REQUEST FOR QUALIFICATIONS (RFQ) TO CONTRACT FOR

SPECIFIC DELIVERABLE CONTRACT

FEDERAL PROCESS - WITH DBE GOAL

The Texas Department of Transportation (TxDOT) intends to enter into a specific deliverable contract with a prime provider 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.

Description of Services to be Provided:
The PEPS Division is advertising for the following project:
The proposed contract is for providing Construction Engineering and Inspection (CEI) services in the San Antonio District for the SL 337 Project in Comal County, from IH 35 to Hillcrest Drive.

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

For the purpose of this RFQ, plans relevant to this project can be found at the following website:
Statement of Qualifications (SOQ) Deadline and Submittal Information:
SOQs must be received prior to **1:00 p.m. CT, on Thursday, September 7, 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 San Antonio Service Center
Attention: Adrianna Perryman
4615 NW LP 410
San Antonio, TX 78229

**Mail:**
TxDOT
PEPS San Antonio Service Center
Attention: Adrianna Perryman
4615 NW LP 410
San Antonio, TX 78229

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:
Adrianna.Perryman@txdot.gov
Standard Subject Line: Verification of SOQ Receipt, Solicitation No. 601CT 0000002988

**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 the Statement of Qualifications (SOQ) - **Cover Page**.)
TxDOT requires that its consultants and subconsultants 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’ 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. 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](https://www.ethics.state.tx.us/tec/1295-Info.htm)

**Preclusion:**

A preclusion has been determined for this solicitation.

An entity is not eligible to participate in the contract resulting from this solicitation if that entity is participating or has participated in the design/redesign or design related services of the project listed in this solicitation. The State will not consider such an entity for an award under this solicitation. In this paragraph, the term “entity” includes prime provider and subproviders, as identified in the **Preclusion Document** attached to this RFQ. This would include any subsidiaries and affiliates of the identified prime provider and subproviders.
**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 at the SOQ stage. 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 the *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:**
11.1.1 Roadway Construction Management and Inspection (25.00%)
11.2.1 Major Bridge Construction, Management and Inspection (25.00%)
12.1.1 Asphaltic Concrete (10.00%)
12.1.2 Portland Cement Concrete (10.00%)
15.2.1 Design and Construction Survey (1.00%)
18.2.1 Subsurface Utility Engineering (0.25%)
Non-Listed Work Categories (NLCs):

NLC-1 Utility Adjustment Coordination (1.75%)
Description: This category involves holding utility coordination meetings with individual utility companies, coordination and communication with utilities, and utility agreement and billing preparation.

Minimum Requirements: The team must include one (1) individual, as task leader, with a minimum of five (5) years of demonstrated experience in utility coordination and agreement preparation as a Lead Worker.

NLC-2 Utility Construction Management and Verification (1.00%)
Description: This category involves utility adjustment monitoring, including utility installation verification, records management, and status reporting.

Minimum Requirements: The team must include one (1) professional engineer, as task leader, with a minimum of five (5) years of experience in utility construction management and verification.

NLC-3 Construction Superintendent (15.00%)
Description: This category involves oversight of construction inspection to ensure roadways, bridges, drainage structures and related structures, traffic control, and environmental requirements are built in accordance with plans and specifications. This category includes tracking work progress, resolving problems, and leading the work of professional and technical employees in construction.

Minimum Requirements: The team must include one (1) construction superintendent, as task leader. The construction superintendent must have a minimum of nine (9) years of experience in construction inspection, with three (3) years in a management role over an urban transportation project.

NLC-4 Construction Schedule Support – Relating to Construction Management of Roadway and Major Bridge Projects (8.00%)
Description: Construction Project Schedule Analysis and Review Support. This category includes providing technical support for the performance of analyzing, monitoring and evaluating highway construction project progress, with emphasis on construction management and inspection elements for roadway and major bridge projects, using the critical path method technique for project scheduling.

Minimum Requirements: The team must include one Professional Engineer, registered or licensed in Texas, as Task Leader, with a minimum of three years of responsible charge experience as a project engineer on roadway projects, which include major bridge construction. The combined roadway and bridge project experience may include the performance of construction management duties, including scheduling, for all categories of roadways and highways that include major bridges.
This individual must be knowledgeable and experienced in the critical path method techniques used in highway construction using Microsoft Project and Primavera P3 or P6.

**NLC-5 Environmental Inspections (1.00%)**

**Description:** This category includes services in conducting environmental inspections at roadway construction project site for Storm Water Pollution Prevention Plan (SW3P), the Environmental Permits Issues and Commitments (EPIC) Sheet, Construction General Permit (CGP), and District Standard Operating Procedures (SOP).

**Minimum Requirements:** The team must include one (1) inspection team lead, as Task Leader, with a minimum of five (5) years of demonstrated construction storm water inspection experience. The person must have a working knowledge of the Texas Commission on Environmental Quality’s development and storm water quality Best Management Practices.

**NLC-6 Public Involvement (1.00%)**

**Description:** This category includes comprehensive services in planning, scheduling, coordinating, conducting, documenting, and exhibit preparation for public involvement activities. These public involvement activities include but are not limited to Meetings with Affected Property Owners (MAPOs), public meetings, public hearings, and stakeholder meetings, as well as developing media packets, maintaining public contact lists, public comment inventories, and associated summary reports.

**Minimum Requirements:** The team must include one public information professional, as Task Leader, with five (5) years of experience in providing oversight on public involvement activities for comparable transportation projects.

**NLC-7 Constructability Review (1.00%)**

**Description:** This category includes providing Independent Quality Review of the Plans, Specifications, and Estimates (PS&E) package to ensure constructability of all roadway and structural elements including, but not limited to: Sequence of Work/Traffic Control, Drainage (Temporary and Permanent), Storm Water Pollution Prevention Plan (SW3P), Environmental Permits, Issues and Commitments (EPIC) addressed, identify Utility conflicts, etc.; ensuring accuracy and appropriate use of Items, Quantities, General Notes, Standard and Special Specifications, Special Provisions, Contract Time/Schedule, Standards, etc.; and providing detailed comments in an approved format. To maintain independent and objective judgement, Constructability Review is the only task that the Independent Quality Reviewer performs.

**Minimum Requirements:** The team must include one Professional Engineer, registered or licensed in Texas, as Task Leader, with minimum of 2 years of experience in highway design and a minimum of 6 years of experience in providing oversight on major roadway and bridge construction projects.
**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.

**Non-Listed Work Categories (NLC):**
Precertification is not applicable to non-listed categories (NLCs). Each proposed task leader of a NLC must show their qualifications to meet the minimum requirements on the *NLC Template* (if applicable). This attachment will only be used to determine if minimum requirements are met. The content of the attachment will not be evaluated.

**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:

A list of Active precertified firms is available at:

**Administrative Qualification Requirements:**
Administrative Qualification is governed by Section 9.35(b) of Title 43 in the Texas Administrative Code (TAC).

All firms providing engineering and design-related services must be administratively qualified with an effective rate by the SOQ deadline specified in this Solicitation; or be determined eligible by TxDOT’s PEPS Division, Business Operations Center - Administrative Qualification Group to use the federal safe harbor rate, by the SOQ deadline specified in this solicitation.

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:
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 or co-prime firms, the requirement applies to each joint venture member or co-prime firm.
- Individuals on the project team must be currently employed by either the prime provider or a subprovider firm that has been 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 short list 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 Pre-certification 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](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.

**Disadvantaged Business Enterprise (DBE) Goal:**
It is anticipated this contract will include federal funds. The assigned DBE goal for participation in the work to be performed under this contract is **12.0%** of the contract amount.

The provider shall furnish evidence of compliance with the assigned DBE goal, or evidence of a good faith effort acceptable to TxDOT to meet the assigned goal on the Project Team Composition (PTC) form.

Firms listed in the PTC as DBE must be certified by the SOQ deadline specified in this solicitation. TxDOT maintains the Texas Unified Certification Program Disadvantaged Business Enterprise (TUCP DBE) Directory, which lists businesses alphabetically and by work category.

The DBE goal can be achieved through a DBE prime provider, or DBE subproviders.

Each subprovider listed to meet the assigned DBE subcontracting goal must be DBE-certified in North American Industry Classification System (NAICS) Code applicable to the type of service being offered by that firm that corresponds to the services being
advertised in this solicitation. A subprovider that is not DBE-certified in the NAICS Code applicable to the type of service being solicited will not be counted toward the assigned DBE subcontracting goal.

A DBE subprovider offering services included in this solicitation must be certified in the NAICS Code for the particular service(s) as shown below:

- Engineering: 541330
- Environmental: 541330 for Engineering Services or 541620 for Environmental Consulting Services
- Materials Testing: 541330 for Engineering Services or 541380 for Testing Laboratories
- Subsurface Utility Engineering: 541330
- Surveying: 541370 for Surveying and Mapping (except Geophysical)

- Non-Listed Work Categories (NLCs):
  - Constructability Reviews: 541330
  - Construction Scheduling Support: 541330
  - Engineering: 541330
  - Environmental Inspection: 541330 or 541620
  - Public Involvement: 541330 or 541820
  - Utility Engineering and Coordination:
    1. Utility Adjustment Coordination: 541330 or 541618
    2. Utility Construction Management and Verification: 541330

Additional information on the NAICS Codes can be found at the following link, under the heading for Sector 541 – Professional Scientific and Technical Services: http://www.sba.gov/content/small-business-size-standards

Selection Procedure:
Providers will be short-listed based on their SOQ scores.

A short list meeting with providers advancing to the short list will not be held.

Providers advancing to the short list will be required to submit a written proposal and to participate in an interview. These providers will be issued a Request for Proposal/Interview and Contract Guide (RFP/ICG) containing instructions for the proposal and interview. The prime provider’s project manager must be present for and participate in the interview or the provider will be removed from further consideration. The project manager may attend only one interview.

The task leaders of the following work categories listed in this solicitation are requested to attend the interview with the project manager:

- 11.1.1 Roadway Construction Management and Inspection
- 11.2.1 Major Bridge Construction and Inspection
- NLC-3 Construction Superintendent
- NLC-4 Construction Schedule Support – Relating to Construction Management of Roadway and Major Bridge Projects
Each attendee must be identified on the *Project Team Composition (PTC) Form*. No additional personnel may attend the interview.

Proposals and Interviews will be evaluated, and the combined score will be the basis for the selection. Interviews will be scheduled the weeks of October 23, 2017 or October 30, 2017.

**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: Subprovider Contact Information** – See the fillable file attached to this Solicitation.

**Attachment 5: Non-Listed Categories (NLC) Template** -

Refer to the NLC template file attached to this solicitation. Complete for each NLC shown under the section for **Work Categories and the % of Work Per Category**. Detail how the proposed task leader for the NLC meets the minimum qualifications to perform the work.

**For Projects Developed Under This Contract:**

**Contract Information:**

Contract execution is expected by February, 2018.

Contract duration is expected through March, 2022.

The proposed contract payment type is specified rate / lump sum / unit cost.
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:
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:
Adrianna Perryman at Adrianna.Perryman@txdot.gov, using the standard subject line: Special Accommodations, Solicitation No. 601CT0000002988

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:
Adrianna Perryman at Adrianna.Perryman@txdot.gov, using the standard subject line: Language Assistance Request, Solicitation No. 601CT0000002988

Selection Team:
The following TxDOT employees are involved in the selection process for this procurement: Will Lockett, P.E., Linda Cox, P.E., Andrew Wanees, P.E.
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 Clara Carbajal-Sanchez, P.E.

Questions about this Solicitation:
Questions regarding this Solicitation must be submitted in writing (via email) to Clara Carbajal-Sanchez at Clara.Carbajalsanchez@txdot.gov to be considered. Submit questions using the standard subject line: Questions & Answers, Solicitation No. 601CT 0000002988

The deadline for submitting questions regarding this Solicitation is 10:00 a.m. CT, on Wednesday, August 23, 2017.

Significant and relevant Solicitation Questions and Answers will be posted on TxDOT’s website by Monday, August 28, 2017. The relevant Questions and Answers will be posted under this Solicitation Number, under the Q&A button at: http://www.txdot.gov/business/consultants/architectural-engineering-surveying/advertised-contracts.html