REQUEST FOR QUALIFICATIONS (RFQ) TO CONTRACT FOR
INDEFINITE DELIVERABLE CONTRACT(S)
STREAMLINED PROCESS (WITHOUT INTERVIEW) WITH HUB GOAL

The Texas Department of Transportation (TxDOT) intends to enter into 2 indefinite deliverable contracts with prime providers pursuant to Texas Government Code, Chapter 2254, Subchapter A, and 43 Texas Administrative Code (TAC) §§9.30-9.42, to provide the following services described below.

The approximate amount for each contract is $4,000,000, which is included for informational purposes only and may be adjusted by TxDOT.

Description of Services to be Provided:

The PEPS Division is advertising for the following type of services. The contracts will be used to support needs of the Austin District.

The work to be performed by the Engineer shall consist of performing and supervising all sampling, testing, inspection work, and related services for Asphaltic and Concrete construction for the State on the highway projects identified in Austin District. The Engineer shall be responsible for all individual and component materials for sampling, testing, plant inspections of hot mix, concrete, and soils, cleanup of State equipment, maintenance of State equipment, and issuing reports in a timely and thorough manner. The above mentioned work shall be done according to all applicable test methods, specifications, and requirements at the State’s laboratories.
It is expected at the time of the solicitation that work will be primarily in the Austin District, but work may be required in other districts.

For additional information, the following files are attached to this solicitation:

- TxDOT Contract Template
- Draft - Services to be Provided by the State
- Draft - Services to be Provided by the Engineer

**Statement of Qualifications (SOQ) Deadline and Submittal Information:**

SOQs must be received prior to **1:00 p.m. CT, on Monday, July 31, 2017.**

Any SOQs received after the deadline date and time shown above will not be considered.

**SOQs will be accepted by one of the following methods:**

**Hand Delivery:**

TxDOT
PEPS Austin Service Center
Attention: Shemia Valentine
7901 IH 35
Austin, TX 78753

**Mail:**

TxDOT
PEPS Austin Service Center
Attention: Shemia Valentine
7901 IH 35
Austin, TX 78753

**SOQs will not be accepted by fax or electronic mail.**

To verify that the SOQ was received, the provider may contact the following person by email:

Shemia.Valentine@txdot.gov

Standard Subject Line: Verification of SOQ Receipt, Solicitation No. 601CT 0000002978

**Conflict of Interest:**

The contract or contracts in this solicitation are subject to Texas Govt Code Sec. 2261.252(b), which prohibits the Texas Department of Transportation (TxDOT) from entering into contracts with certain private vendors in which certain TxDOT officers and employees have a financial interest. Each respondent shall include in its proposal a
statement that it is not prohibited from entering into a contract with TxDOT as a result of a financial interest as defined under Texas Govt Code Sec. 2261.252(b). (Reference the Prime Provider Certification Statement section of this RFQ for additional information, and for inclusion of the statement on Statement of Qualifications (SOQ) - Cover Page.)

TxDOT requires that its consultants and sub consultants be able to work solely in TxDOT’s interest, without conflicting financial or personal incentives. TxDOT reserves the right to disqualify any prime provider or subprovider, or to place contractual limits on work or on personnel, if there is a conflict of interest that might affect or might be seen to affect the prime provider’s or subproviders’s duty to act solely in the interest of TxDOT.

A conflict of interest may involve conflicting incentives with regard to the firm as a whole, or any employee. The conflict may arise between the provider's work under a contract entered as a result of this solicitation and a relationship involving TxDOT, a construction contractor, another engineering firm, a materials testing firm, a third party affected by the project, a subprovider for any other consultant or contractor, or any other entity with an interest in a project on which work is performed under a contract entered as a result of this solicitation.

Texas Ethics Commission Requirement Notification:

In 2015, the Texas Legislature adopted House Bill 1295, which added section 2252.908 of the Government Code. The law states that a governmental entity or state agency may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency. The law applies only to a contract of a governmental entity or state agency that either (1) requires an action or vote by the governing body of the entity or agency before the contract may be signed or (2) has a value of at least $1 million. The disclosure requirement applies to a contract entered into on or after January 1, 2016.

A signed and notarized Form 1295 shall be tendered to TxDOT by providers selected to receive a contract prior to contract execution. TxDOT will not evaluate the information provided, or respond to any questions on how to interpret the Texas Ethics Commission’s rules.

For additional information, please reference the Texas Ethics Commission webpage at: https://www.ethics.state.tx.us/tec/1295-Info.htm

Evaluation Criteria:

SOQs submitted in response to this RFQ will be evaluated according to the criteria provided in the Questions and Responses (Q&R) Template. Total Q&R weight will be 90%.

TxDOT will evaluate the prime provider’s past performance scores in the CCIS database. Past performance score weight will be 10%.

If a prime provider does not have a past performance score for both the project manager and the firm in the CCIS database, the department will use the 5-year average
prime provider score of 147.48 out of 150 points, which consists of a score of 98.09 for the project manager and 49.39 for the firm.

If a prime provider has one of the scores for either the project manager or the firm in the CCIS database, the department will use the score in the database plus the 5-year average score of 98.09 for the project manager or 49.39 for the firm.

If the project manager (PM) has a past performance evaluation in the CCIS database, the PM evaluation score stays with the PM regardless of employer.

**Questions and Responses (Q&R):**
Firms must respond to the questions stated in Q&R Template. Responses must be submitted on the Q&R Template. No other format will be accepted.

Responses are limited to space allotted in the Q&R Template. Content outside the space allotted in the Q&R Template will not be evaluated. Additional pages will not be accepted, except for the attachments listed under the section **SOQ Submittal Format**.

Any false statement provided by a firm may void the submitted response. TxDOT may take any additional action provided by law regarding false statements submitted as part of the solicitation.

**Work Categories and the % of Work Per Category:**
The Project Team Composition (PTC) form indicates the categories that are engineering and design related services. Refer to the Administrative Qualification Requirements section to ensure that all requirements are met for applicable firms.

**Standard Work Categories:**
12.1.1 Asphaltic Concrete (75%)
12.1.2 Portland Cement Concrete (5%)
12.2.1 Plant Inspection and Testing (15%)
14.1.1 Soil Exploration (1%)
14.2.1 Geotechnical Testing (4%)

**Precertification Requirements:**
**Standard Work Categories:**
Task leaders, must be precertified by the SOQ deadline date and time specified in this Solicitation, for each of the advertised work categories they are identified to lead. Precertification status of subprovider task leaders, by individual, can be verified through the CCIS database using the Employee Precertification Categories query tool with a CCIS employee sequence number.
**Annual Firm Renewal Requirement:**
Annual renewal is governed by Section 9.33(i) of Title 43 in the Texas Administrative Code (TAC). The following is a summary of that requirement.

All precertified firms must complete the annual renewal process between January 1 and March 31 each year to maintain Active status for the firm. Active status is required for prime providers and subproviders with task leaders identified for standard work categories.

As applicable, firms must obtain Active status by the SOQ deadline date and time specified in this solicitation. Active status is not required for firms proposing to perform only NLC services. Additional information on annual renewal for precertified firms is available on TxDOT’s internet web site at: [http://www.txdot.gov/business/consultants/architectural-engineering-surveying/precertification-renewal.html](http://www.txdot.gov/business/consultants/architectural-engineering-surveying/precertification-renewal.html)

A list of Active precertified firms is available at: [http://www.txdot.gov/business/consultants/architectural-engineering-surveying/list-of-firms.html](http://www.txdot.gov/business/consultants/architectural-engineering-surveying/list-of-firms.html)

**Administrative Qualification Requirements:**
Administrative qualification is not required to compete for solicitations using this process.

When applicable, administrative qualification is a process used by the department to verify that a provider has an indirect cost rate that meets department requirements.

Administrative Qualification is governed by Section 9.34(b) of Title 43 in the Texas Administrative Code (TAC).

Requirements are summarized on TxDOT’s website, which includes a list of firms and their administrative qualification status. The website is found at the following location: [http://www.txdot.gov/business/consultants/architectural-engineering-surveying/getting-started/administrative-qualification.html](http://www.txdot.gov/business/consultants/architectural-engineering-surveying/getting-started/administrative-qualification.html)

The TAC exempts non-engineering firms and certain service types from administrative qualification. For such firms and service types, an indirect cost rate is not required.

For information purposes only, the *Project Team Composition (PTC)* Form indicates the work categories that are exempt from administrative qualification for this solicitation. For firms not subject to exemption, if selected, an indirect cost rate is necessary for rate schedule development. These firms have two options:

- Be administratively qualified by selection notification, or
- Accept the TxDOT developed indirect cost rate of 120%.
  - To accept the TxDOT developed rate, a *Certification of No Indirect Cost Rate Audit* form must be completed and submitted by selection notification.
  - The instructions are part of the form that can be found at: [http://ftp.dot.state.tx.us/pub/txdot/ppd/certification-no-indirect-cost.pdf](http://ftp.dot.state.tx.us/pub/txdot/ppd/certification-no-indirect-cost.pdf)

Administrative qualification information is for TxDOT use only. This information will only be released with the approval of the provider or as required by state or federal statute.
Prime Provider Certification Statements:
See the Statement of Qualifications (SOQ) Cover Page for certification information. The prime provider must certify that they meet the following requirements:

- The prime firm is registered or licensed with the Texas Board of Professional Engineers. If proposing as a joint venture, the requirement applies to each joint venture member.
- The prime provider firm certifies that it is registered with the Texas Secretary of State office to do business in the state of Texas with the legal firm name as indicated on this form. If proposing as a joint venture, the requirement applies to each joint venture member.
- Individuals on the project team are currently employed by either the prime provider or a subprovider firm identified on the team.
- A professional engineer registered or licensed in Texas will sign and seal the work to be performed on the contract.
- The prime provider shall perform at least 30 percent of the contracted work with its own work force.
- Individuals on the team are not prohibited from entering into a contract with TxDOT as a result of a financial interest as defined under Texas Govt Code Sec, 2261.252(b). (Reference the Conflict of Interest section of this RFQ for additional information.)

Project Manager Requirement:
The prime provider’s project manager, as proposed in the SOQ, is required to be a registered Professional Engineer licensed in Texas by the SOQ deadline specified in this Solicitation. The project manager is required to be precertified in at least one Standard Work Category by the SOQ deadline date and time specified in this Solicitation. The project manager must be an employee of the prime provider.

Project Manager Commitment:
TxDOT expects the prime provider to commit its project manager, as proposed in the SOQ, to the duration of the contract. TxDOT further expects the project manager’s commitment to the contract to include commitment as project manager to each work authorization without further delegation or substitution over the course of the contract. In selecting a provider, TxDOT evaluates the project manager’s qualifications and skills against the specific requirements and unique demands of the contract. The project manager’s commitment to the duration of the contract, therefore, is of key importance to TxDOT. Project manager replacement on an active contract, while not strictly prohibited, will require TxDOT’s prior consent. Any such replacements will be subject to the terms of the agreement.

Project Manager or Task Leader Replacement during Selection:
Prior to selection notification, the prime provider’s project manager (PM) may be replaced only by another prime provider staff person, as approved in writing by the consultant selection team (CST). After selection, but before contract execution, a PM may not be replaced. Therefore, a selection will be rescinded for a firm that loses their PM during this period.
Prior to contract execution, a task leader (TL) may be replaced by another qualified prime provider or subprovider staff person, as approved in writing by the CST. A proposed replacement for either position must satisfy the applicable precertification and non-listed category requirements.

**Requirement for Submittal of Request by Provider:**
When requesting a replacement for a PM or TL, the prime firm must submit a letter to the Procurement Engineer with the following information:

- Certification that replacement PM is employed by the prime provider, or that a replacement TL is employed by the prime provider or a subprovider firm.
- The name of proposed individual and the reason for the replacement.
- Resume of the proposed replacement including, the credentials and experience of the individual. Also include information about their licensures, precertifications, or other certifications required in the RFQ or applicable NLC.
- Resume of the person being replaced.

**Joint Response Requirements:**
TxDOT allows providers to combine with one another to submit a joint response. Submittal of a joint response is at the discretion of the providers. The combination of firms in this joint response is considered the prime provider. All parties in the joint response must be clearly identified.

A single project manager must be identified on the Project Team Composition (PTC) form to represent the prime provider. The project manager must be an employee of one of the joint response parties (the prime provider).

All firms composing the joint response will be required to sign the contract and take equal 100% responsibility for the contract. Refer to Prime Provider Certification Statements section for additional requirements.

Alternatively, firms combining to create a separate legal entity must submit an application as that separate legal entity. Administrative qualification and Precertification requirements must be met by the new entity and administratively qualified staff must work solely for that new legal entity.

**Employment Law:**
A prime provider or subprovider currently employing former TxDOT employees must be aware of the revolving door employment laws and rules, including Government Code, Chapters §572.054 and §2252.901 and Texas Administrative Code, Rules §10.6, §10.101, and §10.102. The firm and former TxDOT employees are responsible for understanding and adhering to these rules and laws.
E-Verify Certification

In order to comply with Executive Order RP-80, the provider must certify that for all contracts for services, the provider will, to the extent permitted by law, utilize the U.S. Department of Homeland Security’s E-verify system to determine the eligibility of:

1. All persons employed by provider during the term of the contract to perform duties within the State of Texas; and
2. All persons, including subcontractors, assigned by provider to perform work pursuant to the contract.

The attached TxDOT Contract Template reflects this certification.

Information on E-Verify can be found at the following link:  http://www.uscis.gov/e-verify

Title VI Assurance:

The Texas Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S. C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all providers that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit Statements of Qualifications in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

Selection Procedure:

Providers will be selected based upon their responses to the questions in the Questions and Responses (Q&R) Template, which is attached to this solicitation.

Statement of Qualifications (SOQ) Submittal Format:

The prime provider must submit five (5) duplicate original SOQs. Each SOQ must be submitted with a binder clip or paper clip (no staples). No other binding will be accepted.

The SOQ submittal must consist of and is limited to the following attachments in numerical order:

Attachment 1: SOQ Cover Page – See the fillable file attached to this Solicitation.

Attachment 2: Questions & Responses (Q&R) Template – See the fillable file attached to this Solicitation.

Attachment 3: Project Team Composition (PTC) Form (Parts 1, 2 and 3) – See the fillable file attached to this Solicitation. Prime provider and subprovider names listed in the Project Team Composition (PTC) form should be the legal firm names as registered with the Texas Comptroller of Public Accounts. For precertified firms, the firm name in the TxDOT CCIS database should also be the legal firm name as registered with the Texas Comptroller of Public Accounts. For Administratively Qualified firms, the firm name on the Administrative Qualification list posted on the TxDOT website must either be the same as the legal name listed on the PTC form, or be the same as a dba which has been noted in the SOQ.

(When complete, three parts will be available to print. Instructions for completing and printing Parts 1, 2, and 3 are included on Part 1, under the button labeled “Instructions”.)
Attachment 4: HUB Subcontracting Plan (HSP): See the section **Historically Underutilized Business Participation** for instructions to download and complete the required form. (Note: A current and signed HSP form is required. Submittal of an outdated version of the HSP or an unsigned HSP will result in the SOQ being considered non-responsive.)

**Contract Information:**
Contract execution is expected by October, 2017.
Contract duration is expected through October, 2021.
The proposed contract payment type is specified rate / unit cost.
Work authorizations (WA) may be issued within the first two years of the contract.
Contract duration is expected through the latest WA termination date.
Work authorizations under the contract(s) will be issued in conformance with TxDOT’s *Prioritization Process for Assigning Work Authorizations*.

**Debriefs:**
Requests for debriefs will be accommodated up to four months after contract execution. Debriefs will not be conducted prior to provider selection.

**Special Accommodations:**
Requests for debriefs will be accommodated up to four months after contract execution. Debriefs will not be conducted prior to provider selection.

**Special Accommodations:**
To request special accommodations pursuant to the Americans with Disabilities Act (ADA), please notify the contact shown below, a minimum of 48 hours prior to a scheduled meeting.
Shemia Valentine at Shemia.Valentine@txdot.gov, using the standard subject line: Special Accommodations, Solicitation No. 601CT0000002978

To request special accommodations pursuant to the Language Assistance Plan (LAP) for those with limited English proficiency who need the RFQ or other information translated into another language please notify the contact shown below.
Shemia Valentine at Shemia.Valentine@txdot.gov, using the standard subject line: Language Assistance Request, Solicitation No. 601CT0000002978

**Selection Team:**
The following TxDOT employees are involved in the selection process for this procurement: Gisel Carrasco, Miguel Arellano and Brett Walker.
Note: Do not contact these individuals about this procurement. Since the procurement process has started, these TxDOT employees will not respond to questions about this procurement.
To ask questions about this solicitation, please see the section below titled: Questions about this Solicitation.

**PEPS Procurement Engineer**:  
The PEPS Procurement Engineer for this solicitation is Harry Pan.

**Questions about this Solicitation**:  
Questions regarding this Solicitation must be submitted in writing (via email) to Harry Pan at harry.pan@txdot.gov to be considered. Submit questions using the standard subject line: Questions & Answers, Solicitation No. 601CT0000002978

The deadline for submitting questions regarding this Solicitation is **1:00 p.m. CT, on Thursday, July 20, 2017**.

Significant and relevant *Solicitation Questions and Answers* will be posted on TxDOT’s website by **Wednesday, July 26, 2017**. They will be posted under this Solicitation Number, by clicking on the Q&A button at: [http://www.txdot.gov/business/consultants/architectural-engineering-surveying/advertised-contracts.html](http://www.txdot.gov/business/consultants/architectural-engineering-surveying/advertised-contracts.html)

1.3 Historically Underutilized Business Participation:

In accordance with Texas Government Code §2161.252, a proposal that does not contain a **HUB Subcontracting Plan (HSP)** is non-responsive and will be rejected without further evaluation. In addition, if the Department determines that the HSP was not developed in good faith, it will reject the proposal for failing to comply with material Request for Qualifications (RFQ) specifications.

I.3.1 Introduction

The Department is committed to promoting full and equal business opportunities for businesses in state contracting in accordance with the goals specified in the State of Texas Disparity Study. The Department encourages the use of Historically Underutilized Businesses (HUBs) through race, ethnic and gender-neutral means.

Pursuant to Texas Government Code §2161.181 and §2161.182, and the Department’s HUB policy and rules, the Department is required to make a good faith effort to increase HUB participation in its contracts. The Department may accomplish the goal of increased HUB participation by contracting directly with HUBs or indirectly through subcontracting opportunities.

I.3.2 Department’s Administrative Rules

The Department has adopted the Comptroller of Public Accounts (CPA) HUB rules as its own. The Department’s HUB rules are located in Title 43, Part 1, Chapter 9,
Subchapter L of the Texas Administrative Code, and the CPA rules are located in Title 34, Part 1, Chapter 20, Subchapter D, Division 1. If there are any discrepancies between the Department's administrative rules and this RFQ, the rules shall take priority.

I.3.3 HUB Participation Goal

The CPA has established statewide HUB participation goals for different categories of contracts in 34 T.A.C. §20.284. In order to meet or exceed the HUB participation goals, the Department encourages outreach to certified HUBs. Contractors shall make a good faith effort to include certified HUBs in the procurement process.

This contract is classified as a Professional Services contract under the CPA rule, and therefore has a HUB Annual Procurement Utilization Goal of 23.7% per fiscal year. State of Texas HUB applications may be found at: HUB Certification

I.3.4 Required HUB Subcontracting Plan

In accordance with Government Code, Chapter 2161, Subchapter F, each state agency that considers entering into a contract with an expected value of $100,000 or more over the life of the contract (including any supplemental agreements shall, before the agency solicits a Request for Qualifications (RFQ), determine whether subcontracting opportunities are probable under the contract.

In accordance with 34 T.A.C. §20.285(a),(1),(C) of the HUB Rules. State agencies may determine that subcontracting is probable for only a subset of the work expected to be performed or the funds to be expended under the contract. If an agency determines that subcontracting is probable on only a portion of a contract, it shall document its reasons in writing for the procurement file.

The Department has determined that subcontracting opportunities are probable for this RFQ. As a result, the respondent must submit an HSP with its proposal. The HSP is required whether a respondent intends to subcontract or not.

In the HSP, a respondent must indicate whether it is a Texas certified HUB. Being a certified HUB does not exempt a respondent from completing the HSP requirement.

The Department shall review the documentation submitted by the respondent to determine if a good faith effort has been made, in accordance with solicitation and HSP requirements. During the good faith effort evaluation, The Department may, at its discretion, allow clarifications or enhancements to information submitted with the HSP.

If the Department determines that the respondent’s HSP was not developed in good faith, the HSP will be considered non-responsive and will be rejected as a material failure to comply with the advertised specifications. The reasons for rejection shall be recorded in the procurement file.

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The current State of Texas HSP can be found at the following link: HUB Subcontracting Plan

I.3.5 CPA Centralized Master Bidder’s List

Respondents may search for HUB subcontractors in the CPA’s Centralized Master Bidders List (CMBL)/ HUB Directory. For this procurement, the Department has identified the following class and item codes for potential subcontracting opportunities:

**NIGP Class/Item Code:**

- **Engineering services:**
  - 925-XX Engineer Services, Professional

- **Engineering support services:**
  - 989-14 Asphalt Sampling and Inspection Services
  - 992-34 Concrete Testing Services

Respondents are not required to use, nor limited to using, the class and item codes identified above, and may identify other areas for subcontracting.

The Department does not endorse, recommend nor attest to the capabilities of any company or individual listed on the CPA’s CMBL. The list of certified HUBs is subject to change, so respondents are encouraged to refer to the CMBL often to find the most current listing of HUBs.

Additional information on the NIGP Commodity Book, by Numeric Index can be found at: https://cmblreg.cpa.state.tx.us/commodity_book/Numeric_index.cfm

I.3.6 HUB Subcontracting Procedures – If a Respondent Intends to Subcontract

An HSP must demonstrate that the respondent made a good faith effort to comply with the Department’s HUB policies and procedures. The following subparts outline the items that the Department will review in determining whether an HSP meets the good faith effort standard. A respondent that intends to subcontract must complete the HSP to document its good faith efforts.

**I.3.6.1 Identify Subcontracting Areas and Divide Them into Reasonable Lots**

A respondent should first identify each area of the contract work it intends to subcontract. Then, to maximize HUB participation, it should divide the contract work into reasonable lots or portions, to the extent consistent with prudent industry practices.

The following table includes probable areas of subcontracting, but in no way should be considered an exhaustive list. Other areas of subcontracting may be more appropriate given your business structure and internal resources.
For precertified work groups or categories, search the TxDOT precertification database for firms precertified in the above categories at the following link: [http://www.txdot.gov/business/consultants/architectural-engineering-surveying/list-of-firms.html](http://www.txdot.gov/business/consultants/architectural-engineering-surveying/list-of-firms.html)

Search the State of Texas HUB Database for HUB vendors at the following link: [https://mycpa.cpa.state.tx.us/tpasscmlsearch/index.jsp](https://mycpa.cpa.state.tx.us/tpasscmlsearch/index.jsp)

Minority and women owned business association resources are available for your subcontracting solicitations to State of Texas HUB vendors at this link: [Minority and Women Organizations](#)

### I.3.6.2 Notify Potential HUB Subcontractors

The HSP must demonstrate that the respondent made a good faith effort to subcontract with HUBs. The respondent’s good faith efforts shall be shown through utilization of all methods in conformance with the development and submission of the HSP and by complying with the following steps:

#### I.3.6.2.1 Divide the contract work into reasonable lots or portions to the extent consistent with prudent industry practices. The respondent must determine which portions of work, including goods and services, will be subcontracted.

#### I.3.6.2.2 Use the appropriate method(s) to demonstrate good faith effort. The respondent can use either method(s) 1, 2, 3, or 4:

### I.3.6.3 Method 1: Respondent Intends to Subcontract with only HUBs:

The respondent must identify in the HSP the HUBs that will be utilized and submit written documentation that confirms 100% of all available subcontracting opportunities will be performed by one or more HUBs; or

### I.3.6.4 Method 2: Respondent Intends to Subcontract with HUB Protégé(s):

The respondent must identify in the HSP the HUB protégé(s) that will be utilized and should:

<table>
<thead>
<tr>
<th>Group</th>
<th>Categories</th>
<th>Group Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>12.1.1, 12.1.2, 12.2.1</td>
<td>Materials Inspection and Testing</td>
</tr>
<tr>
<td>14</td>
<td>14.1.1, 14.2.1</td>
<td>Geotechnical Services</td>
</tr>
</tbody>
</table>
Include a fully executed copy of the Mentor Protégé Agreement, which must be registered with the CPA prior to submission to the Department, and

Identify areas of the HSP that will be performed by the protégé.

The Department will accept a Mentor Protégé Agreement that has been entered into by a respondent (mentor) and a certified HUB (protégé) in accordance with Texas Government Code §2161.065. When a respondent proposes to subcontract with a protégé(s), it does not need to provide notice to three (3) HUB vendors for that subcontracted area.

Participation in the Mentor Protégé Program, along with the submission of a protégé as a subcontractor in an HSP, constitutes a good faith effort for the particular area subcontracted to the protégé; or,

I.3.6.5 Method 3: Respondent Intends to Subcontract with HUBs and Non-HUBs (Meet or Exceed the Goal):

The respondent must identify in the HSP and submit written documentation that one or more HUB subcontractors will be utilized; and that the aggregate expected percentage of subcontracts with HUBs will meet or exceed the goal specified in this solicitation. When utilizing this method, only HUB subcontractors that have existing contracts with the respondent for five years or less may be used to comply with the good faith effort requirements.

When the aggregate expected percentage of subcontracts with HUBs meets or exceeds the goal specified in this solicitation, respondents may also use non-HUB subcontractors; or,

I.3.6.6 Method 4: Respondent Intends to Subcontract with HUBs and Non-HUBs (Does Not Meet or Exceed the Goal):

The respondent must identify in the HSP and submit documentation regarding both of the following requirements:

Written notification to minority or women trade organizations or development centers to assist in identifying potential HUBs of the subcontracting opportunities the respondent intends to subcontract.

Respondents must give minority or women trade organizations or development centers at least seven (7) working days prior to submission of the respondent’s response for dissemination of the subcontracting opportunities to their members. A list of minority and women trade organizations is located on the CPA’s website under the Minority and Women Organizations link.
Written notification to at least three (3) HUB businesses of the subcontracting opportunities that the respondent intends to subcontract. The written notice must be sent to potential HUB subcontractors prior to submitting proposals and must include:

- a description of the scope of work to be subcontracted,
- information regarding the location to review project plans or specifications,
- information about bonding and insurance requirements,
- required qualifications and other contract requirements, and
- a description of how the subcontractor can contact the respondent.

Respondents must give potential HUB subcontractors a reasonable amount of time to respond to the notice, at least seven (7) working days prior to submission of the respondent's response unless circumstances require a different time period, which is determined by the agency and documented in the contract file;

Respondents must also use the CMBL, the HUB Directory, and Internet resources when searching for HUB subcontractors. Respondents may rely on the services of contractor groups; local, state and federal business assistance offices; and other organizations that provide assistance in identifying qualified applicants for the HUB program.

### I.3.6.7 Written Justification of the Selection Process

The Department will make a determination if a good faith effort was made by the respondent in the development of the required HSP. One or more of the methods identified in the previous sections may be applicable to the respondent’s good faith efforts in developing and submission of the HSP. The Department may require the respondent to submit additional documentation explaining how the respondent made a good faith effort in accordance with the solicitation.

A respondent must provide written justification of its selection process if it chooses a non-HUB subcontractor. The justification should demonstrate that the respondent negotiated in good faith with qualified HUB bidders, and did not reject qualified HUBs who were the best value responsive bidders.

### I.3.7 Method 5: Respondent Does Not Intend to Subcontract

When the respondent plans to complete all contract requirements with its own equipment, supplies, materials and/or employees, it is still required to complete an HSP.

The respondent must complete the “Self Performance Justification” portion of the HSP, and attest that it does not intend to subcontract for any goods or services, including the class and item codes identified in Section I.3.5. In addition, the respondent must identify the sections of the proposal that describe how it will complete the Scope of Work using its own resources or provide a statement explaining how it will complete the Scope of
Work using its own resources. The respondent must agree to comply with the following if requested by the Department:

- provide evidence of sufficient respondent staffing to meet the RFQ requirements,
- provide monthly payroll records showing the respondent staff fully dedicated to the contract,
- allow the Department to conduct an onsite review of company headquarters or work site where services are to be performed, and
- provide documentation proving employment of qualified personnel holding the necessary licenses and certificates required to perform the Scope of Work.

I.3.8 Post-award HSP Requirements

The HSP shall be reviewed and evaluated prior to contract award and, if accepted, the finalized HSP will become part of the contract with the successful respondent(s).

After contract award, the Department will coordinate a post-award meeting with the successful respondent to discuss HSP reporting requirements. The contractor must maintain business records documenting compliance with the HSP, and must submit monthly subcontract reports to the Department by completing the HUB Prime Contractor Progress Assessment Report. This monthly report is required as a condition for payment to report to the agency the identity and the amount paid to all subcontractors.

As a condition of award the Contractor is required to send notification to all selected subcontractors as identified in the accepted/approved HSP. In addition, a copy of the notification must be provided to the agency’s Contract Manager and/or HUB Program Office within 10 days of the contract award.

During the term of the contract, if the parties in the contract amend the contract to include a change to the scope of work or add additional funding, the Department will evaluate to determine the probability of additional subcontracting opportunities. When applicable, the Contractor must submit an HSP change request for the Department’s review. The requirements for an HSP change request will be covered in the post-award meeting.

When making a change to an HSP, the Contractor will obtain prior written approval from the Department before making any changes to the HSP. Proposed changes must comply with the HUB Program good faith effort requirements relating to the development and submission of a HSP.

If the contractor decides to subcontract any part of the contract after the award, it must follow the good faith effort procedures outlined in Section 1.6 of this RFQ (e.g., divide work into reasonable lots, notify at least three (3) vendors per subcontracted area, provide written justification of the selection process, or participate in the Mentor Protégé Program).
For this reason, the Department encourages respondents to identify, as part of their HSP, multiple subcontractors who are able to perform the work in each area the respondent plans to subcontract. Selecting additional subcontractors may help the selected contractor make changes to its original HSP, when needed, and will allow the Department to approve any necessary changes expeditiously.

Failure to meet the HSP and post-award requirements will constitute a breach of contract, and will be subject to remedial actions. The Department may also report noncompliance to the CPA in accordance with the provisions of the Vendor Performance and Debarment Program (see 34 T.A.C. §20.585 relating to Debarment) and (see 34 T.A.C. §20.586 relating to Procedures for Investigations and Debarment).