

REQUEST FOR QUALIFICATIONS TO PROVIDE
FACILITIES COMMISSIONING SERVICES
on
MISCELLANEOUS ASSIGNMENTS OF LIMITED SCOPE

RFQ No.: **Commissioning Services FY20/ME**

PRE-SUBMITTAL CONFERENCE:

May 13, 2020 @ 10:00 AM

Attendance via Skype only: See section 1.12 of RFQ for detailed instructions.

SUBMITTAL DEADLINE:

June 4, 2020 @ 2:00 PM

Attendance via Skype only: See section 1.5 of RFQ for detailed instructions.

THE UNIVERSITY OF TEXAS

**MDAnderson
Cancer Center**

Making Cancer History®

Prepared By:
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REQUEST FOR QUALIFICATIONS
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RFQ No.: **Commissioning Services FY20/ME**

SECTION 1 – GENERAL INFORMATION & REQUIREMENTS

- 1.1 **GENERAL INFORMATION:** The University of Texas M. D. Anderson Cancer Center (“MD Anderson”) is soliciting statements of qualifications (“Qualifications”) from qualified respondents (each, a “Respondent”), under the authority of Chapter 73.115 of the Texas Education Code – Acquisition of Goods and Services, for the selection of one or more firms to provide facilities commissioning services and related technical support services for construction, renovation, repair, and maintenance projects, and other miscellaneous technical assignments, of limited scope on an as-needed basis (each an “Assignment”) in accordance with the terms, conditions, and requirements set forth in this Request for Qualifications (“RFQ”), which provides potential respondents with the information necessary to prepare and submit Qualifications for consideration by MD Anderson.
- 1.1.1 This RFQ is the first step in what may be, at MD Anderson’s sole discretion, up to a two-step process for selecting one or more firms and provides the information necessary for a Respondent to prepare and submit Qualifications for consideration and initial ranking by MD Anderson. Based on the initial ranking, MD Anderson may select some or all of the top-ranked, qualified Respondents to attend Interviews in the final step of the process.
- 1.1.2 In the second step of a two-step of the process, Interviews, each of the “most qualified” Respondents determined in the first step may be required to attend an interview with MD Anderson to confirm its Qualifications and answer additional questions. MD Anderson will then rank the remaining top-ranked Respondents in order to determine one or more of the “most qualified” Respondents.
- 1.1.3 Capitalized words or phrases appearing in this RFQ but not defined herein shall have the meaning ascribed to them in MD Anderson’s standard *Agreement Between The University of Texas M.D. Anderson Cancer Center and [Contractor] to Provide Facilities Commissioning Services for Miscellaneous Assignments of Limited Scope*, a copy of which is attached to this RFQ (the “Agreement”), or in *Rider 101: Scope of Services for Facilities Commissioning*, a copy of which is attached to this RFQ.
- 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 MD Anderson strictly complies with all statutes, court decisions, and opinions of the Texas Attorney General with respect to disclosure of information related to solicitations.
- 1.3 **FORM OF AGREEMENT:** Any agreement resulting from this solicitation will be in substantially the same form as the Agreement.

- 1.3.1 Any request to modify any terms or conditions of the Agreement or any of its attachments, riders and exhibits will be taken into consideration before awarding an Agreement to any Respondent.
- 1.3.2 Respondent should carefully review the Agreement and all of its attachments, riders and exhibits. Respondent must clearly communicate in writing all terms and conditions of the Agreement (including all attachments, riders and exhibits) that Respondent will require to be changed before Respondent will sign the agreement.
- 1.3.3 Respondent must provide written attestation of its willingness to accept the Agreement in its entirety without change or modification or if Respondent will require changes, Respondent must provide all actual draft language it proposes for each change requested. In addition to proposed edits, Respondent must provide a reasonable and articulable explanation why the Respondent requests each change. Redlining the Agreement or providing a statement with the intent or an implication that the Agreement will require further discussion or negotiation will not be considered sufficient as a reasonable request for change and will negatively impact Respondent's overall ranking.
- 1.4 **CLARIFICATIONS AND INTERPRETATIONS:** Any clarifications or interpretations of this RFQ that materially affect or change its requirements will be posted by MD Anderson as an addendum on MD Anderson's web site (<http://www.mdanderson.org/departments/bids>). It is the responsibility of each Respondent to obtain this information in a timely manner. All such addenda issued by MD Anderson before the Submittal Deadline are part of the RFQ, and Respondent shall acknowledge receipt of and incorporate each addendum in its Qualifications.
- 1.4.1 Respondents shall consider only those clarifications and interpretations that MD Anderson issues by addenda three (3) calendar days prior to the Submittal Deadline. Interpretations or clarifications in any other form, including oral statements, will not be binding on MD Anderson and should not be relied on in preparing Qualifications.
- 1.5 **SUBMISSION OF QUALIFICATIONS:**
- 1.5.1 **DEADLINE AND LOCATION:** Due to concerns regarding COVID-19, Owner will receive all RFQ Responses and all Letters of HUB Commitment via email only. Owner will host all solicitation meetings solely via Skype.
- Two (2) emails will be required:**
- Email #1 - Your firm's completed RFQ response,
 - Email #2 - Your firm's completed Letter of HUB Commitment.
- Both emails are due **June 4, 2020, by 2:00 pm CST**. If both emails are not received by that time, the RFQ response will be deemed non-responsive and will be disqualified from consideration.
- Both emails must be sent to Mary Mueller, at: memuelle@mdanderson.org
- At 3:00 pm, June 4, 2020, all accepted responses will be read aloud via Skype conference call.
- Conference ID: 56501244**
Audio: 713-745-6264

- 1.5.2 Not used.
 - 1.5.3 Respondent shall submit the Letter of HUB Commitment as described in Section 4.1.2 of this RFQ. The Letter of HUB Commitment shall be submitted by the Submittal Deadline in a separate email, from the Qualifications.
 - 1.5.4 Qualifications emails received after the Submittal Deadline will be deemed non-responsive and will be disqualified from consideration.
 - 1.5.5 Owner will not acknowledge or receive Qualifications that are delivered by telephone, facsimile transmission (fax), or hardcopy.
 - 1.5.6 Not used.
 - 1.5.7 Not used.
 - 1.5.8 Properly submitted Qualifications will be opened publicly and the names of the Respondents will be read aloud.
- 1.6 POINT-OF-CONTACT: MD Anderson designates the following person as its representative and sole Point-of-Contact for this RFQ. Respondent shall restrict all contact with MD Anderson and direct ALL questions regarding this RFQ, to the Point-of-Contact person.

Mary 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 MD Anderson. Depending on the evaluation scores, some or all of the Respondents may be selected by MD Anderson 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.
 - 1.7.2 The selection process may involve two separate and sequential steps. If MD Anderson, in its sole discretion, decides to use a two-step process, Step One will be a determination by MD Anderson, based on the evaluation of the Qualifications and using the criteria set forth in the RFQ, as to which of the Respondents, if any, will participate in Step Two of the process. Step Two will require the Respondents selected from Step One to prepare for and attend an interview session with the members of MD Anderson's Qualifications evaluation team.
- 1.8 RESERVATION OF RIGHTS: MD Anderson may evaluate the Qualifications based on the anticipated completion of all or any portion of the services. MD Anderson reserves the right to divide the services 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 solicitation. MD Anderson makes no representations, written or oral, that it will enter into any form of agreement with any Respondent to this RFQ for any service 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 MD Anderson. Respondent understands and agrees that MD Anderson 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 MD Anderson.
- 1.10 NO REIMBURSEMENT FOR COSTS: Respondent acknowledges and accepts that any costs incurred from the Respondent’s participation in this solicitation process shall be at the sole risk and responsibility of the Respondent. Respondent submits its Qualifications at its own risk and expense.
- 1.11 REQUIREMENTS RELATED TO USE OF HUB: 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 (HUBs) in all contracts. Accordingly, MD Anderson has adopted Rider 104-A, Policy on Utilization of Historically Underutilized Businesses, Commodities & Other Services, a copy of which is attached hereto. The Policy applies to all contracts with an expected value of \$100,000 or more.
- 1.11.1 STATEMENT OF PROBABILITY: MD Anderson has determined that subcontracting opportunities are probable in connection with this procurement solicitation. Therefore, a Letter of HUB Commitment is required as a part of Respondent's Qualifications.
- 1.11.2 The HUB Subcontracting goal for the services being solicited is **Twenty-Six Percent (26%)**. Respondent is expected to make a good faith effort to meet this goal.
- 1.11.3 LETTER OF HUB COMMITMENT: The Letter of HUB Commitment **must** be emailed at the same time as the Qualifications .
- 1.12 PRE-SUBMITTAL CONFERENCE: Due to concerns regarding COVID-19, Owner will host all solicitation meetings solely via Skype. Although not required, attendance is encouraged to allow firms an opportunity to hear MD Anderson discuss the nature of the services required and the selection process. Please see Skype meeting information below:
- May 13, 2020 @ 10:00 AM CST**
Conference ID: 56501244
Audio: 713-745-6264
- 1.12.1 A guided tour of MD Anderson’s facilities **will not** be included as a part of the conference agenda.
- 1.13 ELIGIBLE RESPONDENTS: Only individual firms or lawfully formed business organizations may respond to this RFQ. (This does not preclude a Respondent from using consultants.) MD Anderson will contract only with the individual firm or formal organization that submits Qualifications
- 1.14 CERTAIN PROPOSALS AND CONTRACTS PROHIBITED: Under Section 2155.004, Texas Government Code, a state agency may not accept a proposal or award a contract that includes

proposed financial participation by a person who received compensation from the agency to participate in preparing the specifications or request for proposals on which the proposal or contract is based. All vendors must certify their eligibility by acknowledging the following statement, "Under Section 2155.004, Government Code, the vendor 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." If a state agency determines that an individual or business entity holding a state contract was ineligible to have the contract accepted or awarded as described above, the state agency may immediately terminate the contract without further obligation to the vendor. This section does not create a cause of action to contest a proposal or award of a state contract.

- 1.15 SALES AND USE TAXES: Texas Tax Code Section 151.311 provides that certain tangible personal property incorporated into realty or consumed at the jobsite in the performance of a contract for an improvement to realty for certain exempt entities, including The University of Texas System and its component institutions, are exempt from state sales tax. Section 151.311 also provides that certain otherwise taxable services performed at the jobsite are exempt from taxes on University of Texas System projects. In the event Respondent is awarded a contract as a result of this solicitation, it will be the responsibility of Respondent to incorporate allowable tax savings into its Proposal for any Assignment to be completed under the terms of the Agreement.
- 1.16 CERTIFICATION OF FRANCHISE TAX STATUS: Respondents are advised that the successful Respondent(s) will be required to submit certification of franchise tax status as required by Chapter 171 of the Texas Tax Code. Respondent acknowledges and agrees that if Respondent is awarded a contract as a result of this solicitation, each Subcontractor and supplier that Respondent places under contract to complete a given Assignment will also be required to 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.
- 1.18 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.
- 1.19 FINANCIAL COMMITMENT: While The University of Texas MD Anderson Cancer Center is an institution of The University of Texas System, it is a financially separate entity and is solely responsible for its financial commitments.
- 1.20 ETHICS MATTERS; NO FINANCIAL INTEREST: Respondent and its employees, agents, representatives and subcontractors must read and understand MD Anderson's Ethics Policy, Conflicts of Interest Policy and Standards of Conduct Guide available at <http://www.mdanderson.org/about-us/doing-business/vendors-and-suppliers/index.html> and at <https://www.mdanderson.org/about-md-anderson/business-legal/conflict-of-interest.html>, and applicable state ethics laws and rules available at www.utsystem.edu/offices/systemwide-compliance/ethics. Neither Respondent nor its employees, agents, representatives or subcontractors will assist or cause MD Anderson employees to violate MD Anderson's Ethics Policy, Conflicts of

Interest Policy, Standards of Conduct Guide, or applicable state ethics laws or rules. Respondent represents and warrants that no member of the Board of Regents of The University of Texas system has a direct or indirect financial interest in the transaction that is the subject of this RFQ.

- 1.21 COMPLIANCE WITH LAW: Respondent is aware of, is fully informed about, and in full compliance with its obligations under existing applicable law and regulations, including Title VI of the Civil Rights Act of 1964, as amended (42 USC 2000(D)), Executive Order 11246, as amended (41 CFR60-1 and 60-2), Vietnam Era Veterans Readjustment Act of 1974, as amended (41 CFR60-250), Rehabilitation Act of 1973, as amended (41 CFR 60-741), Age Discrimination Act of 1975 (42 USC 6101 et seq.), Non-segregated Facilities (41 CFR 60-1), Omnibus Budget Reconciliation Provision, Section 952, Fair Labor Standards Act of 1938, Sections 6, 7, and 12, as amended, Immigration Reform and Control Act of 1986, and Utilization of Small Business Concerns and Small Business Concerns Owned and Controlled by Socially and Economically Disadvantaged Individuals (PL 96-507), the Americans with Disabilities Act of 1990 (42 USC 12101 et seq.), the Civil Rights Act of 1991, University of Texas System Administration Policy UTS165, and all laws and regulations and executive orders as are applicable.
- 1.22 GROUP PURCHASE AUTHORITY: Texas law authorizes institutions of higher education (defined by section 61.003, *Education Code*) to use group purchasing procurement methods (ref. Sections 51.9335, 73.115, and 74.008, *Education Code*). Additional Texas institutions of higher education may therefore elect to enter into a contract with the successful Respondent.
- 1.23 STATE REGISTRATION OF ENGINEERING FIRMS: Respondents are advised that the Texas Board of Professional Engineers requires that any entity providing engineering services to the public must register with the Texas Board of Professional Engineers. An entity is defined as a sole proprietorship, firm, partnership, corporation or joint stock association.

SECTION 2 – EXECUTIVE SUMMARY

2.1 HISTORICAL BACKGROUND:

The University of Texas MD Anderson Cancer Center is one of the world's most respected centers devoted exclusively to cancer patient care, research, education and prevention.

Created in 1941 as part of The University of Texas System, the institution is one of the nation's original three comprehensive cancer centers designated by the National Cancer Act of 1971. Today, it's one of 68 National Cancer Institute-designated comprehensive cancer centers. U.S. News & World Report's "Best Hospitals" survey has ranked MD Anderson as one of the nation's top two cancer centers every year since the survey began in 1990.

The institution's facilities are located in Houston (in the Texas Medical Center), Bellaire, Katy, League City, Sugar Land, West Houston, The Woodlands and in Bastrop County, Texas (at the Bastrop and Smithville Campuses), and include ambulatory clinical care, inpatient care, diagnostic imaging, radiation therapy, research, education and general administration facilities. In all, the institutions' facilities include more than 130 buildings, which encompass over 16 million gross square feet of space. The facilities are maintained, managed and operated by MD Anderson's Division of Operations and Facilities Management ("FM"). Projects related to the design, construction and renovations of MD Anderson's facilities are managed by FM's Department of Facilities Planning, Design and Construction ("FPDC").

For more detailed information about MD Anderson and its Mission, Vision and Core Values, please see the MD Anderson Quick Facts which can be found via the following link: [MD Anderson Quick Facts](#).

2.2 DESCRIPTION OF REQUIRED SERVICES:

- 2.2.1 MD Anderson seeks to retain one or more firms to provide facility commissioning services, and related technical services, on a per-assignment basis as requested by MD Anderson in accordance with the terms of the Agreement. These services are generally required to support construction, renovation, alteration, repair or maintenance projects on MD Anderson's healthcare, research and administrative office facilities and their mechanical, electrical or plumbing systems or portions thereof.
- 2.2.2 Refer to Attachment "D" of this RFQ for a more specific description of the services to be provided.
- 2.2.3 MD Anderson anticipates engaging one or more firms (each a "Service Provider") to provide these services on per-assignment, as-needed basis. When MD Anderson is in need of services, MD Anderson will develop and issue a request for a proposal ("RFP") to a Service Provider. The RFP will define the specific services to be provided for that specific assignment. In response, Service Provider will prepare and submit an assignment-specific proposal that will identify the maximum fees to be paid and expenses to be reimbursed to the Service Provider for that assignment. Following review and revision of the proposal, if any are required, MD Anderson will issue a purchase order to the Service Provider to confirm the maximum amount of fees and expenses to be incurred for that assignment. For any assignment for which the total compensation to be paid is \$100,000 or more, Service Provider will be required to submit, and have MD Anderson approve, a Historically Underutilized Business (HUB) Subcontracting Plan (or "HSP") as part of its assignment proposal.

2.3 PROCUREMENT SCHEDULE: Key procurement milestones are:

MD Anderson conducts Pre-Submittal Conference	Refer to Section 1.11
Last Day to submit Request for Information 4:00 PM CST	May 15, 2020
Response to RFI(s) posted to Internet	May 19, 2020
MD Anderson receives Qualifications and Letter of HUB Commitment	Refer to Section 1.5
MD Anderson determines "most qualified" Respondents	June 22, 2020
MD Anderson conducts Interviews (at MD Anderson's sole discretion)	July 9, 2020
MD Anderson delivers Agreement(s) for execution to selected Respondent(s)	July 24, 2020
Selected Respondent(s) delivers executed Agreement to MD Anderson	August 7, 2020

SECTION 3 – REQUIREMENTS FOR STATEMENT OF QUALIFICATIONS

Respondent shall carefully read the information contained in the following criteria and submit a complete Statement of Qualifications ("Qualifications") that responds to all questions and provides the information requested in Section 3 formatted as directed in Section 4. Incomplete Qualifications will be considered non-responsive and subject to rejection.

3.1 CRITERION ONE: RESPONDENT'S STATEMENT OF INTEREST AND AVAILABILITY TO PROVIDE SERVICES (Maximum of two (2) printed pages per question)

- 3.1.1 Provide a statement of interest for providing services including a narrative describing your unique abilities as they pertain to providing facilities commissioning services.
- 3.1.2 Provide a statement on your availability and commitment, including those of your principals and assigned professionals that will be providing the services.
- 3.1.3 Provide a brief history of your organization and each consultant proposed to provide the services.
- 3.1.4 Provide your contact information, including that for your designated representative for this procurement process.

3.2 CRITERION TWO: RESPONDENT'S ABILITY TO PROVIDE SERVICES

- 3.2.1 Provide the following information for your organization:
 - Legal name of the company as registered with the Secretary of the State of Texas
 - Address of the office that will be providing services
 - Number of years in business
 - Type of Business Entity (Sole Proprietorship, Partnership, Corporation, Joint Venture, etc....)
 - Number of Employees by skill group
 - Annual revenue totals for the past ten (10) years
- 3.2.2 Provide the three (3) most recent audited financial statements documenting your financial stability.
- 3.2.3 Are you currently for sale or involved in any transaction to expand or to become acquired by another business entity? If yes, please explain the impact both in organizational and directional terms.
- 3.2.4 Provide details of all past or pending litigation or claims filed against your firm that would affect your performance under a contract with MD Anderson.
- 3.2.5 Are you currently in default on any loan agreement or financing agreement with any bank, financial institution, or other entity? If yes, 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 MD Anderson employee or officer or Regent of the University of Texas system? If so, please explain.
- 3.2.7 Provide a claims history under professional errors and omissions insurance for the past five (5) years for you and any team members expected to provide professional engineering services.

3.3 CRITERION THREE: RESPONDENT'S COMPLIANCE WITH REQUIRED SERVICES

- 3.3.1 Describe, in graphic and written form, the proposed team assignments and lines of authority and communication for principals and key professional members of each sub-consultant that will be involved in providing the services. Indicate the estimated percent of time these individuals would be involved in a typical assignment.
- 3.3.2 Provide resumes giving the experience and expertise of the professional members, field technicians and each consultant that will be involved in providing facility commissioning services, including their experience with services for similar types of institutions, the number of years with your firm, professional affiliations, and their city of residence.
- 3.3.3 Describe your relevant experience and ability to perform services described in Section 2.3 of this RFQ; refer also to the Agreement and the Scope of Services attached to this RFQ.
- 3.3.4 Clearly identify the members of your proposed team who worked on the listed contracts in Criterion 3.4, and describe their roles in the providing commissioning services under those contracts.
- 3.3.5 Describe the basis for the selection of the proposed sub-consultants, if any, included in the team and the role each will play in providing facility commissioning services.
- 3.3.6 Explain how you anticipate incorporating the Scope of Services requirements into a typical assignment.

3.4 CRITERION FOUR: RESPONDENT'S PERFORMANCE UNDER PAST REPRESENTATIVE ARRANGEMENTS

- 3.4.1 List a maximum of five (5) programs or clients for which you have provided services under an indefinite delivery, indefinite quantity (IDIQ) agreement that are most related to the services and the arrangement desired by MD Anderson, particularly similar arrangements for The University of Texas System or for similar major public university healthcare, research or administrative facilities. Examples provided should also include projects in which your firm was identified to provide the services. Your proposed consultant's projects and arrangements may also be used. Provide the following information for each project and arrangement listed:
 - Project name, location, contracting method (project-specific, IDIQ, etc.), and description
 - Final cost for services rendered, including change orders
 - Payment terms (firm, fixed price, hourly rate up to not-to-exceed amount, etc.)
 - Type of construction (new, renovation, or expansion)
 - Description of services Respondent provided for the project
 - Name of project manager (individual responsible to the owner for the overall success of the project)
 - Names of construction contractor, architect of record and engineer of record

References (for each project listed above, identify the following):

- The owner's name and representative who served as the day-to-day liaison during the project, including telephone number
- Construction contractor's name and representative who served as the day-to-day liaison during the construction phase of the project, including telephone number
- Length of Respondent's business relationship with the owner.

References shall be considered relevant based on specific project participation and experience with the Respondent. The MD Anderson may contact references during any part of this process. The MD Anderson reserves the right to contact any other references at any time during the solicitation process.

3.5 CRITERION FIVE: REpondent's GENERAL UNDERSTANDING OF THE AGREEMENT

- 3.5.1 Provide a detailed list (i.e. bulleted) of all services you will provide to MD Anderson under the Agreement.
- 3.5.2 Provide a detailed list (i.e. bulleted) of all consultants you will provide to MD Anderson in delivering the services set forth in the Agreement.
- 3.5.3 Provide a detailed list (i.e. bulleted) of all services and consultants you will typically provide in addition to those set forth in the Agreement.
- 3.5.4 Provide a detailed list (i.e. bulleted) of all reimbursable expenses you typically request when providing facility commissioning services.
- 3.5.5 Identify any terms of the Agreement you will require to be changed prior to signing the Agreement.

3.6 CRITERION SIX: RESPONDENT'S KNOWLEDGE OF BEST PRACTICES

- 3.6.1 Describe your quality assurance program, explaining the methods used and how you maintain quality control. Provide specific examples of how these techniques or procedures were used for any combination of three (3) projects listed in response to Criterion Four.
- 3.6.2 Describe your equipment maintenance and calibration programs for the specialized test equipment.
- 3.6.3 Describe the way in which your firm develops and maintains work schedules to coordinate with project schedules. For any combination of three (3) projects listed in response to Criterion Four, provide examples of how these techniques were used.
- 3.6.4 Describe your service support philosophy, how it is carried out, and how success in keeping this philosophy is measured.
- 3.6.5 Describe the types of records, reports, monitoring systems, and information management systems, which your firm typically uses in the provision of facility commissioning services. Describe how your firm used these systems for any combination of three (3) projects listed in response to Criterion Four.
- 3.6.6 Describe your firm's process in working with contractors and MD Anderson's consultants when providing facility commissioning services during construction.
- 3.6.7 Describe any special services, advantages, or other unique benefits that you will offer to MD Anderson.

3.7 CRITERION SEVEN: RESPONDENT'S ABILITY TO IDENTIFY AND RESOLVE PROBLEMS

- 3.7.1 Describe your understanding of the administrative challenges and opportunities associated with providing facilities commissioning services for MD Anderson, and your strategy for resolving these issues.
- 3.7.2 What do you perceive are the critical issues for providing facilities commissioning services for MD Anderson in both new construction and renovation projects?
- 3.7.3 Describe how you would communicate and coordinate services between the construction contractor, subcontractors, and MD Anderson's consultants in a form that will quickly facilitate MD Anderson's decision making.
- 3.7.4 For any combination of three (3) projects listed in response to Criterion Four, describe conflicts among MD Anderson, consultants, contractor, or subcontractors, and describe the methods your firm used to resolve those conflicts.

Balance of page intentionally left blank. Criterion Eight: Execution of Offer follows.

3.8 CRITERION EIGHT: EXECUTION OF OFFER

NOTE TO RESPONDENT: SUBMIT ENTIRE SECTION WITH RESPONSE.

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, THAT MAY RESULT FROM THE SUBMISSION OF RESPONDENT'S QUALIFICATIONS, AND THE RESPONDENT MAY BE REMOVED FROM ALL LISTS OF PROSPECTIVE RESPONDENTS. 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.

- 3.8.1 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 MD Anderson and Respondent; (3) MD Anderson has made no representation or warranty, written or oral, that one or more contracts with MD Anderson will be awarded under this RFQ; and (4) Respondent shall bear, at its sole risk and responsibility, any cost which arises from Respondent's preparation of a response to this RFQ.
- 3.8.2 By signature hereon, Respondent offers and agrees to furnish to MD Anderson 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.
- 3.8.3 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.
- 3.8.4 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.
- 3.8.5 By signature hereon, Respondent hereby certifies that neither Respondent nor the firm, corporation, partnership or institution represented by 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.
- 3.8.6 By signature hereon, Respondent represents and warrants that:
 - 3.8.6.1 Respondent is a reputable company regularly engaged in providing products and/or services necessary to meet the terms, conditions and requirements of the RFQ;

- 3.8.6.2 Respondent has the necessary experience, knowledge, abilities, skills, and resources to satisfactorily perform the terms, conditions and requirements of this RFQ and the Agreement;
- 3.8.6.3 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;
- 3.8.6.4 Respondent understands (i) the requirements and specifications set forth in this RFQ and (ii) the terms and conditions set forth in the Agreement under which Respondent will be required to operate;
- 3.8.6.5 Respondent, if selected by MD Anderson, will maintain insurance as required by the Agreement;
- 3.8.6.6 All statements, information and representations prepared and submitted in response to this RFQ are current, complete, true and accurate. Respondent acknowledges that MD Anderson will rely on such statements, information and representations in selecting the successful Respondent. If selected by MD Anderson as the successful Respondent, Respondent will notify MD Anderson immediately of any material change in any matters with regard to which Respondent has made a statement or representation or provided information.
- 3.8.7 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 Respondent and to bind Respondent under any agreements or other contractual arrangements, which may result from the submission of Respondent's Qualifications.
- 3.8.8 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.
- 3.8.9 By signature hereon, Respondent certifies as follows:
 - 3.8.9.1 "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."
 - 3.8.9.2 "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."
 - 3.8.9.3 "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."
- 3.8.10 By signature hereon, Respondent certifies that no relationship, whether by relative, business associate, capital funding agreement or by any other such kinship exists 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 MD Anderson entering into any contract with Respondent.

- 3.8.11 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.
- 3.8.12 By signature hereon, Respondent signifies its compliance with all federal laws and regulations pertaining to Equal Employment Opportunities and Affirmative Action.
- 3.8.13 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.
- 3.8.14 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.
- 3.8.15 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 its component institutions, has a financial interest, directly or indirectly, in the transaction that is the subject of the contract.

EXECUTION OF OFFER: RFQ No. Commissioning Services FY20/ME

Respondent must complete, sign and return this Execution of Offer as part of its submittal response. 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 by name each person who owns at least 25% of the Respondent's business entity:

(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 MD Anderson's needs.
- 4.1.2 Qualifications shall be a MAXIMUM OF **FIFTY (50)** PAGES. The cover, table of contents, divider sheets, Letter of HUB Commitment (Section 1.13), and Execution of Offer do not count as printed pages. Each bound copy must be in the following order.
- Cover
 - Cover Letter
 - Table of Contents
 - CRITERION ONE: RESPONDENT'S STATEMENT OF INTEREST AND AVAILABILITY TO PROVIDE SERVICES
 - CRITERION TWO: RESPONDENT'S ABILITY TO PROVIDE SERVICES
 - CRITERION THREE: RESPONDENT'S COMPLIANCE WITH REQUIRED SERVICES
 - CRITERION FOUR: RESPONDENT'S PERFORMANCE ON PAST REPRESENTATIVE ARRANGEMENTS
 - CRITERION FIVE: RESPONDENT'S GENERAL UNDERSTANDING OF THE AGREEMENT
 - CRITERION SIX: RESPONDENT'S KNOWLEDGE OF BEST PRACTICES
 - CRITERION SEVEN: RESPONDENT'S ABILITY TO IDENTIFY AND RESOLVE PROBLEMS
 - CRITERION EIGHT: EXECUTION OF OFFER
 - **LETTER OF HUB COMMITMENT –The Letter of HUB Commitment must be emailed at the same time as the Qualifications. The Letter of HUB Commitment must be emailed separately from the Qualifications.**
- 4.1.3 Respondent 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 Respondent in response to this RFQ shall become the property of 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 MD Anderson, at its option.
- 4.1.6 MD Anderson makes no representations of any kind that an award will be made as a result of this RFQ. MD Anderson reserves the right to accept or reject any or all Qualifications, waive any formalities or minor technical inconsistencies, or delete any items and requirements from this RFQ when deemed to be in MD Anderson's best interest.
- 4.1.7 Qualifications shall consist of answers to questions identified in Section 3 of the RFQ. Respondent shall separate each section of the Qualifications by use of a divider sheet for ready reference. Respondent shall place the divider sheets accordance with the parts under Section 3, which is to be consistent with the Table of Contents.

- 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 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 MD Anderson for evaluation.
- 4.2.2 Respondent shall separate and identify each criterion 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 of the Qualifications.

4.4 PAGINATION:

- 4.4.1 Respondent shall number all pages of the submittal sequentially using Arabic numerals (1, 2, 3, etc.). Respondent is not required to number the pages of the Letter of HUB Commitment which is to be submitted in a separate email.

SECTION 5 - ATTACHMENTS TO THE RFQ

- 5.1 Attachment A – *Agreement Between The University of Texas M.D. Anderson Cancer Center and [Contractor] to Provide Facilities Commissioning Services on Miscellaneous Assignments of Limited Scope and Exhibits thereto*
- 5.2 Attachment B – Rider 104-A, Policy on Utilization of Historically Underutilized Businesses, Commodities and Other Services
- 5.3 Attachment C – Request for Information (RFI) Form
- 5.4 Attachment D – Rider 101: Scope of Services for Facilities Commissioning