REQUEST FOR QUALIFICATIONS FOR CONSTRUCTION MANAGER-AT-RISK

MD ANDERSON CANCER CENTER

Alkek Expansion, Renovations to Existing Facility – G7, G10 & G11

MDACC Project No.: 121110

RFQ No.: 542189/ME

PRE-SUBMITTAL CONFERENCE:

JANUARY 29, 2013 @ 8:00 AM LOCAL TIME

FANNIN HOLCOMBE BUILDING
6900 FANNIN
SUITE FHB10.1001
CONFERENCE ROOM A/B
HOUSTON, TEXAS 77030

SUBMITTAL DUE DATE:

FEBRUARY 12, 2013 @ 2:00 PM LOCAL TIME

THE UNIVERSITY OF TEXAS
MD Anderson Cancer Center
Making Cancer History®

Prepared By:
MD Anderson Cancer Center
Sourcing & Contract Management
7007 Bertner, Suite 10.3212
Houston, Texas 77030
713-745-8300

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REQUEST FOR QUALIFICATIONS FOR
CONSTRUCTION MANAGER-AT-RISK
MD ANDERSON CANCER CENTER
Alkek Expansion – Renovations to Existing Facility – G7, G10 & G11
MDACC Project no. 12-1110
RFQ No.: 542189/ME

SECTION 1 – GENERAL INFORMATION & REQUIREMENTS

1.1 GENERAL INFORMATION: The University of Texas MD Anderson Cancer Center ("Owner") is soliciting statements of qualifications ("Qualifications") for selection of a Construction Manager at Risk firm for the **Alkek Expansion – Renovations to Existing Facility – G7, G10 & G11** Project no. 12-1110 ("Project"), in accordance with the terms, conditions, and requirements set forth in this Request for Qualifications.

1.1.1 This Request for Qualifications ("RFQ") is the first step in a three-step process for selecting a Construction Manager at Risk firm for the Project as provided by Texas Education Code §51.782(e). The RFQ provides the information necessary to prepare and submit Qualifications for consideration and initial ranking by the Owner. Based on the initial ranking, the Owner may select up to five (5) of the top ranked Qualification respondents to respond to a separate Request for Proposals in the second step of the process.

1.1.2 In the second step of the process, Request for Proposals ("RFP"), the top selected Qualifications respondents will be required to submit additional information to the Owner, including fee proposals and general conditions prices ("Proposals"). The Owner will rank the Proposals in the order that they provide the apparent "best value" for the Owner based on the published selection criteria and on the ranking evaluations.

1.1.3 In the third step of the process, Interviews, the "most" qualified respondents may be requested to attend an interview with the Owner to confirm their Proposal and answer additional questions. The Owner will then rank the remaining "most" qualified respondents in order to identify a "best value".

1.2 PUBLIC INFORMATION: All information, documentation, and other materials submitted in response to this solicitation are considered non-confidential and/or non-proprietary and are subject to public disclosure under the Texas Public Information Act (*Texas Government Code*, Chapter 552.001, *et seq.*) after the agreement is executed.

1.2.1 The Owner strictly complies with all statutes, court decisions, and opinions of the Texas Attorney General with respect to disclosure of RFQ information.

1.3 TYPE OF CONTRACT: Any contract resulting from this solicitation will be in the form of the Owner's draft Construction Manager at Risk Agreement, a copy of which is attached to this RFQ.

1.4 CLARIFICATIONS AND INTERPRETATIONS: Any clarifications or interpretations of this RFQ that materially affect or change its requirements will be posted by the Owner as an addendum on the MD Anderson web site (http://www.mdanderson.org/departments/bids). It is the responsibility of all respondents to obtain this information in a timely manner. All such addenda issued by the Owner before the Qualifications are due as part of the RFQ, and respondents shall acknowledge receipt of and incorporate each addendum in its Qualifications.

1.4.1 Respondents shall consider only those clarifications and interpretations that the Owner issues by addenda three (3) days prior to the Submittal Due Date. Interpretations or clarifications in any other form, including oral statements, will not be binding on the Owner and should not be relied on in preparing Qualifications.

1.5 SUBMISSION OF QUALIFICATIONS:

1.5.1 DEADLINE AND LOCATION: The Owner will receive Qualifications at the time and location described below.

FEBRUARY 12, 2013 @ 2:00 PM LOCAL TIME

Physical Address for Courier Delivery:
The University of Texas MD Anderson Cancer Center
Capital Planning and Management
6900 Fannin, Suite FHB 10.1010
Houston, Texas 77030
Attn: Mary E. Mueller

1.5.2 Submit **Ten (10)** identical copies of the Qualifications. An original signature must be included on the "Respondent's Statement of Qualifications and Ability To Undertake The Project" document submitted with each copy.

1.5.3 Respondent must submit one (1) complete, virus free, exact copy of its Qualifications on a CD. The CD must be submitted in a SEALED envelope apart from the other Qualifications documents and must be submitted at the same time the hard copy sealed documents are submitted. The envelope containing the CD must clearly be labeled "RFQ SUBMITTAL" and have the name of the submitting firm, the project name, and the RFQ number on both the sealed envelope and on the CD.

1.5.4 Submit the HUB Subcontracting Plan (HSP) as described in Section 4.1.2 of this RFQ. All HUB Subcontracting Plans should be submitted by the Submittal Due Date separate from the Qualifications in a SEALED Envelope within the sealed response.

1.5.5 Qualifications received after the deadline will be returned to the respondent unopened.

1.5.6 The Owner will not acknowledge or receive Qualifications that are delivered by telephone, facsimile (fax), or electronic mail (e-mail).

1.5.7 Properly submitted Qualifications will not be returned to respondents.

1.5.8 Qualifications materials must be enclosed in a sealed envelope (box or container) addressed to the Point of Contact person; the package must clearly identify the submittal deadline, the RFQ number, and the name and return address of the respondent.

1.5.9 Properly submitted Qualifications will be opened publicly and the names of the respondents will be read aloud.

1.6 POINT-OF-CONTACT: The Owner designates the following person, as it's representative and Point-of-Contact for this RFQ. Respondents shall restrict all contact with the Owner and direct all questions regarding this RFQ, including questions regarding terms and conditions, to the Point-of-Contact person.

Mary E. Mueller
The University of Texas MD Anderson Cancer Center
Sourcing & Contract Management
Email: memuelle@mdanderson.org

1.7 EVALUATION OF QUALIFICATIONS: The evaluation of the Qualifications shall be based on the requirements described in this RFQ. All properly submitted Qualifications will be reviewed, evaluated, and ranked by the Owner. The top five or fewer ranked respondents may be selected by the Owner to participate in step two of the selection process.

1.7.1 Qualifications shall not include any information regarding respondent's fees, pricing, or other compensation. Such information will be solicited from firms qualified by the Owner to participate in step two of the selection process.

1.8 OWNER'S RESERVATION OF RIGHTS: The Owner may evaluate the Qualifications based on the anticipated completion of all or any portion of the Project. The Owner reserves the right to divide the Project into multiple parts, to reject any and all Qualifications and re-solicit for new Qualifications, or to reject any and all Qualifications and temporarily or permanently abandon the Project. Owner makes no representations, written or oral, that it will enter into any form of agreement with any respondent to this RFQ for any project and no such representation is intended or should be construed by the issuance of this RFQ.

1.8.1 Respondent understands and agrees that this RFQ and any subsequent Agreement ensuing from this RFQ is contingent upon approval by Owner, The University of Texas Board of Regents, and the Texas Higher Education Coordinating Board. Respondent understands and agrees that Owner has made no representation, written or oral, that any such approvals will actually be obtained. If any such approvals are not obtained, Respondent understands and agrees that this RFQ and any subsequent Agreement ensuing from this RFQ will be null, void, and of no effect.

1.9 ACCEPTANCE OF EVALUATION METHODOLOGY: By submitting its Qualifications in response to this RFQ, respondent accepts the evaluation process and acknowledges and accepts that determination of the "most qualified" firm(s) will require subjective judgments by the Owner.

1.10 NO REIMBURSEMENT FOR COSTS: Respondent acknowledges and accepts that any costs incurred from the respondent's participation in this selection process shall be at the sole risk and responsibility of the respondent. Respondents submit Qualifications and Proposals at their own risk and expense.

1.11 PRE-SUBMITTAL CONFERENCE: A pre-submittal conference will be held at the time and location described below.

JANUARY 29, 2013 @ 8:00 AM LOCAL TIME

FANNIN HOLCOMBE BUILDING
6900 FANNIN, SUITE FHB10.1001
CONFERENCE ROOM A/B
HOUSTON, TEXAS 77030

1.11.1 A guided tour of a portion of the project site will be included as a part of the conference agenda. This may be the only opportunity for potential respondents to become familiar with the project site before the submittal of Qualifications. Attendance at the pre-submittal conference is optional.

1.12 ELIGIBLE RESPONDENTS: Only individual firms or lawfully formed business organizations may apply (This does not preclude a respondent from using consultants.) The Owner will contract only with the individual firm or formal organization that submits Qualifications.

1.13 HISTORICALLY UNDERUTILIZED BUSINESSES SUBMITTAL REQUIREMENTS: It is the policy of The University of Texas System, and each of its component institutions, to promote and encourage contracting and subcontracting opportunities for Historically Underutilized Businesses (HUB) in all contracts. Accordingly, the Owner has adopted Policy on Utilization of Historically Underutilized Businesses (See attached). The Policy applies to all contracts with an expected value of $100,000 or more. If Owner determines that subcontracting opportunities are probable, then a HUB Subcontracting Plan is a required element of the Qualifications. Failure to submit a required HUB Subcontracting Plan will result in rejection of the Qualifications.

1.13.1 STATEMENT OF PROBABILITY: Owner has determined that subcontracting opportunities are probable in connection with this procurement solicitation. Therefore, a HUB Subcontracting Plan (HSP) is required as a part of the respondent's Qualifications. The respondent shall develop and administer a HSP as a part of the respondent's Qualifications in accordance with the Owner's Policy on Utilization of Historically Underutilized Businesses (HUB).

1.13.2 The HUB Subcontracting goal for this project is **THIRTY-TWO POINT SEVEN (32.7%)** percent. Respondents are expected to make a good faith effort to meet this goal.

1.13.3 All HUB Subcontracting Plans must be submitted by the Submittal Due Date SEPERATELY from the Qualifications in a SEALED Envelope.

1.13.4 Refer to Policy on Utilization of Historically Underutilized Business (attached) and the Summary of Requirements for a detailed list of attachments required with the Qualifications.

1.13.5 The "Statement of Probability" determines the probability for subcontracting opportunities. This determination will clarify which attachments, detailed in Figure 1, will be required to be completed and returned.

1.13.6 Submit the HUB Subcontracting Plan as stated in Section 4.1.2 of this RFQ.

1.14 NOT USED.

1.15 SALES AND USE TAXES: Section 151.311, Tax Code, as amended effective October 1, 1993, permits the purchase free of state sales and use taxes of tangible personal property to be incorporated into realty in the performance of a contract for an improvement to realty for certain exempt entities that include The University of Texas System. The section further permits the purchase tax-free of tangible personal property (other than machinery or equipment and its accessories and repair and replacement parts) for use in the performance of such a contract if the property is "necessary and essential for the performance of the contract" and "completely consumed at the job site." In addition, the section permits the purchase tax-free of a tangible service for use in the performance of such a contract if the service is performed at the job site and if

"the contract expressly requires the specific service to be provided or purchased by the person performing the contract" or "the service is integral to the performance of the contract."

1.16 CERTIFICATION OF FRANCHISE TAX STATUS: Respondents are advised that the successful respondent will be required to submit certification of franchise tax status as required by State Law (H.B. 175, Acts 70th Leg. R.S., 1987, Ch. 283, p. 3242). The contractor agrees that each subcontractor and supplier under contract will also provide a certification of franchise tax status.

1.17 REQUIRED NOTICES OF WORKERS' COMPENSATION INSURANCE COVERAGE: The Texas Workers' Compensation Commission has adopted a new rule, 28 TAC, sec. 110.110, relating to REPORTING REQUIREMENTS FOR BUILDING OR CONSTRUCTION PROJECTS FOR GOVERNMENTAL ENTITIES. The rule applies to all building or construction contracts advertised for bid on or after September 1, 1994. The rule implements sec. 406.096, Texas Labor Code, which requires workers' compensation insurance coverage for all persons providing services on a building or construction project for a governmental entity. The requirements of the rule are set forth in the Uniform General and Supplementary General Conditions.

1.18 PREVAILING WAGE RATE DETERMINATION: Respondents are advised that the Texas Prevailing Wage Law will be administered in accordance with the policies and procedures set forth in the U. T. System document, entitled "Prevailing Wage Guidelines." A copy is attached to the Special Conditions. The penalty for violation of prevailing wage rates has been increased from $10.00 per underpaid worker per day or portion thereof to $60.00.

1.19 DELINQUENCY IN PAYING CHILD SUPPORT: Under Section 231.006, Family Code, the vendor or applicant certifies that the individual or business entity named in this contract, bid, or application is not ineligible to receive the specified grant, loan, or payment and acknowledges that this contract may be terminated and payment may be withheld if this certification is inaccurate.

SECTION 2 – EXECUTIVE SUMMARY

2.1 HISTORICAL BACKGROUND:

MD Anderson is known throughout the world for high-quality cancer care, research, academic programs and prevention services. Since its establishment in 1941, MD Anderson has made major contributions to improve the outlook for cancer patients everywhere.

MD Anderson was one of the first three federally designated comprehensive cancer centers by the National Cancer Act of 1971. A survey of health professionals has routinely ranked MD Anderson as one of the two premier cancer centers in the nation for the past eight years. Over 55,000 persons annually seek care at MD Anderson. The team approach to cancer care, pioneered at MD Anderson, has been strengthened by consolidating specialty clinics into multi-disciplinary care centers that allow patients to receive more ambulatory care and treatment in a single location.

MD Anderson offers one of the largest bone marrow and stem cell transplantation programs, as well as clinical trials to improve existing therapies. Teams of clinical specialists collaborate with scientists on problems of common interest and test theories that shorten the application of better treatment methods. Translational research studies are responsible for the promising field of chemoprevention, which uses synthetic vitamins to reverse pre-malignant lesions and halt the recurrence of some cancers, and for innovative gene therapy strategies being evaluated for several forms of cancer.

With faculty and staff working in more than 30 buildings in the greater Houston area and in central Texas, MD Anderson is the largest freestanding cancer center in the world. The physical plant covers more than 11 million square feet, featuring the latest equipment and facilities to support growing needs in outpatient and inpatient care, research, prevention and education. It includes inpatient hospital facilities with 571 beds.

Construction projects include the addition of 12 floors that can accommodate more than 300 new inpatient beds in Alkek Hospital on the North Campus; two new research buildings on the South Campus that will house the Center for Advanced Biomedical Imaging Research and Center for Targeted Therapy as part of the McCombs Institute; and MD Anderson's first facility on its Mid Campus, a 25-story building to support current office space and future growth needs.

In addition to its main campus in the Texas Medical Center and two research campuses in Bastrop County, Texas, MD Anderson has developed a number of local, national and international affiliations.

2.2 MISSION STATEMENT:

Mission. The mission of MD Anderson is to eliminate cancer in Texas, the nation and the world through outstanding integrated programs in patient care, research, education and prevention, and through education for undergraduate and graduate students, trainees, professionals, employees and the public.

Vision. We shall be the premier cancer center in the world, based on the excellence of our people, our research-driven patient care and our science. We are Making Cancer History.

Core Values.

- Caring: By our words and actions, we create a caring environment for everyone.
- Integrity: We work together to merit the trust of our colleagues and those we serve.

- Discovery: We embrace creativity and seek new knowledge.

2.3 PROJECT DESCRIPTION, SCOPE AND BUDGET:

Owner seeks Construction Manager at Risk services for renovation of G10 and G11 nursing units in the Alkek Hospital (Floors 10 and 11). Respondents to this RFQ will be expected to interface with and provide support to the Owner and the Owner's Project Architect.

The project will be a renovation of finishes in the Alkek Hospital of MD Anderson on Floors 10 and 11. A number of patient room restrooms will require renovation in order to be brought up to the new 2012 TAS (Texas Accessibility Standards) code along physiological monitoring infrastructure. The Owner is currently considering more extensive renovations within the G11 - West pod to create an Intensive Care Unit (ICU). Additionally, the Owner anticipates modifying the air ducts in certain parts of the project area and within the main mechanical room to improve the air distribution on Floors 10 and 11.

The Construction Manager's Budget Limitation is: SEVEN MILLION, ONE HUNDRED FIFTY THOUSAND Dollars ($7,150,000).

2.4 FACILITY PROGRAM: The Owner is currently developing a Pre-Design Report for the Project and intends to have the successful respondent review and provide constructability input on this report as part of the Preconstruction Services

2.5 PROJECT PLANNING SCHEDULE: Key Project planning schedule milestones, subject to change at the Owner's sole discretion, are:

▪ Owner conducts Pre-Submittal Conference	Refer to Section 1.11
▪ Request for Information (RFI) Submittal Deadline 4:00 PM CST	January 31, 2013
▪ RFI Questions and Answers Posted to Internet	February 4, 2013
▪ Owner receives Qualifications and HUB Subcontracting Plan	Refer to Section 1.5
▪ Owner issues Request For Proposals to short-listed firms	February 25, 2013
▪ Owner receives Proposals from short-listed firms	March 13, 2013
▪ Owner interviews short-listed firms (if applicable)	April 2, 2013
▪ Selected Respondent returns executed Agreement to Owner	April 16, 2013
▪ Owner Issues Notice to Proceed	April 30, 2013
▪ Owner approves Facility Program (if applicable)	January 31, 2013
▪ Owner authorizes start of Schematic Design Documents	December 13, 2012
▪ Owner approves Design Development Documents	March 22, 2013
▪ Owner requests Guaranteed Maximum Price Proposal (if applicable)	May 1, 2013
▪ Owner issues Notice to Proceed for Construction	July 1, 2013
▪ Owner accepts Substantial Completion of Construction	March 19, 2014
▪ Construction Manager achieves Final Completion of Construction	April 19, 2014

2.6 OWNER'S SPECIAL CONDITIONS: The Owner requires full compliance with specification Division 0: Contract Requirements and Division 1: General Requirements. These specifications are attached to the draft Agreement.

SECTION 3 – REQUIREMENTS FOR STATEMENT OF QUALIFICATIONS

Respondents shall carefully read the information contained in the following criteria and submit a complete statement of Qualifications to all questions in Section 3 formatted as directed in Section 4. Incomplete Qualifications will be considered non-responsive and subject to rejection.

3.1 CRITERIA ONE: RESPONDENT'S STATEMENT OF QUALIFICATIONS AND AVAILABILITY TO UNDERTAKE THE PROJECT (Maximum of two (2) printed pages per question)

3.1.1 Provide a statement of interest for the Project including a narrative describing the respondent's unique qualifications as they pertain to this particular Project.

3.1.2 Provide a statement on the availability and commitment of the respondent, its principal(s) and assigned professionals to undertake the Project.

3.2 CRITERIA TWO: RESPONDENT'S ABILITY TO PROVIDE CONSTRUCTION MANAGEMENT SERVICES

3.2.1 Provide the following information on your firm:

- Total bonding capacity;
- Available bonding capacity and current backlog;
- Revenue total for the past fiscal year;
- Annual revenue totals for the past five (5) years;
- Annual revenue totals for the past five (5) years within the State of Texas

3.2.2 Attach a letter of intent from a surety company indicating your firm's ability to bond for the entire construction cost of the project. The surety shall acknowledge that the firm may be bonded for each stage/phase of the project, with a construction manager's budget limitation of **SEVEN MILLION, ONE HUNDRED FIFTY THOUSAND Dollars ($7,150,000).** The bonding requirements are set forth in Article 17 of the Agreement and the Uniform General and Supplementary General Conditions for University of Texas System Building Construction Contracts.

3.2.3 Identify if your firm is currently for sale or involved in any transaction to expand or to become acquired by another business entity. If so, please explain the impact both in organizational and directional terms.

3.2.4 Provide any details of all past or pending litigation or claims filed against your firm that may affect the your performance under a Contract with the Owner.

3.2.5 Identify if your firm is currently in default on any loan agreement or financing agreement with any bank, financial institution, or other entity. If so, specify date(s), details, circumstances, and prospects for resolution.

3.2.6 Does any relationship exist by relative, business associate, capital funding agreement, or any other such kinship between your firm and any Owner employee, officer or Regent? If so, please explain.

3.3 CRITERIA THREE: QUALIFICATIONS OF CONSTRUCTION MANAGER AT RISK TEAM

3.3.1 Describe your management philosophy for the Construction Manager at Risk construction delivery method.

3.3.2 Provide resumes of the Construction Manager at Risk team that will be directly involved in the Project, including their experience with similar projects, the number of years with the firm, and their city(s) of residence. For each resume, include at leaset two professional references from individuals who are not associated with the Respondent.

3.3.3 Describe, in graphic and written form, the proposed Project assignments and lines of authority and communication for each team member to be directly involved in the Project. Indicate the estimated percent of time these team members will be involved in the Project for Pre-construction and Construction Services.

3.3.4 Identify the proposed team members (including consultants) who worked on the Projects listed in Section 3.4 or 3.5 of this RFQ, and describe their responsibility in those projects compared to this project.

3.3.5 Identify any consultants that are included as part of the proposed team, their role and related experience for this Project. List projects for which the consultant(s) has worked with the respondent.

3.3.6 Identify your pre-construction services staff, including their experience with similar projects, the number of years with the firm, and their cities of residence.

3.3.7 Identify the officer or principle in charge who will have daily operational responsibility for the project, including their experience with similar projects, the number of years with the firm, and the city of residence.

3.3.8 Team member continuity is critical on projects from the pre-construction phase through final completion. For the team members listed in 3.3.2 above, please provide their current work load information and their availability to start attending meetings, drawing reviews, and participate in cost analysis exercises beginning in April, 2013.

3.4 CRITERIA FOUR: RESPONDENT'S PERFORMANCE ON PAST REPRESENTATIVE CM-R PROJECTS

3.4.1 Identify and describe the proposed Team's past experience for providing Construction Manager at Risk Services that are MOST RELATED TO THIS PROJECT, RENOVATION OF AN IN PATIENT AND AN ICU FACILITY within the last five (5) years. List the projects in order of priority, with the most relevant project listed first. Provide the following information for each project listed:

- Project name, location, contract delivery method, and description
- Color images (photographic or machine reproductions)
- Construction cost estimate determined by respondent during pre-construction phase services
- Final construction cost
- Initial Contingency amounts (Design, Contractor, Cash, etc.) and amounts (if any) refunded to the Owner

- Final project size in gross square feet
- Type of construction (new, renovation, or expansion)
- Actual Notice To Proceed for Pre-Construction Services
- Actual Notice To Proceed, Substantial Completion, and Final Payment dates for Construction Services
- Name of Project Manager (individual responsible to the Owner for the overall success of the project)
- Name of Project Superintendent (individual responsible for coordinating the day to day work)
- Names of Mechanical, Plumbing and Electrical subcontractors
- Names of the proposed team from 3.3.2, if any, who participated in these projects
- The owner's name and representative who served as the day-to-day liaison during the design and construction phases of the project, including telephone number
- Architect/Engineer's name and representative who served as the day-to-day liaison during the construction phase of the project, including telephone number
- Length of business relationship with the Owner.

3.4.2 References shall be considered relevant based on specific project participation and experience with the Respondent. The Owner may contact references during any part of this process. The Owner reserves the right to contact any other references at any time during the RFQ/P process. Please acknowledge your approval for Owner to contact your references.

3.4.3 Identify a maximum of three (3) completed projects, of any type, for which your firm has received an award for construction excellence from a recognized organization and provide descriptive information for each.

3.5 CRITERIA FIVE: RESPONDENT'S PAST PERFORMANCE ON U.T. SYSTEM PROJECTS

3.5.1 Identify and describe the proposed Team's past experience for providing Construction Manager at Risk Services on University of Texas System projects within the last five (5) years.

If the respondent has not previously provided Construction Manager at Risk services for The University of Texas System, then identify and describe the respondent's past performance on Construction Manager at Risk projects for "major" institutions of higher education (or similar) within the last five (5) years.

In either case above, provide the following information for each project listed:

- Project name, location, contract delivery method, and description
- Color images (photographic or machine reproductions)
- Construction cost estimate determined by respondent during pre-construction phase services
- Final construction cost
- Final project size in gross square feet
- Type of construction (new, renovation, or expansion)
- Actual Notice To Proceed for Pre-Construction Services
- Actual Notice To Proceed, Substantial Completion, and Final Payment dates for Construction Services
- Name of Project Manager (individual responsible to the Owner for the overall success of the project)
- Name of Project Superintendent (individual responsible for coordinating the day to day work)

- Names of Mechanical, Plumbing and Electrical subcontractors

3.6 CRITERIA SIX: RESPONDENT'S ABILITY TO MANAGE CONSTRUCTION SAFETY RISKS

3.6.1 Briefly describe the firm's approach for anticipating, recognizing and controlling safety risks and note the safety resources that the firm provides for each project's Safety program.

3.6.2 Describe the level of importance for Enforcement and Support of Project Safety that the firm includes in performance evaluations for Superintendents and Project Managers.

3.6.3 Describe the Safety and Insurance/Claims History information and weighting that the firm includes in the submission and award process for "best value" Subcontracts.

3.6.4 For all projects that the firm has managed (or co-managed) in the past five (5) years, list and describe all events or incidents that have reached any of the following levels of severity:

- Any occupational illness or injury that resulted in death or total and permanent disability
- Three occupational illnesses or injuries that resulted in hospital admittances
- Explosion, fire or water damage that claimed 5% of the project's construction value
- Failure, collapse, or overturning of a scaffold, excavation, crane or motorized mobile equipment when workers were present at the project

3.6.5 Does the firm or any other company within the same holding group of companies self-perform any work other than the General Conditions work? If so, please identify the firm and the services performed.

3.6.6 Identify the firm's Experience Modification Rate (EMR) for the three (3) most recent annual insurance-year ratings.

3.6.7 Identify the firm's annual OSHA Recordable Incident Rates (RIR) for all work performed during the past three (3) calendar years.

3.6.8 Identify the firm's annual OSHA Lost Workday Case Incident Rates (LWCIR) for all work performed during the past three (3) calendar years.

3.7 CRITERIA SEVEN: RESPONDENT'S ABILITY TO ESTABLISH BUDGETS AND CONTROL COSTS ON PAST PROJECTS

3.7.1 Describe your fiduciary responsibility as a Construction Manager at Risk using Guaranteed Maximum Price contracts for publicly funded projects.

3.7.2 Describe your cost estimating methods during the pre-construction phase and during the design and constrution phases . How do you develop cost estimates and how often are they updated? For any combination of three (3) projects listed in response to Criteria 3.4 and 3.5, provide examples of how these techniques were used and what degree of accuracy was achieved.

3.7.3 Describe your cost control methods during construction and how you procure subcontracts, confirm scope, amount, and ensure proper payment. From any three (3) projects listed in response to Section 3.4 or 3.5 of this RFQ, provide examples of how these techniques were used and the degree of accuracy achieved.

3.7.4 Describe your methodology for working with the Project Architect/Engineer and their consultants to deliver a Guaranteed Maximum Price and to maintain the GMP throughout the design and construction process.

3.7.5 Provide a sample of a cost estimate used to establish a contract amount from any project listed in Section 3.4 or 3.5 of this RFQ.

3.7.6 The Owner intends to accept a Guaranteed Maximum Price prior to completion of Construction Documents. Describe 1) Your process for ensuring that the Design Documents provide the information necessary to arrive at a complete GMP, including all Owner requirements with reasonable contingencies, and 2) Your process for subsequently ensuring that the 100% Construction Documents align with the project scope in the previously accepted GMP proposal documents.

3.7.7 Attached is a copy of the Owner's draft Construction Manager at Risk Agreement. Identify terms, if any, of the Agreement that you will request to be changed prior to signing the Owner's Construction Manager at Risk Agreement.

3.8 CRITERIA EIGHT: RESPONDENT'S ABILITY TO MEET SCHEDULES ON PAST PROJECTS

3.8.1 Describe how you will develop, maintain and update the project schedule during design and construction.

3.8.2 Describe your approach to assuring timely completion of this project, including methods for schedule recovery, if necessary. From any three (3) of the projects listed in response to Section 3.4 or 3.5 of this RFQ, provide examples of how these techniques were used, including specific scheduling challenges/requirements and actual solutions.

3.8.3 Describe how you develop and maintain work schedules during design and construction to coordinate with the Owner's project schedule. From any of three (3) projects listed in response to Section 3.4 or 3.5 of this RFQ, provide examples of how these techniques were used.

3.8.4 Describe your experience with Microsoft Project CPM scheduling. From any of three (3) of the projects listed in response to Section 3.4 or 3.5 of this RFQ, provide a sample of the monthly schedule reports, including identified milestones and schedule recovery plans.

3.9 CRITERIA NINE: RESPONDENT'S KNOWLEDGE OF CURRENT CONSTRUCTION METHODOLOGIES, TECHNOLOGIES, AND BEST PRACTICES

3.9.1 Describe your quality assurance program. Explain the methods used to ensure quality control during the Construction phase of a project. Provide specific examples of how these techniques or procedures were used from any of three (3) projects listed in response to Section 3.4 or 3.5 of this RFQ.

3.9.2 Describe your procedures for implementing industry's "best practices" as defined by the Construction Industry Institute and similar organizations for:

- Establishing and tracking project objectives
- Using project scope definition resources (i.e. Project Definitions Rating Index (PDRI)) in order to obtain complete and accurate design and construction documents from the A/E
- Partnering
- Cost tracking

- Master milestone scheduling, look-ahead planning, and weekly work planning to ensure best productivity
- Change (order) management systems
- Building systems commissioning including coordination with the Owner's commissioning agent
- Total quality management for each phase, including close-out and commissioning

3.9.3 Provide an example of a successful constructability program used to maintain project budgets without sacrificing quality.

3.9.4 Describe your methodology for advertising, evaluating and selecting trade contrators for "major" institutions of higher education as a Construction Manager at Risk.

3.9.5 As the Construction Manager at Risk, describe your relationship with the local subcontracting community.

3.9.6 Describe your past experience dealing with congested campuses/site conditions for any project listed in Section 3.4 or 3.5 of this RFQ.

3.9.7 Provide any other details regarding special services, products, advantages or other benefits offered to the Owner by the Respondent.

3.9.8 Describe what you believe are your unique operational skills and experiences, which differentiate your company from your competitors.

3.10 CRITERIA TEN: RESPONDENT'S ABILITY TO IDENTIFY AND RESOLVE PROBLEMS ON PAST PROJECTS

3.10.1 Describe your understanding of the administrative challenges and opportunities associated with providing Preconstruction and Construction services for Owner on this project, and your strategy for resolving these issues.

3.10.2 Understanding the schedule limitations, provide an analysis of the Owner's project planning schedule in Section 2.5 of this RFQ and describe your plan for communicating constructability, phasing, value engineering and other budget options in a form that will quickly facilitate the Owner's decision making.

3.10.3 This project is within or adjacent to hospital, education and research facilities which are occupied. Describe the project team's experience with renovation/expansion projects in occupied facilities, including the impact on existing MEP systems and the occupants of the facilities.

3.10.4 For any combination of three (3) projects listed in response to Section 3.4 or 3.5 of this RFQ, describe the methods you have used to resolve conflicts with the Owner, Consultants, Architect/Engineer, and subcontractors.

3.10.5 Provide examples of Preconstruction services provided that creatively incorporated mechanical, electrical, and plumbing solutions in similar structures, particularly those that fostered energy conservation, value engineering, and constructibility enhancement.

3.11 CRITERIA ELEVEN: EXECUTION OF OFFER

THIS EXECUTION OF OFFER MUST BE COMPLETED, SIGNED, AND RETURNED WITH THE RESPONDENT'S QUALIFICATIONS. FAILURE TO COMPLETE, SIGN AND RETURN THIS EXECUTION OF OFFER WITH THE QUALIFICATIONS MAY RESULT IN REJECTION OF THE QUALIFICATIONS.

SIGNING A FALSE STATEMENT MAY VOID THE SUBMITTED QUALIFICATIONS OR ANY AGREEMENTS OR OTHER CONTRACTUAL ARRANGEMENTS, WHICH MAY RESULT FROM THE SUBMISSION OF RESPONDENT'S QUALIFICATIONS, AND THE RESPONDENT MAY BE REMOVED FROM ALL PROPOSER LISTS. A FALSE CERTIFICATION SHALL BE DEEMED A MATERIAL BREACH OF CONTRACT AND, AT OWNER'S OPTION, MAY RESULT IN TERMINATION OF ANY RESULTING CONTRACT OR PURCHASE ORDER.

3.11.1 By signature hereon, Respondent acknowledges and agrees that (1) this RFQ is a solicitation for Qualifications and is not a contract or an offer to contract; (2) the submission of Qualifications by Respondent in response to this RFQ will not create a contract between the Owner and Respondent; (3) the Owner has made no representation or warranty, written or oral, that one or more contracts with the Owner will be awarded under this RFQ; and (4) Respondent shall bear, as its sole risk and responsibility, any cost which arises from Respondent's preparation of a response to this RFQ.

3.11.2 By signature hereon, Respondent offers and agrees to furnish to the Owner the products and/or services more particularly described in its Qualifications, and to comply with all terms, conditions and requirements set forth in the RFQ documents and contained herein.

3.11.3 By signature hereon, Respondent affirms that he has not given, nor intends to give at any time hereafter, any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor or service to a public servant in connection with the submitted Qualifications.

3.11.4 By signature hereon, a corporate Respondent certifies that it is not currently delinquent in the payment of any Franchise Taxes due under Chapter 171, Texas Tax Code, or that the corporate Respondent is exempt from the payment of such taxes, or that the corporate Respondent is an out-of-state corporation that is not subject to the Texas Franchise Tax, whichever is applicable.

3.11.5 By signature hereon, the Respondent hereby certifies that neither the Respondent nor the firm, corporation, partnership or Owner represented by the Respondent, or anyone acting for such firm, corporation, or institution has violated the antitrust laws of this state, codified in Section 15.01, et. seq., Texas Business and Commerce Code, or the Federal antitrust laws, nor communicated directly or indirectly the Qualifications made to any competitor or any other person engaged in such line of business.

3.11.6 By signature hereon, Respondent represents and warrants that:

3.11.6.1 Respondent is a reputable company regularly engaged in providing products and/or services necessary to meet the terms, conditions and requirements of the RFQ;

3.11.6.2 Respondent has the necessary experience, knowledge, abilities, skills, and resources to satisfactorily perform the terms, conditions and requirements of the RFQ;

3.11.6.3 Respondent is aware of, is fully informed about, and is in full compliance with all applicable federal, state and local laws, rules, regulations and ordinances;

3.11.6.4 Respondent understands (i) the requirements and specifications set forth in this RFQ and (ii) the terms and conditions set forth in the Contract under which Respondent will be required to operate;

3.11.6.5 Respondent, if selected by the Owner, will maintain insurance as required by the Contract;

3.11.6.6 All statements, information and representations prepared and submitted in response to this RFQ are current, complete, true and accurate. Respondent acknowledges that the Owner will rely on such statements, information and representations in selecting the successful Respondent. If selected by the Owner as the successful Respondent, Respondent will notify the Owner immediately of any material change in any matters with regard to which Respondent has made a statement or representation or provided information.

3.11.7 By signature hereon, Respondent certifies that the individual signing this document and the documents made part of the RFQ is authorized to sign such documents on behalf of the company and to bind the company under any agreements or other contractual arrangements, which may result from the submission of Respondent's Qualifications.

3.11.8 By signature hereon, Respondent certifies that if a Texas address is shown as the address of the Respondent, Respondent qualifies as a Texas Resident Respondent as defined in Rule 1 TAC 111.2.

3.11.9 By signature hereon, Respondent certifies as follows:

3.11.9.1 "Under Section 231.006, Texas Family Code, the vendor or applicant certifies that the individual or business entity named in this contract, bid, or application is not ineligible to receive the specified grant, loan, or payment and acknowledges that this contract may be terminated and payment may be withheld if this certification is inaccurate."

3.11.9.2 "Under Section 2155.004, *Texas Government Code*, the vendor or applicant certifies that the individual or business entity named in this bid or contract is not ineligible to receive the specified contract and acknowledges that this contract may be terminated and payment withheld if this certification is inaccurate."

3.11.9.3 "Under Section 2254.004, *Texas Government Code*, the vendor or applicant certifies that each individual or business entity which is an engineer or architect proposed by Respondent as a member of its team was selected based on demonstrated competence and qualifications only."

3.11.10 By signature hereon, Respondent certifies that no relationship, whether by relative, business associate, capital funding agreement or by any other such kinship exist between Respondent and an employee of any University of Texas component, or Respondent has not been an employee of any University of Texas component within the immediate twelve (12) months prior to your RFQ response. All such disclosures will be subject to administrative review and approval prior to the Owner entering into any contract with Respondent.

3.11.11 NOT USED.

3.11.12 Respondent represents and warrants that all articles and services quoted in response to this RFQ meet or exceed the safety standards established and promulgated under the Federal Occupational Safety and Health Law (Public Law 91-596) and its regulations in effect or proposed as of the date of this solicitation.

3.11.13 By signature hereon, Respondent signifies his compliance with all federal laws and regulations pertaining to Equal Employment Opportunities and Affirmative Action.

3.11.14 By signature hereon, Respondent agrees to defend, indemnify, and hold harmless the State of Texas, all of its officers, agents and employees from and against all claims, actions, suits, demands, proceedings, costs, damages, and liabilities, arising out of, connected with, or resulting from any acts or omissions of Respondent or any agent, employee, subcontractor, or supplier of Respondent in the execution or performance of any agreements or other contractual arrangements which may result from the submission of Respondent's Qualifications.

3.11.15 By signature hereon, Respondent agrees that any payments that may become due under any agreements or other contractual arrangements, which may result from the submission of Respondent's Qualifications, will be applied towards any debt including, but not limited to, delinquent taxes and child support that is owed to the State of Texas.

3.11.16 By signature hereon, Respondent certifies that no member of the Board of Regents of The University of Texas System, or the Executive Officers of the University of Texas System or it's component institutions, has a financial interest, directly or indirectly, in the transaction that is the subject of the contract.

EXECUTION OF OFFER: RFQ No. 542189/ME

The Respondent must complete, sign and return this Execution of Offer as part of their submittal response. The Respondent's company official(s) who are authorized to commit to such a submittal must sign submittals. Failure to sign and return this form will subject the submittal to disqualification.

Respondent's Name: _____

Respondent's State of Texas Tax Account No: _____
(This 11 digit number is mandatory)

If a Corporation:

Respondent's State of Incorporation: _____

Respondent's Charter No: _____

Identify each person who owns at least 25% of the Respondent's business entity by name and social security number:

_____
(Name)

_____
(Name)

_____
(Name)

_____
(Name)

Submitted and Certified By:

_____	_____
(Respondent's Name)	*(Title)*
_____	_____
(Street Address)	*(Telephone Number)*
_____	_____
(City, State, Zip Code)	*(Email Address)*
_____	_____
(Authorized Signature)	*(Date)*

SECTION 4 – FORMAT FOR STATEMENT OF QUALIFICATIONS

4.1 GENERAL INSTRUCTIONS

4.1.1 Qualifications shall be prepared SIMPLY AND ECONOMICALLY, providing a straightforward, CONCISE description of the respondent's ability to meet the requirements of this RFQ. Emphasis shall be on the QUALITY, completeness, clarity of content, responsiveness to the requirements, and an understanding of Owner's needs.

4.1.2 Qualifications shall be a MAXIMUM OF FIFTY (50) PRINTED PAGES. The cover, table of contents, divider sheets, HUB Subcontracting Plan (Section 1.13), Execution of Offer and resumes of the project team do not count as printed pages. Each bound copy must be in the following order.

- Cover
- Cover Letter
- Table of Contents
- CRITERIA ONE: RESPONDENT'S STATEMENT OF QUALIFICATIONS AND AVAILABILITY TO UNDERTAKE THE PROJECT
- CRITERIA TWO: RESPONDENT'S ABILITY TO PROVIDE CONSTRUCTION MANAGEMENT SERVICES
- CRITERIA THREE: QUALIFICATION'S OF THE CONSTRUCTION MANAGER AT RISK TEAM
- CRITERIA FOUR: RESPONDENT'S PERFORMANCE PAST PERFORMANCE ON REPRESENTATIVE CMAR PROJECTS
- CRITERIA FIVE: RESPONDENT'S PAST PERFORMANCE ON U.T. SYSTEM PROJECTS
- CRITERIA SIX: RESPONDENT'S ABILITY TO MANAGE CONSTRUCTION SAFETY RISKS
- CRITERIA SEVEN: REPONDENT'S ABILITY TO ESTABLISH BUDGETS AND CONTROL COSTS ON PAST PROJECTS
- CRITERIA EIGHT: RESPONDENT'S ABILITY TO MEET SCHEDULES ON PAST PROJECTS
- CRITERIA NINE: RESPONDENT'S KNOWLEDGE OF CURRENT CONSTRCUTION METHODOLOGIES, TECHNOLOGIES, BEST PRACTICES
- CRITERIA TEN: RESPONDENT'S ABILITY TO IDENTIFY AND RESOLVE PROBLEMS ON PAST PROJECTS
- CRITERIA ELEVEN: EXECUTION OF OFFER
- **HUB SUBCONTRACTING PLAN –The HUB Subcontracting Plan must be submitted at the same time as the sealed Qualifications. The envelope containing the HUB Subcontracting Plan must clearly be labeled "HUB Subcontracting Plan", and marked with the project name and the RFQ number.**

4.1.3 Respondents shall carefully read the information contained in this RFQ and submit a complete response to all requirements and questions as directed. Incomplete Qualifications will be considered non-responsive and subject to rejection.

4.1.4 Qualifications and any other information submitted by respondents in response to this RFQ shall become the property of the Owner.

4.1.5 Qualifications that are qualified with conditional clauses, alterations, items not called for in the RFQ documents, or irregularities of any kind are subject to rejection by the Owner, at its option.

4.1.6 The Owner makes no representations of any kind that an award will be made as a result of this RFQ, or subsequent RFP. The Owner reserves the right to accept or reject any or all Qualifications, waive any formalities or minor technical inconsistencies, or delete any item/requirements from this RFQ when deemed to be in Owner's best interest.

4.1.7 Qualifications shall consist of answers to questions identified in Section 3 of the RFQ. Separate each section of the Qualifications by use of a divider sheet with an integral tab for ready reference. Identify the tabs in accordance with the parts under Section 3, which is to be consistent with the Table of Contents. TAB IDENTIFICATION BY NUMBERS ONLY IS NOT ACCEPTABLE.

4.1.8 Failure to comply with all requirements contained in this Request for Qualifications may result in the rejection of the Qualifications.

4.2 PAGE SIZE, BINDING, DIVIDERS, AND TABS:

4.2.1 Qualifications shall be printed on letter-size (8-1/2" x 11") paper and assembled with spiral-type bindings or staples. DO NOT USE METAL-RING HARD COVER BINDERS.

4.2.2 Additional attachments shall NOT be included with the Qualifications. Only the responses provided by the respondent to the questions identified in Section 3 of this RFQ will be used by the Owner for evaluation.

4.2.3 Separate and identify each criteria response to Section 3 of this RFQ by use of a divider sheet with an integral tab for ready reference.

4.3. TABLE OF CONTENTS:

4.3.1 Submittals shall include a "Table of Contents" and give page numbers for each part the Qualifications.

4.4 PAGINATION:

4.4.1 Number all pages of the submittal sequentially using Arabic numerals (1, 2, 3, etc.); the Respondent is not required to number the pages of the HUB Subcontracting Plan.

SECTION 5 - ATTACHMENTS TO THE RFQ

5.1 Attachment A – Draft Agreement Between Owner and Construction Manager at Risk, including Exhibits

5.2 Attachment B - Rider 104; Policy on Utilization Historically Underutilized Businesses

5.3 Attachment C – Request for Information (RFI) Form