

REQUEST FOR QUALIFICATIONS TO PROVIDE
CONSTRUCTION MANAGER-AT-RISK SERVICES

MD ANDERSON CANCER CENTER

South Campus Garage No. 2
MD Anderson Project No.: FPDC-190120
RFQ No.: 190120CMR/JSW

PRE-SUBMITTAL CONFERENCE:

December 29,2020 @ 2:00 PM LOCAL TIME

SUBMITTAL DEADLINE:

January 20, 2021 @ 2:00 PM LOCAL TIME

RFP Opening Exclusively via virtual format: See Section 1.5 of RFQ for detailed instructions.

THE UNIVERSITY OF TEXAS

**MDAnderson
Cancer Center**

Making Cancer History®

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SECTION 1 – GENERAL INFORMATION & REQUIREMENTS

- 1.1 **GENERAL INFORMATION:** The University of Texas M. D. Anderson Cancer Center (“Owner”) is soliciting statements of qualifications (“Qualifications”) from qualified respondents (each, a “Respondent”) for selection of a Construction Manager-at-Risk for its project number FPDC-190120, South Campus Garage No. 2 (“Project”), in accordance with the terms, conditions, and requirements set forth in this Request for Qualifications (“RFQ”).
- 1.1.1 This RFQ is the first step in what may be up to a three-step process for selecting a Construction Manager-at-Risk (“Construction Manager”) for the Project as provided by Texas Education Code §51.782(e). This RFQ provides the information necessary to prepare and submit Qualifications for consideration and initial ranking by Owner. Based on the initial ranking, Owner may select up to five (5) of the top-ranked Respondents to this RFQ to participate in the second step of the process, Request for Proposals (“RFP”).
- 1.1.2 In the second step of the process, each of the top-ranked Respondents to this RFQ, determined as described in Section 1.1.1, will be required to submit additional information to Owner, including a fee proposal and a proposed limitation on general conditions costs (“Proposal”). Owner will rank the Proposals in the order that they provide the apparent “best value” for Owner based on the published selection criteria and on the ranking evaluations.
- 1.1.3 In the third step of the process, Interviews, each top-ranked Respondent may be required to attend an interview with Owner to confirm its Proposal and answer additional questions. Owner will then rank the remaining top-ranked Respondents in order to determine the “best value” offer.
- 1.1.4 Capitalized words or phrases appearing in this RFQ but not defined herein shall have the meaning ascribed to them in the Owner’s standard *Agreement Between Owner and Construction Manager-at-Risk*, a copy of which is attached to this RFQ (the “Agreement”), or in the Uniform General Conditions for University of Texas System Building Construction Contracts (the “UTUGCs”) attached thereto.
- 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 Owner 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 Time is of the essence for this Project. Any request to modify any terms or conditions of the Agreement or any of its attachments, riders or exhibits will be taken into consideration before Owner selects a Construction Manager for the Project.
- 1.3.2 In anticipation of the second step, RFP, see Section 1.1.2, Respondent should carefully review the Agreement and all of its attachments, riders and exhibits. Respondent understands and acknowledges that the second step will require Respondent to clearly communicate, in writing, all terms and conditions of the Agreement (including all attachments, riders and exhibits) that Respondent will request to be changed before Respondent will sign the Agreement.
- 1.4 CLARIFICATIONS AND INTERPRETATIONS: Any clarifications or interpretations of this RFQ that materially affect or change its requirements will be posted by Owner as an addendum on the MD Anderson 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 Owner before the Qualifications are due are part of the RFQ, and respondents shall acknowledge receipt of and incorporate each addendum into its Qualifications.
- 1.4.1 Respondents shall consider only those clarifications and interpretations that Owner issues by addenda three (3) days prior to the Submittal Deadline. Interpretations or clarifications in any other form, including oral statements, will not be binding on Owner and should not be relied on in preparing Qualifications.
- 1.5 SUBMISSION OF QUALIFICATIONS:
- 1.5.1 DEADLINE AND LOCATION: Owner will receive all Responses and all required HUB documentation via email only. Owner will host all solicitation meetings solely via videoconferencing or teleconferencing as further defined below.

Two (2) emails will be required:

- Email #1 – Respondent’s completed Letter of HUB Commitment,
- Email #2 - Respondent’s completed RFQ response.

Respondent shall submit both emails by January 20, 2021. If MD Anderson does not receive both emails by the Submittal Deadline, Respondent will be deemed non-responsive and will be disqualified from consideration.

Both emails must be sent to John Wroth at: jswroth@mdanderson.org.

All accepted responses will be opened publicly on January 21, 2021 at 2:00 PM Local Time, and the names of Respondents will be read aloud. Respondent may attend the response opening via teleconferencing or videoconferencing as follows:

Meeting website:	Join Skype Meeting
Conference ID:	3761906
Audio:	713-745-6264

- 1.5.2 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.

- 1.5.3 Not Used.
- 1.5.4 Owner will not acknowledge or receive Qualifications that are delivered by telephone, facsimile transmission (fax), or in hard copy.
- 1.6 **POINT-OF-CONTACT:** Owner designates the following person, as its representative and Point-of-Contact for this solicitation. Respondents shall restrict all contact with Owner and direct all questions regarding this RFQ, including questions regarding terms and conditions, to the Point-of-Contact person. **RESPONDENTS SHALL NOT CONTACT ANY OTHER OWNER REPRESENTATIVE AT ANY TIME FOR ANY REASON. ALL QUESTIONS MUST BE IN WRITING AND SUBMITTED IN ACCORDANCE WITH THE RFI SUBMISSION TIMELINE ESTABLISHED IN THIS RFQ.**
- John Wroth
The University of Texas MD Anderson Cancer Center
Sourcing & Contract Management
Email: jswroth@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 Owner. Up to five of the top-ranked Respondents will be selected by 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 Respondents selected by Owner to participate in step two of the selection process.
- 1.8 **OWNER'S RESERVATION OF RIGHTS:** Owner may evaluate the Qualifications based on the anticipated completion of all or any portion of the Project. 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 subsequently executed agreement ensuing from this RFQ is contingent upon approval by Owner, The University of Texas Board of Regents, or both. Respondent understands and agrees that Owner has made no representation, written or oral, that any required approvals will actually be obtained. If any required approvals are not obtained, Respondent understands and agrees that this RFQ and any subsequently executed 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 top-ranked firm(s) will require subjective judgments by Owner.
- 1.10 **NO REIMBURSEMENT FOR COSTS:** Respondent acknowledges and accepts that any costs incurred from Respondent's participation in this solicitation process shall be at the sole risk and responsibility of 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 (“HUB”) in all contracts. Accordingly, Owner has adopted its Policy on Utilization of Historically Underutilized Businesses, 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: Owner has determined that subcontracting opportunities are probable in connection with this Project. Therefore, a Letter of HUB Commitment is required as a part of Respondent’s response to this RFQ. In the event Respondent is requested to submit a Proposal in step two of this solicitation process, Respondent will be required to submit a HUB Subcontracting Plan (“HSP”) for Preconstruction Services as part of Respondent’s Proposal. Failure to submit a required Letter of HUB Commitment will result in rejection of the Qualifications. Failure to submit the required HSP for Preconstruction Services will result in rejection of the Proposal.
- 1.11.2 HUB SUBCONTRACTING GOAL: The HUB Subcontracting Goal for this Project is **TWENTY ONE POINT ONE PERCENT (21.1%)** percent. Respondents are 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 sealed Qualifications.
- 1.12 PRE-SUBMITTAL CONFERENCE: Owner will host all solicitation meetings solely via teleconferencing or videoconferencing as further defined below.

December 29, 2020, 2:00 PM Local Time

Meeting website:	Join Skype Meeting
Conference ID:	3761906
Audio:	713-745-6264
- 1.12.1 A guided tour of the project site will not be included as a part of the conference agenda. Attendance at the pre-submittal conference is optional.
- 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.) Owner will contract only with the individual firm or formal organization that submits Qualifications.
- 1.14 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 selected to submit a Proposal in step two of this solicitation process, it will be the responsibility of Respondent to incorporate allowable tax savings into its Proposal.
- 1.15 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 Chapter 171 of the Texas Tax Code. Respondent acknowledges and agrees that if Respondent is selected to serve as Construction Manager for the Project, each Subcontractor and supplier that Respondent places under contract will also be required to provide a certification of franchise tax status.

- 1.16 REQUIRED NOTICES OF WORKERS' COMPENSATION INSURANCE COVERAGE: The Texas Workers' Compensation Commission has adopted a 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 UTUGCs, which are included as an exhibit to the attached Agreement.
- 1.17 DELINQUENCY IN PAYING CHILD SUPPORT: Pursuant to Texas Family Code Section 231.006, the Respondent certifies that the individual or business entity named in this contract, bid, or application is not ineligible to receive the award of or payment for the Project and acknowledges that any Agreement may be terminated and payment may be withheld if this certification is inaccurate.
- 1.18 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.
- 1.19 ETHICS MATTERS; NO FINANCIAL INTEREST: Respondent and its employees, agents, representatives and subcontractors must read and understand Owner'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 Owner employees to violate Owner'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 The University of Texas System has a direct or indirect financial interest in the transaction that is the subject of this RFQ.
- 1.20 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.

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 PROJECT DESCRIPTION, SCOPE AND BUDGET:

- 2.2.1 Owner is continuing with the development of its South Campus, which is located between Bertner Avenue and Cambridge Street, south of Old Spanish Trail. As part of the development Owner anticipates expanding its parking facilities, which may include the design and construction of the South Campus Parking Garage No. 2. At present, this facility is anticipated to be a free-standing structure of approximately 645,000 gross square feet that will provide approximately 1,700 parking spaces and primarily will serve the needs of the occupants of the facilities located on the South Campus.
- 2.2.2 In addition to the design and construction of the garage, the project includes the design and construction of underground and surface level infrastructure needed to support Owner's development of sites proximate to the garage site. This may include roadways, storm and sanitary lines, lighting, vehicular and pedestrian travel pathways and overall site improvements to accommodate future research buildings to be constructed in the surrounding area.
- 2.2.3 The Construction Manager-at-Risk will be required to provide Pre-Construction Phase Services to support the design of the Project, as well as Construction Phase Services for the Project in accordance with the terms of the Agreement.
- 2.2.4 The Preliminary Project Cost (PPC) for the Project is \$52,000,000, which amount includes approximately \$32,000,000 for the garage and \$20,000,000 for development infrastructure. Owner anticipates the project will be implemented in two Construction Contract Stages; one for the garage and one for the development infrastructure. The PPC includes a Construction Manager's Budget Limitation (CMBL) of \$36,000,000, with about \$22,000,000 apportioned to the garage and \$14,000,000 apportioned to the development infrastructure. Fees, furnishings, equipment, other work, miscellaneous expenses, and contingencies make up the balance of the PPC.

2.3 PRE-DESIGN PHASE DOCUMENTATION:

Owner will be developing a Facility Program for the Project and intends to have the Construction Manager-at-Risk participate in the final development, verification and approval of the Facility Program as a part of Pre-Construction Services. Key issues to be addressed during the development and finalization of the Facility Program are expected to include;

- determination as to whether the construction of a garage or a surface parking area will better meet the institution’s needs,
- optimization of the size of the garage/surface parking area,
- confirmation of the location of the garage/surface parking area, and
- to what extent, if any, a garage should be designed and constructed to facilitate adaptation or conversion to meet other facility needs.

2.4 PROJECT PLANNING SCHEDULE: Key Project planning schedule milestones, subject to change at Owner’s sole discretion, are:

Owner conducts Pre-Submittal Conference	Refer to Section 1.11
Deadline to submit Requests for Information (RFI’s) 4:00 PM CST	01/06/21
Responses to RFI’s Posted to Internet	01/08/21
Owner receives Qualifications and Letter of HUB Commitment	Refer to Section 1.5
Owner reads aloud list of approved firms	Refer to Section 1.5
Owner issues Request for Proposal (to top-ranked respondents)	02/10/21
Owner receives Proposals and HUB Plans	03/10/21
Owner Interviews, at Owner’s Discretion (top-ranked respondents only)	04/14/21
Selected Respondent delivers executed agreement to Owner	05/13/21
Owner authorizes start of Schematic Design	03/02/21
Owner approves Design Development Documents	07/7/21
Construction Manager submits GMP Proposal	09/23/21
Commencement of the Work	10/01/21
Construction Manager achieves Substantial Completion	10/02/23
Construction Manager achieves Final Completion	11/17/23

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 that fully responds to all questions in Section 3 and is 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, AVAILABILITY AND ABILITY TO PROVIDE CONSTRUCTION MANAGER-AT-RISK SERVICES (Maximum of two (2) printed pages per question)

3.1.1 Provide a statement of interest and availability for the Project including a narrative describing Respondent’s unique qualifications as they pertain to this particular Project and confirming the availability and commitment of your principal(s) and assigned professionals to undertake the Project.

3.1.2 Provide the following information on your firm for the past five (5) fiscal years:

Volume

- Annual number, value and percent change of contracts in Texas per year;
- Annual number, value and percent change of contracts nationally per year;

Revenues

- Annual revenue totals and percent change per year;

Bonding

- Total bonding capacity;
- Available bonding capacity and current backlog;

- 3.1.3 Attach a letter of intent from a surety company indicating your firm's ability to bond for the entire amount of the CMBL, as set forth in Section 2.2 of this RFQ. The surety shall acknowledge that Respondent may be bonded for each stage, or phase, of the project. The bonding requirements are set forth in the Agreement and the UTUGCs.
- 3.1.4 Indicate 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.
- 3.1.5 Provide details of all past or pending litigation or claims filed against your firm that may affect your performance under a contract with Owner.
- 3.1.6 Indicate if your firm is currently in default on any loan or financing agreement with any bank, financial institution, or other entity. If so, specify date(s), details, circumstances, and prospects for resolution.
- 3.1.7 Indicate whether any relationship exists by relative, business associate, capital funding agreement, or any other such kinship between your firm and any Owner employee, officer or Regent. If so, explain.
- 3.1.8 Describe any instances involving your firm in which it became necessary for an owner to engage the surety to fund the completion of your firm's work on any project.
- 3.1.9 Does the firm or any other company within the same holding group of companies self-perform any work beyond minor work that is to be considered part of General Conditions?

3.2 CRITERION TWO: QUALIFICATIONS OF RESPONDENT'S CONSTRUCTION MANAGER-AT-RISK TEAM

- 3.2.1 Describe your management philosophy for the Construction Manager-at-Risk construction delivery method.
- 3.2.2 Provide a resume for each member of your Pre-Construction Services team that will be directly involved in the Project, including their experience with similar projects, the number of years with your firm, and their city(ies) of residence.
- 3.2.3 List your team members' experience in Building Information Modeling ("BIM") execution planning and your firm's approach to developing a BIM execution plan.
- 3.2.4 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. Affirm that the individuals identified will be committed for the entire duration of the Project.

- 3.2.5 Identify the proposed team members (including consultants) who worked on the projects listed in your response to Criterion Three of this RFQ (Section 3.3), and describe their responsibilities for those projects compared to this Project.

3.3 CRITERION THREE: RESPONDENT'S PAST PERFORMANCE ON COMPARABLE PROJECTS

- 3.3.1 Identify and describe your team's past experience for providing construction manager-at-risk services for projects for Owner or similar organizations within the last five (5) years. List the projects in order of relevance, with the most relevant project listed first. Provide the following information for each project listed:

- Project name, location, construction 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 ("MEP") 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 pre-construction 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.
- What was the total recordable incident rate and days away from work rate for each of the listed projects, including all project participants? Information obtained from SafetyNet is acceptable if available.

- 3.3.2 References shall be considered relevant based on specific project participation and experience with Respondent. Respondent acknowledges and agrees that Owner shall have the right to contact any references at any time during this procurement process.

3.4 CRITERION FOUR: RESPONDENT'S ABILITY TO MANAGE CONSTRUCTION SAFETY RISKS

This section shall be addressed by Respondent's corporate safety director and within its response the Respondent shall provide the signature of the corporate safety director attesting to that fact. The response to this criterion may be reviewed by Owner's safety professional.

- 3.4.1 Describe your approach for anticipating, recognizing and controlling safety risks.
 - 3.4.2 Describe the level of importance for enforcement and support of project safety that you include in performance evaluations for superintendents and project managers. Detail the criteria used in evaluations and requirements for continuing safety education for superintendents and project managers.
 - 3.4.3 Describe the Safety and Insurance/Claims History information and weighting that you include in the solicitation and award process for "best value" subcontracts.
 - 3.4.4 For all projects that you have 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
 - Any occupational illnesses or injuries that resulted in hospital admittances
 - Explosion, fire or water damage that claimed 5% of the project's construction value or caused injury to any person, personal property, or real property.
 - Failure, collapse, or overturning of a scaffold, excavation, crane or motorized mobile equipment when workers were present at the project
 - 3.4.5 Identify your firm's Experience Modification Rate (EMR) for the three (3) most recent annual insurance-year ratings.
 - 3.4.6 Identify your firm's annual OSHA Recordable Incident Rates (RIR) for all work performed during the past three (3) calendar years.
 - 3.4.7 Identify your firm's annual OSHA Lost Workday Case Incident Rates (LWCIR) for all work performed during the past three (3) calendar years.
 - 3.4.8 Identify any deaths that have occurred on your projects in the last five (5) years. Identify the cause(s) and identify any corrective measures subsequently taken.
 - 3.4.9 List any OSHA reports/citations your firm has been issued during the last five (5) years and the final outcome(s) of each.
 - 3.4.10 Does your company or any other company within the same holding group of companies self-perform any work other than minor work that is generally considered part of General Conditions work? If so, please identify the firm and the services performed.
- 3.5 CRITERION FIVE: RESPONDENT'S ABILITY TO ESTABLISH BUDGETS AND CONTROL COSTS
- 3.5.1 Describe your fiduciary responsibility as a construction manager-at-risk using Guaranteed Maximum Price ("GMP") contracts for publicly funded projects.
 - 3.5.2 Describe your cost estimating methods during the Pre-Construction Phase and during the Pre-Construction Phase. How do you develop cost estimates and how often are they updated? For any combination of three (3) projects listed in response to Criterion Three. Provide examples of how these techniques were used and what degree of accuracy was achieved.

- 3.5.3 Describe how your procurement strategy for subcontracted work ensures all scope is qualified between subcontractors, no scope is missed and final subcontract amounts represent best value to the owner. Who, within your team, is responsible for the qualification of scope?
- 3.5.4 Describe your methodology for working with the Project Architect/Engineer and its consultants to deliver a design that is within the construction cost limitation established for a project.
- 3.5.5 Provide a sample of a cost estimate used to establish a contract amount from any project you included in response to Criterion Three of this RFQ.
- 3.5.6 Owner may require that a GMP Proposal be submitted 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 Construction Documents align with the project scope in the previously accepted GMP Proposal documents. Describe your process for developing a GMP prior to soliciting offers from trade subcontractors and suppliers.

3.6 CRITERION SIX: RESPONDENT'S ABILITY TO MEET SCHEDULES

- 3.6.1 Describe your approach to assuring timely completion of a project, including methods for schedule recovery, if necessary. From any project listed in response to Criterion Three of this RFQ, provide examples of how these techniques were used, including specific scheduling challenges/requirements and actual solutions.
- 3.6.2 For any project included in response to Criterion Three of this RFQ, provide a sample of the monthly schedule reports, including identified milestones and schedule recovery plans.
- 3.6.3 Describe how you ensure the owner's requirements, such as testing and balancing, commissioning and regular inspections, are integrated into your project schedule.
- 3.6.4 For this Project, Owner will expect the Construction Manager to assign a scheduler as part of the field staff. Identify to whom within your project teams you typically assign responsibility for creating and maintaining the project schedule throughout the course of a project. Describe your use of a scheduler on past projects and the format/programs used to track the schedule.
- 3.6.5 What methods do you use to clearly and quickly communicate the impact of owner-requested and/or suggested changes that may or may not arise during the development of the design or during the Construction Phase?

3.7 CRITERION SEVEN: RESPONDENT'S KNOWLEDGE OF CURRENT CONSTRUCTION METHODOLOGIES, TECHNOLOGIES AND BEST PRACTICES

- 3.7.1 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 Project A/E

- Partnering
 - Master milestone scheduling, look-ahead planning, and weekly work planning to ensure best productivity
 - Change (order) management systems
 - Utilization of innovative approaches such as Lean design and construction, simulation modeling, virtual reality and pre-fabrication and modular construction. Describe examples where such techniques were used on past projects.
 - Establishing benchmark references from similar facilities, processes and best practices. Describe examples where such techniques were used on past projects.
- 3.7.2 Provide examples of Pre-Construction Services provided that creatively incorporated MEP solutions in similar structures, particularly those that fostered energy conservation, value engineering, and constructability enhancement.
- 3.7.3 As the Construction Manager, describe your process for generating interest, evaluating and selecting subcontractors. Detail the steps your group will take to actively solicit HUB participation and meet HUB goals on this project.
- 3.7.4 Describe your relationship with the local subcontracting community. Will you pursue subcontractor participation outside the local market, and if so, how? How do you ensure adequate subcontractor manpower for the duration of the Project?
- 3.7.5 Describe what you believe are your unique operational skills, experience, special services, products, or advantages, which differentiate your company from your competitors.
- 3.7.6 This Project is within or adjacent to hospital, education and research facilities which are occupied. Describe the project team's experience with renovation projects and expansion projects in occupied facilities and/or congested campuses, including the impact on existing MEP systems and the occupants of the facilities.
- 3.7.7 Describe the measures you use to update the information contained in the design model(s) and construction documents throughout the project and how you ensure the final equipment and system data is accurately transferred or submitted to the owner at substantial completion in the format required.
- 3.7.8 Describe how you typically use BIM principles and techniques over the course of a project to help ensure successful completion of the project. How does your approach to using BIM differentiate your firm from your competitors?
- 3.7.9 Describe how you participate in document reviews during the design phase and offer comments to improve the overall project design.

3.8 CRITERION EIGHT: RESPONDENT'S ABILITY TO IDENTIFY AND RESOLVE PROBLEMS

- 3.8.1 Describe the approach your firm takes to overcome resource challenges associated with the building systems controls scope of work in today's marketplace.
- 3.8.2 Describe strategies your firm has used to procure the controls scope of work for similar projects (direct subcontract with Construction Manager, tiered subcontractor under mechanical, etc.?) that impacted project outcomes positively.

- 3.8.3 Describe strategies your firm will employ to ensure the project will be fully tested, balanced, and commissioned prior to Substantial Completion.
- 3.8.4 Describe how your firm will cooperate with the Owner's third-party agents (testing and balancing, commissioning, materials testing, other) to incorporate Owner tasks into the Project schedule while ensuring reasonable time is allowed for their completion.

3.9 CRITERION NINE: RESPONDENT'S COMMITMENT TO ESTABLISHING A SAFE, SKILLED AND SUSTAINABLE CRAFT WORKFORCE

- 3.9.1 For projects for which you self-perform the construction craft work, what measures do you take to ensure that you are able to provide a craft workforce that is fairly compensated, safe, skilled and sustainable. In your response, indicate:
 - 3.9.1.1 whether you directly employ the craft workers (to whom you issue an Internal Revenue Service form W-2, Wage and Tax Statement) or whether you engage the craft workers as independent contractors (to whom you issue IRS form 1099-NEC, Nonemployee Compensation, or comparable form).
 - 3.9.1.2 whether you pay craft workers by the hour.
 - 3.9.1.3 what steps you take to ensure craft workers are paid a fair, competitive wage.
 - 3.9.1.4 whether your on-site supervision (e.g. project managers, superintendents, assistant superintendents, foremen) are required to be OSHA-30 trained. If not, indicate to what level they are required to be safety trained.
 - 3.9.1.5 whether your craft workers are required to be OSHA-10 trained. If not, indicate to what level they are required to be safety trained.
 - 3.9.1.6 to what extent you work to ensure craftworkers receive training to maintain or enhance their skills within their respective crafts and how you keep track of that training.
- 3.9.2 For projects for which you subcontract the construction craft work, what measures do you take to ensure that your subcontractors are able to provide a craft workforce that is fairly compensated, safe, skilled and sustainable. In your response, indicate:
 - 3.9.2.1 whether you require that the subcontractor to directly employ the craft workers (to whom the craft workers are issued an Internal Revenue Service form W-2, Wage and Tax Statement) or whether your subcontractor typically engage their craft workers as independent contractors (to whom an IRS form 1099-NEC, Nonemployee Compensation, or comparable form is issued).
 - 3.9.2.2 whether you require your subcontractors pay craft workers by the hour.
 - 3.9.2.3 what steps you take to ensure craft workers are paid a fair wage.
 - 3.9.2.4 whether you require your subcontractor's on-site supervision (e.g. project managers, superintendents, assistant superintendents, foremen) to be OSHA-30 trained. If not, indicate to what level you require that they be safety trained.

- 3.9.2.5 whether you require subcontracted craft workers to be OSHA-10 trained. If not, indicate to what level you require that they be safety trained.
- 3.9.2.6 to what extent you require that your subcontractors work to ensure craftworkers receive training to maintain or enhance their skills within their respective crafts and how you keep track of that training.
- 3.9.2.7 what methods you use to ensure your subcontractors adhere to your any requirements you have that are related to developing and maintaining a craft workforce that is fairly compensated, safe, skilled and sustainable.
- 3.9.3 Whether you require that your subcontractors be a member of an alliance or organization that focuses on creating a fairly compensated, safe, skilled, and sustainable construction trade workforce? If so, please provide the name of the alliance or organization.

Balance of page intentionally left blank. Criterion Ten, Execution of Offer follows.

3.10 CRITERION TEN: EXECUTION OF OFFER

THIS EXECUTION OF OFFER MUST BE COMPLETED, SIGNED, AND RETURNED WITH 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 IN RESPONSE TO THIS RFQ, AND RESPONDENT MAY BE REMOVED FROM ALL PROSPECTIVE RESPONDENT 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.

- 3.10.1 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 Owner and Respondent; (3) Owner has made no representation or warranty, written or oral, that one or more contracts with 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.
- 3.10.2 By signature hereon, Respondent offers and agrees to furnish to Owner the products and/or services more particularly described in its response to this solicitation, and to comply with all terms, conditions and requirements set forth in the solicitation documents and contained herein.
- 3.10.3 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 this solicitation or the awarding of a contract related to this solicitation.
- 3.10.4 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.
- 3.10.5 By signature hereon, Respondent hereby certifies that neither Respondent nor the firm, corporation, partnership or Owner 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.
- 3.10.6 By signature hereon, Respondent represents and warrants that:
 - 3.10.6.1 Respondent is a reputable company regularly engaged in providing products and/or services necessary to meet the terms, conditions and requirements of this RFQ;
 - 3.10.6.2 Respondent has the necessary experience, knowledge, abilities, skills, and resources to satisfactorily perform the terms, conditions and requirements of this RFQ;

- 3.10.6.3 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;
- 3.10.6.4 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;
- 3.10.6.5 Respondent, if selected by Owner, will maintain insurance as required by the Agreement;
- 3.10.6.6 All statements, information and representations prepared and submitted in response to this RFQ are current, complete, true and accurate. Respondent acknowledges that Owner will rely on such statements, information and representations in selecting the successful Respondent. If selected by Owner as the successful Respondent, Respondent will notify Owner immediately of any material change in any matters with regard to which Respondent has made a statement or representation or provided information.
- 3.10.7 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.
- 3.10.8 By signature hereon, Respondent certifies that if a Texas address is shown as the address of Respondent, Respondent qualifies as a Texas Resident Respondent as defined in Rule 1 TAC 111.2.
- 3.10.9 By signature hereon, Respondent certifies as follows:
 - 3.10.9.1 "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."
 - 3.10.9.2 "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."
- 3.10.10 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 the submittal of your Qualifications. All such disclosures will be subject to administrative review and approval prior to Owner entering into any contract with Respondent.
- 3.10.11 By signature hereon, Respondent affirms that no compensation has been received for participation in the preparation of the specifications for this RFQ. (ref. Section 2155.004 Texas Government Code).
- 3.10.12 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.

- 3.10.13 By signature hereon, Respondent signifies its compliance with all federal laws and regulations pertaining to Equal Employment Opportunities and Affirmative Action.
- 3.10.14 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.
- 3.10.15 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.
- 3.10.16 By signature hereon, Respondent acknowledges and agrees that this Project will utilize an Owner Controlled Insurance Program (OCIP) and an Owner-provided Builders Risk insurance program and will bind all trade contractors and subcontractors to participate in the program. Respondent acknowledges that it has received and reviewed information required to be provided about the OCIP program at least ten (10) days before entering into this contract, and will provide this information to all trade contractors and subcontractors at least ten (10) days before entering into a contract with them.
- 3.10.17 By signature hereon, Respondent certifies that the only member(s) 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 that has a financial interest, directly or indirectly, in the transaction that is the subject of the contract is identified below. (Attach additional pages as necessary.

(Name)

(Firm's Business Title)

(UT System Title)

EXECUTION OF OFFER: RFQ No. 190120CMR/JSW

Respondent must complete, sign and return this Execution of Offer as part of its submittal response. Respondent's company official(s) who is (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 Respondent's business entity by name:

(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 Respondent's ability to meet the requirements set forth in 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 represent a MAXIMUM OF FIFTY (50) PRINTED PAGES. The cover, table of contents, divider sheets, Letter of HUB Commitment (Section 1.11), 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, AVAILABILITY AND ABILITY TO PROVIDE CONSTRUCTION MANAGER-AT-RISK SERVICES
 - CRITERION TWO: QUALIFICATIONS OF RESPONDENT'S CONSTRUCTION MANAGER-AT-RISK TEAM
 - CRITERION THREE: RESPONDENT'S PAST PERFORMANCE ON COMPARABLE PROJECTS
 - CRITERION FOUR: RESPONDENT'S ABILITY TO MANAGE CONSTRUCTION SAFETY RISKS
 - CRITERION FIVE: REPENDENT'S ABILITY TO ESTABLISH BUDGETS AND CONTROL COSTS
 - CRITERION SIX: RESPONDENT'S ABILITY TO MEET SCHEDULES
 - CRITERION SEVEN: RESPONDENT'S KNOWLEDGE OF CURRENT CONSTRCUTION METHODOLOGIES, TECHNOLOGIES AND BEST PRACTICES
 - CRITERION EIGHT: RESPONDENT'S ABILITY TO IDENTIFY AND RESOLVE PROBLEMS
 - CRITERION NINE: RESPONDENT'S COMMITMENT TO ESTABLISHING A SAFE, SKILLED, SUSTAINABLE CRAFT WORKFORCE
 - CRITERION TEN: 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 apart 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 Owner, at its option.
- 4.1.6 Owner makes no representations of any kind that an award will be made as a result of this RFQ, or subsequent RFP. Owner reserves the right to accept or reject any or all Qualifications, waive

any formalities or minor technical inconsistencies, or delete any item or 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 this RFQ. Respondent shall separate each section of the Qualifications by use of a divider sheet with an integral tab for ready reference. Respondents shall 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 RFQ may result in the rejection of the Qualifications.

4.2 PAGE SIZE, BINDING, DIVIDERS, AND TABS:

4.2.1 Qualifications shall represent letter-size (8-1/2" x 11") paper in portrait orientation.

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

4.3 TABLE OF CONTENTS:

4.3.1 Responses shall include a "Table of Contents" in the form of bookmarks that are hyperlinked to each part of the Qualifications.

4.4 PAGINATION:

4.4.1 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.

SECTION 5 - ATTACHMENTS TO THE RFQ

5.1 Attachment A – Owner's Standard *Agreement Between Owner and Construction Manager-at-Risk*

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

5.3 Attachment C – Request for Information Form