFQ documents.

3. **PREPARATION OF PROPOSALS.**

3.1. **Package.** The package containing your Proposal response (1 original, 5 identical hard copies and one PDF on a LABELED thumb drive) should be plainly marked:

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Attention: Valerie Littrell

Closes 2:00 PM, Friday, February 24, 2023

3.2. **Preparation.** Please limit your submission to 50 double sided, 12pt. font, 8.5 x 11 pages, not including covers, TAB dividers, proof of financial status, and required forms. Each Proposer shall furnish the information required by this RFQ. The person signing the Proposal response must be an authorized representative of the proposing firm. All erasures or other changes must be initialed by the submitting party.

3.3. **Exceptions.** If any exceptions are taken to any portion of the RFQ, the Proposer must clearly indicate the exceptions taken and include a full explanation as a separate attachment to the Proposal response. Failure to identify exceptions or proposed changes with a full explanation will constitute acceptance by the Proposer of the RFQ as proposed by the District. The District reserves the right to reject a proposal response containing exceptions, additions, qualifications or conditions not called for in the Solicitation and considered major in scope by the District.

3.4. **Addendums.** The Proposer is to respond and acknowledge all addendums are required by this RFQ. Failure to acknowledge addendums will be grounds for disqualification of associated Proposal response.

4. **COMPONENTS OF A RESPONSE.** All Proposal responses will include all information solicited by this RFQ and any additional material that the Proposer deems pertinent to the understanding and evaluation of their response. Incomplete responses may be disqualified from further consideration at the sole discretion of HCISD.

4.1. **Technical Response.**

4.1.1. *Attachment C - Construction Manager-At-Risk Qualification Questionnaire.*

10.1.1.1. The Proposer shall complete and return the Construction Manager-At-Risk Qualification Questionnaire form provided by the District. A hardcopy version is provided in Attachment C. The required form is available at www.hayscisd.net.

10.1.1.2. The form may also be requested through the Buyer listed at the beginning of this RFQ or by contacting the HCISD Purchasing Office at 512.268.2141.

10.1.1.3. The Proposer will address all questions completely and concisely within the area provided in the electronic form.

4.2. **Price Proposal.** The Proposer shall complete and return the Attachment D - *Price Proposal Form*. The Proposer shall contain a straightforward, concise delineation of the Proposer's fees to satisfy the requirements of this RFQ.

NOTE: For Items 4.1.and 4.2 below, the District will only reimburse actual costs as set forth in the *Construction Manager At-Risk contract documents*. The costs and percentage provided in the Price Proposal form are to be used only to establish the cost estimates. Estimated reimbursements will be made during the contract period based on these projected costs / percentages but will be reconciled via the audit performed during or at the end of the contract.

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The Proposal response is to include:

- 4.2.1. Construction Manager at Risk Fee. CM At-Risk Fee shall be the percentage paid to the Construction Manager-at-Risk based on the Actual Cost of Work as defined in the *Construction Manager At-Risk contract documents*
- 4.2.2. Pre-construction Costs. The Pre-construction fee shall be based on the allowable expenses' requirements set forth in the *Construction Manager At-Risk contract documents*
- 4.2.3. General Conditions. Reimbursable labor burden percentage shall be based on the allowable expenses set forth in the *Construction Manager At-Risk contract documents and is subject to audit.*
- 4.3. **Felony Conviction Notice.** The proposer shall complete and return Attachment F – *Felony Conviction Notice.*
- 4.4. **Proposer Affirmation of Understanding.** For the Proposal response to be considered acceptable, the Proposer shall affirm, by authorized signature, that the Proposer understands of the entire document and all of its contents. It also ensures the Proposal response is submitted in accordance with the stated requirements of the RFQ. Should the Proposer's response not fully comply with the requirements set forth in the RFQ, the Proposer will clearly identify each deviation or proposed alternative. By affirmation of a signed Proposal response, the response will represent a true and correct statement and shall contain no cause for claim of omission or error.

5. COMPETITIVE SELECTION.

5.1. Selection Process.

- 5.1.1. THIS IS A NEGOTIATED PROCUREMENT, and as such, award will not necessarily be made to the Proposer submitting the lowest fee / cost Proposal.
- 5.1.2. The District shall accept the Proposal it deems to be in the best interest of the District.
- 5.1.3. The District may make an award without discussion with any Proposer, after Proposal responses are received and evaluated. Proposers should therefore be submitted on the most favorable terms.
- 5.1.4. In making that determination, the District shall consider the Proposer's technical expertise and experience, the proposed fees / costs, the Proposer's references and record of responsibility, and any other relevant factor that the District deems necessary to determine best value.

5.2. **Proposal Validity Process.** The District reserves the right to retain all Proposal responses for a period of forty-five (45) days after the Proposal opening date for examination and comparison.

5.3. Evaluation.

- 5.3.1. The Construction Manager-At-Risk (CMR) will be selected via a one-step evaluation process, pursuant to Section 2269 of the Texas Government Code.
- 5.3.2. Upon receipt of proposals, the Evaluation Team will review and evaluate the proposals based on the following evaluation criteria:

CRITERIA	WEIGHT/PERCENTAGE
Technical Evaluation	60 %
Pricing Evaluation:	40%
Financial Evaluation	Pass/Fail
References	Pass/Fail

- 5.4. **Additional Evaluation Processes.** The District reserves the right to conduct interviews of the key proposing company leaders and the proposed project staff, or other additional evaluation processes that are deemed necessary by the District to assist in a complete and thorough evaluation of the proposals.
- 5.5. **Availability of Funds.** In the event that sufficient funds are not available for the project, the District reserves the right to negotiate the scope of this contract, delay implementation, reject all Proposals, or award another type of contract other than that required in this RFQ.
- 5.6. **Board of Trustees Approval.** District policy requires an administrative recommendation be made to the HCISD Board of Trustees at a future Board Meeting based on the Proposer receiving the highest evaluation score.

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6. **AWARD OF CONTRACT.**

- 6.1. Upon successful negotiations between the District and the selected Proposer, the parties will be required to enter into a written Agreement with HCISD based on the contract documents included in Exhibit B – *Construction Contract Documents*.
- 6.2. All scopes of work related to the project shall be governed by the executed agreement.

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ATTACHMENT B: Request for Proposal Certifications and Representations

Certification and Representation. The undersigned, by signing and executing this proposal, certifies and represents to the Hays Consolidated Independent School District (“District”) that the Proposer has not offered, conferred or agreed to confer any pecuniary benefit, as defined by §1.07(a)(6) of the Texas Penal Code, or any other thing of value, as consideration for the receipt of information or any special treatment or advantage relating to this proposal; the Proposer also certifies and represents that Proposer has not offered, conferred or agreed to confer any pecuniary benefit or other things of value as consideration for the recipient's decision, opinion, recommendation, vote or other exercise of discretion concerning this proposal; the Proposer certifies and represents that Proposer has neither coerced nor attempted to influence the exercise of discretion by any officer, trustee’s agent or employee of the District concerning this proposal on the basis of any consideration not authorized by law; the Proposer also certifies and represents that Proposer has not received any information not available to other Proposers so as to give the undersigned a preferential advantage with respect to this proposal; the Proposer further certifies and represents that Proposer has not violated any state, federal or local law, regulation or ordinance relating to bribery, improper influence, collusion or the like and that Proposer will not in the future, offer, confer, or agree to confer any pecuniary benefit or other thing of value of any officer, trustees agent or employee of the District in return for the person having exercised the person’s official discretion, power or duty with respect to this proposal. The Proposer certifies and represents that it has not now and will not in the future offer, confer, or agree to confer a pecuniary benefit or other thing of value to any officer, trustee, agent or employee of the District in connection with information regarding this proposal, the submission of this proposal, the award of this proposal or the performance, delivery or sale pursuant to this proposal.

The Proposer hereby affirms that the associated Proposal Response has been submitted by an authorized representative of the company or firm, and that the company affirms that all provisions of the solicitation are agreed upon and met unless otherwise identified within the Proposal Response.

Addendum Acknowledgement. The Proposer shall acknowledge all addendums are required by this RFQ. Failure to acknowledge addendums will be grounds for disqualification of associated Proposal response.

<u>Initials</u>	<u>Initials</u>	<u>Initials</u>
Addendum # _____	Addendum # _____	Addendum # _____
Addendum # _____	Addendum # _____	Addendum # _____

FAILURE TO SIGN AND SUBMIT THIS DOCUMENT WILL BE GROUNDS FOR DISQUALIFICATION.

Firm Name: _____	Telephone: 1-800 - _____
Address: _____	Or _____
City: _____	Fax: _____
State: _____ Zip: _____	email: _____
(Signature of Person Authorized to Sign Proposal)	Date: _____
Printed Name: _____ (Please print or type)	Title: _____

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ATTACHMENT C - Construction Manager-At-Risk Qualification Questionnaire

The Proposer shall provide the following information in the sequence and format prescribed by this questionnaire. Supplemental materials providing additional information may be attached with reference to the appropriate question at the end of the submission.

1. CORPORATE INFORMATION.

1.1. Firm Information

- Name of Firm
- Address of Principal Office
- Address of Local
- Office Phone and Fax of Local Office
- Form of Business Organization (corporation, partnership, individual, joint venture, other)
- Year Founded
- Primary Individual to Contact
- Phone and email of contact person

1.2. Company History / Claims and Suits

- 1.2.1. How many years has your organization been in business in its current capacity?
- 1.2.2. How many years has your organization been in business under its present name?
- 1.2.3. Under what other or former names has your organization operated?
- 1.2.4. If your organization is a corporation, answer the following:
 - Date of incorporation
 - State of incorporation
 - President's name
 - Vice President's name(s)
 - Secretary's name
 - Treasurer's name
- 1.2.5. If your organization is a partnership, answer the following:
 - Date of organization
 - Type of partnership (if applicable)
 - Name(s) of general partner(s)
- 1.2.6. If your organization is individually owned, answer the following:
 - Date of organization
 - Name of owner
- 1.2.7. If the form of your organization is other than those listed above, describe it and name the principals.
- 1.2.8. Claims and suits (If the answer to any of the questions below is yes, please attach details).
 - 1.2.8.1. Has your organization ever failed to complete any work awarded?
 - 1.2.8.2. Are there any judgments, claims, arbitration proceedings or suits, pending or outstanding against your organization or its officers? If yes, please include details.
 - 1.2.8.3. Has your organization filed or been involved in any lawsuits or requested neutral third-party arbitration with regard to construction contracts within the last five years?
 - 1.2.8.4. Within the last five years, has any officer or principal of your organization ever been an officer or principal of another organization when it failed to complete a construction contract? If the answer is yes, please include details as to why the contract was not completed.
 - 1.2.8.5. Within the last five years, has any worker's compensation claims been filed by any workers on any job sites managed by your organization? If yes, please provide details of the incident and the outcome of the claim.
 - 1.2.8.6. Has your organization ever been involved in any lawsuits or requested neutral third-party arbitration with Hays CISD.

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2. PERSONNEL INFORMATION.

- 2.1. **Organizational Chart** - Given the scope, complexity and schedule of the project, provide an organizational chart and identify the following positions with job descriptions:
- Project Manager
 - Job Superintendent
 - Manager of Preconstruction Services
 - Estimator
 - Other personnel which will be actively involved in the project
- 2.2. **Assigned Personnel Resumes** - Provide a resume and references for each individual noted in the organization chart. The minimum information to be provided per individual:
- Current job title with the proposing company and description of responsibilities
 - Number of years of experience in the current job title
 - Number of years with the proposing company
 - Other titles / roles with the proposing company prior to the current title
 - Formal education
 - Number of years of construction related experience
 - Projects the individual has been involved with in the current job title
 - Other construction experience
 - City of Residence
 - Client Reference
 - Architect/Engineer Reference

3. SUBCONTRACTOR PERFORMANCE BONDS AND/OR DEFAULT INSURANCE.

- 3.1. **Conventional Subcontractors Bonding.** If the Proposer chooses to use conventional subcontractors bonding, describe how the Proposer will fully disclose the following information regarding the policies:
- Actual policy including all declarations.
 - Methodology for determining subcontractor's qualifications and which subcontractors (or trades) are to be included in coverage.
 - Method used for calculating premium charged to the district.
 - Provisions for making HCISD or the project as an additional insured.
 - Terms of the insurance policy.
- 3.2. **Subcontractor Default Insurance.** If the Proposer chooses to use subcontractor default insurance, describe the Proposer's motivation to do so and how the following information will be fully disclosed regarding the subcontractor default insurance policy:
- Actual policy including all declarations.
 - Methodology for determining subcontractor's qualifications and which subcontractors (or trades) are to be included in subcontractor default insurance coverage.
 - Method used for calculating premium charged to the district.
 - Provisions for making HCISD or the project as an additional insured.
 - Disclosure of anticipated rebates/refunds/discounts from the insurance company pertaining to this project and methodology of crediting HCISD.
 - Terms of the insurance policy.

4. PROJECT AUDIT PROCEDURES.

- 4.1. The District's Internal Audit Department requires full and detailed accounts for proper financial management for this project. The Proposer is to summarize how they manage and keep such full and detailed accounts as may be necessary for proper financial management.
- 4.2. Describe the financial system that will be used on this project.

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- 4.3. Describe how the District will be afforded access to and the right to copy all the Contractor's records, books, correspondence, instruction, drawings, receipts, vouchers, memoranda and similar data relating to this Contract, and how the Contractor shall preserve all such records (minimum of 3 years) after the final payment.
- 4.4. Provide examples of the following reports.
 - 4.4.1. Monthly job cost detail,
 - 4.4.2. Detailed job cost history to date,
 - 4.4.3. Monthly labor distribution detail (if not already separately detailed in the job cost detail),
 - 4.4.4. Employee timesheets documenting time worked by all individuals who charge reimbursable time to the project,
 - 4.4.5. Daily foreman reports listing names and hours and tasks of personnel who worked on the project,
 - 4.4.6. Daily superintendent reports,
 - 4.4.7. Detailed subcontract status reports showing original subcontract value, approved subcontract change orders, subcontractor invoices, payment to subcontractors, etc.,
 - 4.4.8. Copies of all executed change orders issued to Subcontractors,
 - 4.4.9. Copies of executed subcontracts with all subcontractors, and
 - 4.4.10. Copies of all documentation supporting all reimbursable job costs (subcontractor payment applications, vendor invoices, internal cost charges, etc.).
5. **SYSTEM APPROACH TO PROJECT MANAGEMENT CONTROL SYSTEMS.**
 - 5.1. Describe your organization's project management control system that will be used on the project.
 - 5.2. Describe your organization's concept of "pre-construction services" provided in past school projects and the results of those services. Provide a listing of the types of services that can be expected by the CMR for this type of project.
 - 5.3. Describe your organization's methods for in-house estimating construction costs during the pre-construction phase that best describe the CMR's ability to control and/or avoid cost overruns in today's marketplace.
 - 5.4. Describe your organization's methods for scheduling during the pre-construction phase of this project that best identify the CMR's ability to complete the project on time.
 - 5.5. A Construction Manager-at-Risk provides a lot of flexibility in the construction process. With that comes accountability for all partners. How does your company work with the District to ensure that the construction process is being managed to the best of your abilities?
 - 5.6. Describe your organization's warranty service support philosophy and warranty service implementation plan.
 - 5.7. Describe your organization's experience and facilitating BIM (Building Information Modeling) use on projects, especially similar project and projects involving CMR delivery method.
 - 5.8. Describe your organization's approach for anticipating, recognizing and controlling safety risks and note the safety resources that your organization provides for each project's safety program. Identify OSHA recordable injuries or illnesses for all projects your organization has managed or co-managed in the past 3 years.

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6. **EXPERIENCE AND REFERENCES**. Given the scope and schedule of the project, provide a list of no more than five (5) elementary school projects and / or other projects within the last ten (10) years that are similar in size and complexity. This information will be used in the reference check process. Provide the following information for each project:
- Project Name
 - Name of School District (if not a school give project's owner and location)
 - Original Owner Budgeted Cost for Construction
 - Final Construction Cost
 - Project Square Footage
 - Project Delivery Method used
 - Type of Structure
 - Completion date
 - Name of Project Manager
 - Name of Job Superintendent
 - Name of the owner representative
 - Telephone and email of the owner representative
 - Name of the architect's representative
 - Telephone and email of the architect's representative

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ATTACHMENT D: Price Proposal Form

The Proposer shall complete the following pricing. The Proposer shall contain a straightforward, concise delineation of the Proposer's fees to satisfy the requirements of this RFQ.

NOTE: For Items 2. and 3. below, the District will only reimburse actual costs as set forth in the *Construction Manager At-Risk contract documents and is subject to audit*. The costs and percentage provided in the Price Proposal form are to be used only to establish the cost estimates. Estimated reimbursements will be made during the contract period based on these projected costs / percentages but will be reconciled via the audit performed during or at the end of the contract.

Liquidated damages will be assessed at \$250.00 per day unless otherwise noted by the District.

Proposer
Company Name:

1. Construction Manager at Risk Fee. CM At-Risk Fee shall be the percentage paid to the Construction Manager-at-Risk based on the Actual Cost of Work as defined in the *Construction Manager At-Risk contract documents*. %

2. Total Pre-Construction Fee. The Pre-construction fee shall be a Lump Sum paid to the Construction Manager-at-Risk based on the allowable expenses' requirements set forth in the *Construction Manager At-Risk contract documents*. \$

3. General Conditions. Reimbursable labor burden costs shall be the percentage paid to the Construction Manager-at-Risk based on the allowable expenses set forth in the *Construction Manager At-Risk contract documents and is subject to audit*. %

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ATTACHMENT E: Proof of Proposer Financial Status

The Proposer shall provide with their Proposal response:

1. Financial statement, audited, including the organization's latest balance sheet and income statement showing the following items:
 - 1.1. Current assets (e.g., cash, joint venture accounts, accounts receivable, notes receivable, accrued income, deposits, materials inventory, and prepaid expenses).
 - 1.2. Non-current assets (e.g., net fixed assets, other assets).
 - 1.3. Current liabilities (e.g., accounts payable, notes payable, accrued expenses, provision for income taxes, advances, accrued salaries and accrued payroll taxes).
 - 1.4. Non-current liabilities (e.g., notes payable).
 - 1.5. Capital accounts and retained earnings (e.g., capital, capital stock, authorized and outstanding shares par value, earned surplus, and retained earnings).
 - 1.6. Revenues (e.g. sales, other income).
 - 1.7. Expenses (e.g. cost of sales, administrative, general, interest expense, other).
 - 1.8. Income (Loss) from Continuing Operations before Income Tax.
 - 1.9. Income (Loss) from Continuing Operations before Cumulative Effect of Accounting Change.
 - 1.10. Net Income (Loss).
2. Name and address of firm preparing attached financial statement and date thereof. Attach a copy of the auditor's report, compilation report, or review report from an independent CPA firm.
3. If the financial statement is not the identical name of the Proposer, provide an explanation as to the relationship and financial responsibility of the organization whose financial statement is provided (e.g., parent subsidiary).
4. If the organization identified in the financial statement will not act as Guarantor of the contract for construction, provide the Guarantor's company name and complete contact information.
5. Provide the following Financial Institution information.
 - 5.1. Name of company;
 - 5.2. Name of agent;
 - 5.3. Address of agent; and
 - 5.4. Phone number of agents.
6. Provide the following Surety Company information.
 - 6.1. Name of bonding company;
 - 6.2. Name of agent;
 - 6.3. Address of agent; and
 - 6.4. Phone number of agents.

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ATTACHMENT F: Felony Conviction Notice (MUST BE RETURNED WITH BID)

The undersigned Bidder, by signing and executing this RFQ, certifies and represents to Hays CISD that Bidder has not offered, conferred or agreed to confer any pecuniary benefit, as defined by section 36.01(5) of the Texas Penal Code, or any other thing of value, as consideration for the receipt of information or any special treatment or advantage relating to this RFQ; the Bidder also certifies and represents that Bidder has not offered, conferred or agreed to confer any pecuniary benefit or other thing of value as consideration for the recipient's decision, opinion, recommendation, vote or other exercise of discretion concerning this RFQ; the Bidder certifies and represents that Bidder has neither coerced nor attempted to influence the exercise of discretion by any officer, trustee, agent or employee of the Hays CISD concerning this RFQ on the basis of any consideration not authorized by law; the Bidder also certifies and represents that Bidder has not received any information not available to other Bidders so further certifies and represents that Bidder has not violated any state, federal or local law, regulation or ordinance relating to bribery, improper influence, collusion or the like and that Bidder will not in the future offer, confer, or agree to confer any pecuniary benefit or other thing of value of any officer, trustee, agent or employee of the Hays CISD in return for the person having exercised the person's official discretion, power or duty with respect to this BID; the Bidder certifies and represents that it has not now and will not in the future offer, confer, or agree to confer a pecuniary benefit or other thing of value to any officer, trustee, agent or employee of the Hays CISD in connection with information regarding this RFQ, the submission of this RFQ, the award of this RFQ or the performance, delivery or sale pursuant to this RFQ.

FELONY CONVICTION NOTIFICATION

State of Texas Legislative Senate Bill No. 1, Section 44.034, Notification of Criminal History, Subsection (a), states "a person or business entity that enters into a contract with a school district must give advance notice to the district if the person or an owner or operator of the business entity has been convicted of a felony. The notice must include a general description of the conduct resulting in the conviction of a felony."

Subsection (b) states "a school district may terminate a contract with a person or business entity if the district determines that the person or business entity failed to give notice as required by Subsection (a) or misrepresented the conduct resulting in the conviction. The district must compensate the person or business entity for services performed before the termination of the contract."

THIS NOTICE IS NOT REQUIRED OF A PUBLICLY-HELD CORPORATION

I, the undersigned agent for the firm named below, certify that the information concerning notification of felony convictions has been reviewed by me and the following information furnished is true to the best of my knowledge.

COMPANY VENDOR NAME (PRINTED): _____

ADDRESS: _____

CITY, STATE, ZIP: _____ **PHONE:** _____

AUTHORIZED COMPANY OFFICIAL'S NAME (PRINTED): _____

SIGNATURE OF COMPANY OFFICIAL: _____

TITLE: _____ **DATE:** _____

- My firm is a publicly held corporation; therefore, this reporting requirement is not applicable. **OR**
- My firm is not owned nor operated by anyone who has been convicted of a felony. **OR**
- My firm is owned or operated by the following individual(s) who has/have been convicted of a felony:

Name of Felon(s): _____

Details of Conviction(s): _____

Are you a certified Historically Underutilized Business (HUB)?

Yes No

If yes, with whom are you certified? _____

Enter 5-digit certification number _____

Please check corresponding box:

- Hispanic American Male Female
- Black American Male Female
- Asian Pacific American Male Female
- Native American (Indian) Male Female
- Woman (of any ethnicity)

**HAYS CONSOLIDATED SCHOOL DISTRICT
REQUEST FOR QUALIFICATIONS – RFQ #28-012301VL
OPENING 02-24-23 @ 2:00 P.M.**

ATTACHMENT G: Suspension and Debarment Certification (MUST BE RETURNED WITH BID)

Federal Law (A-102 Common Rule and OMB Circular A-110) prohibits non-federal entities from contracting with or making sub awards under covered transactions to parties that are suspended or debarred or whose principals are suspended or debarred. Covered transactions include procurement contracts for goods or services equal to or in excess of \$100,000 and all non-procurement transactions (e.g., sub awards to sub recipients).

Contractors receiving individual awards of \$100,000 or more and all sub recipients must certify that their organization and its principals are not suspended or debarred by a federal agency.

I, the undersigned agent for the firm named below, certify that neither this firm nor its principals are suspended or debarred by a federal agency.

VENDOR'S NAME: _____

Signature of Company Official: _____

Date Signed: _____

**HAYS CONSOLIDATED SCHOOL DISTRICT
REQUEST FOR QUALIFICATIONS – RFQ #28-012301VL
OPENING 02-24-23 @ 2:00 P.M.**

ATTACHMENT H: No Israel Boycott Certification (MUST BE RETURNED WITH BID)

Effective September 1, 2017, a Texas governmental entity may not enter into a contract with a company for goods or services unless the contract contains a written verification from the company that it: (1) **does not boycott Israel; and (2) will not boycott Israel during the term of the contract. (Tex. Gov't Code Ch. 2270)**

“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 Israel-controlled territory, but does not include an action made for ordinary business purposes. Tex. Gov't Code 808.00 (1).

NO EXCLUDED NATION OR FOREIGN TERRORIST ORGANIZATION CERTIFICATION

Effective September 1, 2017, **Chapter 2252 of the Texas Government Code provides that a Texas governmental entity may not enter into a contract with a company engaged in active business operations with Sudan, Iran, or a foreign terrorist organization** – specifically, any company identified on a list prepared and maintained by the Texas Comptroller under Texas Government Code 806.051, 807.051, or 2252.153. (A company that the U.S. Government affirmatively declares to be excluded from its federal sanctions regime relating to Sudan, Iran, or any federal sanctions regime relating to a foreign terrorist organization is not subject to the contract prohibition.)

BY SIGNATURE BELOW, I, the undersigned agent for the firm named below, certify and affirm that this firm AND its principals comply with the above referenced certifications:

_____ Yes, we acknowledge and comply with both the following:

- **NO ISRAEL BOYCOTT CERTIFICATION**
- **NO EXCLUDED NATION OR FOREIGN TERRORIST ORGANIZATION CERTIFICATION**

Vendor Name: _____

Printed Name of Authorized Company Official: _____

Signature of Company Official: _____

Date: _____

**HAYS CONSOLIDATED SCHOOL DISTRICT
REQUEST FOR QUALIFICATIONS – RFQ #28-012301VL
OPENING 02-24-23 @ 2:00 P.M.**

ATTACHMENT I: Certification of Residency (MUST BE RETURNED WITH BID)

CERTIFICATION OF RESIDENCY

The State of Texas has a law concerning non-resident vendors. This law can be found in Texas Education Code under Chapter 2252, Subchapter A. This law makes it necessary for HAYS CISD to determine the residency of its Vendors. In part, this law reads as follows:

Section: 2252.001: "Non-resident Bidder" refers to a person who is not a resident. "Resident Bidder" refers to a person whose principal place of business is in this state, including a vendor whose ultimate parent company or majority owner has its principal place of business in this state.

Section: 2252.002: "A governmental entity may not award a governmental contract to a non-resident Bidder unless the nonresident Bidder the lowest proposal submitted by a resident Bidder by an amount that is not less than the amount by which a resident Bidder would be required to under Bid the nonresident Bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located."

Company submitting proposal is a resident Bidder: Yes No City _____
and state of Vendor's principal place of business: _____

**MINORITY/WOMEN BUSINESS ENTERPRISE (MWBE) AND HISTORICALLY
UNDERUTILIZED BUSINESSES (HUB)**

Bidding companies that have been certified by the State of Texas as Historically Underutilized Business (HUB) or Minority/Women Business Enterprise (MWBE) entities are encouraged to indicate their HUB and MWBE status when responding to this Proposal Invitation.

Vendor certifies that this firm is a MWBE (Required by some participating agencies) Yes No
Vendor certifies that this firm is a HUB (Required by some participating agencies) Yes No

Please scan a copy of MWBE and/or HUB certification letter and the percentage of your business with MWBE and/or HUB suppliers, if applicable, in your proposal response.

I, the authorized representative for the company named below, certify that the information concerning residency certification, and MWBE and HUB certifications have been reviewed by me and the information furnished is true to the best of my knowledge.

Contractor's Name/Company Name: _____

Address, City, State, and Zip Code: _____

Phone Number: _____ Fax Number: _____

Printed Name and Title of Authorized Representative: _____

Email Address: _____

Signature of Authorized Representative: _____

Date: _____

**HAYS CONSOLIDATED SCHOOL DISTRICT
REQUEST FOR QUALIFICATIONS – RFQ #28-012301VL
OPENING 02-24-23 @ 2:00 P.M.**

ATTACHMENT J: Antitrust Certification Statement (MUST BE RETURNED WITH BID)

**HAYS CONSOLIDATED SCHOOL DISTRICT ANTITRUST CERTIFICATION
STATEMENT
(Tex. Government Code § 2155.005)**

I affirm under penalty of perjury of the laws of the State of Texas that:

1. I am duly authorized to execute this contract on my own behalf or on behalf of the company, corporation, firm, partnership or individual (Company) listed below;
2. In connection with this proposal, neither I nor any representatives of the Company have violated any provision of the Texas Antitrust laws codified in Tex. Bus. & Comm. Code Chapter 15;
3. In connection with this proposal, neither I nor any representative of the Company have violated any federal antitrust law; and
4. Neither I nor any representatives of the Company have directly or indirectly communicated any of the contents of this proposal to a competitor of the Company or any other company, corporation, firm, partnership or individual engaged in the same line of business as the Company.

Contractor's Name/Company Name: _____

Address, City, State, and Zip Code: _____

Bidder Signature: _____

Printed Name: _____

Title: _____

Date Signed: _____

Signature of Company Official Authorizing RFQ: _____

Printed Name of Company Official: _____

Official Position: _____

Date Signed: _____

**HAYS CONSOLIDATED SCHOOL DISTRICT
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The following documents will be made available to all finalists selected.

- 1 General Conditions for Construction (2018 Version) 1-31-19
- 2 Subcontractor Form Final 4-12-11
- 3 Allowable General Condition Line Items 1-31-19
- 4 Certification of Project Compliance 1-31-2019
- 5 Directive to Contractor – Owner Contingency Authorization Form 1-31-2019

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity 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), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

2 Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

Yes No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

Yes No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

6 Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7

Signature of vendor doing business with the governmental entity

Date

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

- (i) a contract between the local governmental entity and vendor has been executed;
- or
- (ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

Local Government Code § 176.006(a) and (a-1)

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

- (1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);
- (2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or
- (3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

- (A) begins discussions or negotiations to enter into a contract with the local governmental entity; or
- (B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

- (A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);
- (B) that the vendor has given one or more gifts described by Subsection (a); or
- (C) of a family relationship with a local government officer.

**HAYS CONSOLIDATED SCHOOL DISTRICT
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EXHIBIT B: Construction Contract Documents