

DOCUMENT 001100

NOTICE TO DESIGN PROFESSIONALS

The University of North Texas System (UNTS) Facilities, subsequently referred to as the Owner, requests firm's qualifications for Architectural and Engineering Design Services for **[Type]** located on the **[[Campus] in {Location}]**, Texas. The selected firm will be expected to implement a well-coordinated design process that will result in **[Project]** best suited to the site, in compliance with the community and academic goals of the Owner and consistent with the programming document. This request for qualifications covers the design, bidding assistance and construction administration phases.

The firm's submittal to the Request for Qualifications (RFQ) will be the basis of determining the competence and qualifications to perform the design services as required by the proposed project.

Sealed qualifications for **[RFQ Number]** will be received by the UNTS at the Business Service Center (BSC), Woodhill Square, 1112 Dallas Drive, Suite 4000, Denton, Texas 76205. A campus map can be found online at <http://maps.unt.edu/?code=WHS>. Parking for Woodhill Square is campus parking and permits are required. There is guest parking at the door to suite 4000 and only those spaces can be utilized for submitting the bid. Bidders are responsible for all parking costs and for complying with parking regulations. Failure to comply with parking regulations may result in citation and possible impound of vehicle.

The Qualifications will be received up to 2:00 p.m. CST on **[Date]**, Bids received after the date and hour above stated will not receive consideration.

**Project Description**

The selected architectural firm will be responsible for reviewing site conditions and alternatives, and developing the most suitable design for **[Project Scope]**.

**Questions**

Questions concerning this proposal should be directed to:

Delon Greene  
Bid Inquiry located at <http://bsc.untssystem.edu/content/bid-inquiry> Bids Opportunity Page.

**All questions must be received no later than 2:00 p.m. CST on [Date]. All questions and answers will be posted to the website by 5:00 p.m. CST on [Date].**

The Owner may in its sole discretion respond in writing to questions concerning this RFQ. Only the Owner's responses made by formal written Addendum to this Proposal shall be binding and shall be posted on the BSC's website located at <http://bsc.untssystem.edu/bid-listing>. Oral or other written interpretations or clarifications shall be without legal effect.

**Pre-Solicitation Meeting**

A pre-solicitation meeting will be held at **[Time]** on **[Date]** at **[Place]**. Attendance is not mandatory, but highly recommended.

**Online** - Bidders can view bid documents at Electronic State Business Daily (<http://esbd.cpa.state.tx.us/>) or at the UNT System website (<http://bsc.untssystem.edu/bid-listing>).

**Historically Underutilized Business (HUB)**

It is the policy of the Owner to promote and encourage contracting and subcontracting opportunities for HUB in all contracts. A HUB Subcontracting Plan (HSP) must be submitted with this proposal. The Owner **[has/has not]** determined sub-contracting opportunities are possible and have identified the following areas:

**[List All Areas]**

All subcontracted work whether identified by the Owner or not, are required to be identified in the HSP. The Plan should reflect all subcontracting opportunities to be utilized in this project and can be found online at (<http://www.window.state.tx.us/procurement/prog/hub/hub-forms/hub-sbcont-plan--allfms.pdf>). Complete, print, sign and submit the HUB Subcontracting Plan form with the bid response. **Failure to complete the HSP correctly will disqualify your RFQ response. Please return the HSP in a clearly marked envelope, separate from your RFQ response.** Only one (1) hard copy of the HSP is required with your response.

The Owner is not bound to accept the lowest priced offer if that offer is not in its best interest, as determined by the Owner. The Owner reserves the right to: (a) enter into agreements or other contractual arrangements for all or any portion of the Scope of Work set forth in this Proposal with one or more respondents; (b) reject any and all offers and re-solicit offers; or (c) reject any and all offers and temporarily or permanently abandon this procurement, if deemed to be in the best interest of the Owner.

END OF SECTION

SAMPLE

**DOCUMENT 002400**

**SCOPE FOR QUALIFICATIONS**

The University of North Texas System (UNTS) Facilities, subsequently referred to as the Owner, requests firms' qualifications for Architectural and Engineering Design Services for **[Project & Campus]** . The selected firm will be expected to implement a well-coordinated design process that will result in **[Project]** best suited to the site, in compliance with the community and academic goals of the University and consistent with the programming document. This request for qualifications covers the design, bidding assistance and construction administration phases.

The firm's response to the Request for Qualifications (RFQ) will be the basis of determining the competence and qualifications to perform the design services as required by the proposed project.

**Project Description**

1. Project Design

- A. **[Design Description]** The Owner has engaged the services of a programming firm for this project. The successful architect will be expected to incorporate the program developed by this firm into their design after validation. The firm should have the expertise, experience, and depth of support staff to meet the Owner's very aggressive schedule. A key factor in the development of the design will be the incorporation of the principles and guidelines contained in the Campus Master Plan and the programming document.

Deliverables should include (but are not limited to) program validation, schematic design, design development, construction documents and specifications needed for the project to be delivered via construction manager-at-risk. In addition, the architect's design services must include preparation of construction cost estimates at the end of schematic design, design development, and 60 percent construction documents for the Owner's review and comparison with the contractor's construction cost estimates. It is imperative that the architect monitor the design along the various stages of the project so the established owner's construction budget is not exceeded.

The programming for this project is anticipated to be completed in **[Date]** , with architectural design to begin immediately following its completion. The **[Project]** construction must be completed and ready for occupancy by no later than **[Date]** . Please include in the response a proposed schedule for this project.

- B. Contractor/Subcontractor Bidding – The selected architectural firm is to attend all contractor pre-proposal meetings and provide any additional documentation required by the contractor during the bidding and selection of the subcontractor trades.
- C. Construction Administration – The selected firm will attend weekly construction meetings and provide any construction and post-construction documentation, such as submittal approvals, shop drawing approvals, issuance of architectural supplemental instructions (ASI), compilation of punch lists, and completion of same.

## Submission Requirements

The responses should address each of the following areas in the same order in which they are set forth below:

1. Firm Data
  - A. General Qualifications
  - B. Name and Address(es) of each key sub-consultant firm proposed for the team
  - C. Firm profile, i.e.:
    - i. Age
    - ii. Type of firm (partnership, professional corporation, etc.)
    - iii. Firm history
    - iv. Firm size (professionals by discipline), current and one year ago
    - v. Areas of specialty/concentration
2. Description of the Design Team:
  - A. Identification of the single point of contact for the design team to include name, email address, and phone number
  - B. Identification of key firm personnel to be assigned to the project
  - C. Organizational chart illustrating reporting lines, responsibilities, names, and titles for key participants proposed by the firm and each of its key sub-consultants.
  - D. Resumes for each key individual on the team and identification of that person's role in this project. List any education and registrations that may be relevant to this project.

## Relevant Experience and Capabilities

1. Relevant experience and capabilities will be assessed through a review of both completed and ongoing projects; however, information desired is on completed projects similar in scope, size, and complexity. Provide detailed data for no more than five (5) projects on which the firm and team members have been involved in providing services and which best illustrate current experience and capabilities relevant to this project. For each project, please provide the following information:
  - A. Project name and location
  - B. Brief project description, including:
    - i. Size and scope
    - ii. Firm's role in project
    - iii. Key firm strengths exhibits by project and relevant to this Project
  - C. Owner's name, address, contact person, and telephone number
  - D. Identification of proposed personnel involved in the submitted project, along with explanations of their role in that project(s).
  - E. No more than five (5) color photographs (or renderings) per project:

- i. Images should not be selected to facilitate evaluation of design
  - ii. Images need not be submitted for every project for which data is provided, but project data must be provided for all project images included.
- F. Schedule Data (any unusual events or occurrences that affected the schedule should be explained)
  - i. Date design began
  - ii. Design complete date
  - iii. Construction complete date
- G. Construction Cost Data
  - i. Pre-design construction budget
  - ii. Pre-construction construction budget
  - iii. Actual construction budget
- H. Method of Construction Procurement Utilized
2. For no more than five (5) other projects relevant to the project scope and for each member of the Design team (as appropriate), provide a list of project names, project sizes, project dates, and owner contact information which further illustrates experience and capabilities relevant to this project.
3. Approach:
  - A. Most pertinent consideration in designing project – State briefly what you believe to be the most pertinent consideration(s) and challenge(s) that must be addressed in the design of a project of this type. You may wish to include sketches, diagrams, analyses or other tools that will help illustrate the team's points.
  - B. Unique qualifications – State why you believe your team is qualified to address the issues that you feel will be relevant to this project.
  - C. Methods of team organization and communication – Discuss how your firm would coordinate the development of design solutions, the production of contract documents, and construction administration. Be specific with regard to internal and external communications, quality control, cost estimating capabilities, proposed construction specification system, and responsible individuals including their location (e.g., on-site or specific office). Also discuss your firm's commitment to attending scheduled project meetings.
  - D. Experience with and/or ability to work within an interactive design review process. Present how your proposed team has performed on past projects in which key project decisions were provided by this process.
  - E. Schedule – Show an aggressive but realistic proposed schedule for the project. Develop a schedule of each phase of work to include:
    - i. Programming
    - ii. Schematic Design
    - iii. Design Development
    - iv. Construction Drawings
    - v. Construction Administration
    - vi. Substantial Completion
    - vii. Owner Occupancy

## Historically Underutilized Businesses

Plan for participation of Historically Underutilized Businesses (HUB):

1. It is the policy of the Owner to promote and encourage contracting and subcontracting opportunities for HUB in all contracts. A HUB Subcontracting Plan (HSP) must be submitted with this proposal as specified in "C" below.
2. The Owner has determined subcontracting opportunities are possible and have identified the following areas:
  - **[List Opportunities]**
3. Subcontracted work, whether identified by the Owner or not, is required to be identified in the HSP. Please complete the attached HSP for all subcontracting opportunities to be utilized in the project. Failure to complete the HSP correctly will disqualify the firm's RFQ response. Please return the HSP in a clearly marked envelope, separate from your RFQ response.

Only responses with approved HSPs will be evaluated. Failure to return your HSP in a separate, clearly marked envelope, separate from your RFQ response, will prevent The Owner from evaluating your response.

Questions regarding completing the HSP should be directed to Amy Woods at 940-369-5528 or Claire Anderson at 940-369-5529. Additional information can also be found at the Texas Comptroller for the Public Accounts website at <http://www.window.state.tx.us/procurement/prog/hub/hub-forms/>.

## Contract

Under a separate tab, include a copy of any modifications proposed to the Owner's standard Professional Services Agreement (Division 00, Section 005200, *Agreement Forms*). These pages will not be included in the page limitation set forth in Selection Process section. Any proposed modification will be taken into consideration during the selection process. Only proposed modifications clearly noted on the attached agreement will be considered during contract negotiations. References to changes on prior agreements will not be allowed.

## Selection Process/Description of Process

The selection process starts after the RFQ is posted on the Electronic State Business Daily on the date listed in Selection Schedule. Following this stage, the selection process is as follows:

1. A pre-solicitation meeting will be held at 2:00 PM (CDT) on the date and time listed in Selection Schedule to answer any questions the potential bidders may have before completing their response. The pre-proposal meeting will be held at:

UNT System Business Service Center  
Woodhill Square  
1112 Dallas Drive  
Suite 4200  
Denton, Texas 76205  
Conference Room 4202

2. Qualifications are due on or before 2:00 PM on **[Date]** at **[Time]**. Responses must be limited to no more than twenty-five (25) pages. Covers, table of contents and divider tabs will not count as pages,

provided no additional information is included on those pages. All documents should be printed one-sided and submitted in 8½" X 11" page size. Proposals received that are late or exceed the number of pages listed above will not be accepted. Provide two (2) copies of your submittal, one (1) paper copy loose and one (1) virus free CD ROM through overnight carrier or personal delivery to:

Delon Greene  
University of North Texas System  
Business Service Center  
Woodhill Square  
1112 Dallas Drive, Suite 4000  
Denton, TX 76205

**Email or faxed responses will not be accepted.**

The HSP is due on or before 2:00 PM (CDT) on **[Date]** at **[Time]**. The HSP must be in a clearly marked envelope, separate from your RFQ response as previously outlined in the HUB section.

3. The Owner may conduct formal interviews.
4. The top-ranked firm will be notified on or about the date listed in Selection Schedule.
5. The Owner expects to reach a contractual agreement with the top-rated firm shortly after notification and will expect the design work to begin immediately thereafter. All documents related to this Project shall be and become the property of the Owner.
6. The Owner reserves the right to reject any or all qualifications at any point during this selection process for any reason.

### Selection Schedule Summary

The schedule for selection is as follows:

RFQ posted on the Electronic State Business Daily	<b>[Date]</b>
Pre Solicitation Meeting	<b>[Date]</b> <b>[Time]</b>
Qualifications received no later than	<b>[Date]</b> <b>[Time]</b>
HSP received no later than	<b>[Date]</b> <b>[Time]</b>
Notify short listed firms, if Owner elects to interview	<b>[Date]</b> <b>[Time]</b>
Interview short listed firms, if Owner elects to interview	<b>[Date]</b> <b>[Time]</b>
Notify selected firm	<b>[Date]</b> <b>[Time]</b>
Approve Contract/Notice to Proceed	<b>[Date]</b> <b>[Time]</b>

Additional information and amendments may be posted on <http://pps.unt.edu/bid-listing>.

### Evaluation Criteria

Architectural firms will be ranked and selected on the basis of experience and qualifications using the following equally-weighted criteria (many of the criteria are subjective):

1. Relevant successful experience will be evaluated on the basis of the design experience of those key individual(s) named to the project team as a designer. Demonstrated successful experience in the design of other projects of similar character to this project best meets the intent of these criteria.
2. Quality of past and current similar projects

3. Current capabilities will be evaluated on the basis of the experience and capacity (current workload and availability) of the individuals assigned to your team.
4. Project management procedures and the design process will be evaluated based on the information presented in this RFQ. In addition, the quality assurance process, specific project approach (work plan/schedule), and technical support capabilities will be reviewed.
5. Quality and responsiveness of the RFQ submittal
6. Local representation will be evaluated on the ability to respond quickly to issues during the duration of the project, especially throughout the construction phase.
7. Proposed modifications to the Owner's standard Professional Services Agreement
8. Architect's ability to monitor construction cost estimates during the design process to ensure UNTS's construction budget is not exceeded.

### Questions

Please address your questions concerning this RFQ to:

Delon Greene  
University of North Texas System  
Business Service Center

Please submit solicitation questions to:

Solicitation Inquiry located at <http://bsc.untssystem.edu/content/bid-inquiry> on the Bids Opportunities Page.

**All questions must be received no later than [Date] , at [Time] CST. All questions and answers will be posted to the website by [Time] CST, [Date] .**

The Owner may in its sole discretion respond in writing to questions concerning this RFQ. Only Owner's responses made by formal written Addendum to this RFQ shall be binding and shall be posted on the BSC's website located at <http://bsc.untssystem.edu/bid-listing>. Oral or other written interpretations or clarifications shall be without legal effect

**Do not contact any other individuals from the UNTS. This may result in disqualification.**

END OF SECTION



**DOCUMENT 004300**  
**PROCUREMENT FORMS**

SAMPLE

**DOCUMENT 005200**

**AGREEMENT FORMS**

SAMPLE

**DOCUMENT 006000**

**PROJECT FORMS**

SAMPLE

# PERFORMANCE BOND

Surety Bond No.

STATE OF TEXAS           §  
COUNTY OF               §

LET IT BE KNOWN BY THIS INSTRUMENT: That we, \_\_\_\_\_, as Principal, and \_\_\_\_\_ a corporation duly authorized to do business in the State of Texas, as Surety, are hereby held and firmly bound unto the University of North Texas System, as Obligee, in the sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) for payment whereof the said Principal and Surety bind themselves, their heirs, executors, administrators, and successors, jointly and severally, by the terms and conditions herein.

The conditions of this obligation are such that whereas the Principal entered into a certain contract with the Obligee, as an entity of the State of Texas, dated the \_\_\_\_\_ day of \_\_\_\_\_, 20 ("Contract"), which is hereto attached and made a part hereof for all purposes, for the purpose of \_\_\_\_\_

NOW THEREFORE, the condition of this obligation is such that this Performance Bond shall remain in full force and effect unless and until the Principal has faithfully performed the Contract in accordance with the Plans, Specifications and Contract documents. Further, under the terms of this Performance Bond, Principal shall fully indemnify and save harmless the Obligee from all cost and damage which the Obligee may suffer by reason of Principal's default or failure to perform and shall fully reimburse and repay the Obligee all outlay and expense which the Obligee may incur in making good any such default.

In the event that the Principal's failure as defined by the Contract Documents, to faithfully perform the Contract, Surety will within fifteen (15) days of determination of default, assume full responsibility for completion of said Contract and become entitled to payment of the balance of the Contract amount. Conditioned upon the Surety's faithful performance of its obligations, the liability of the Surety for the Principal's default shall not exceed the penalty of this Bond.

The Surety agrees to pay to the Obligee upon demand all loss and expense, including attorney's fees, incurred by the Obligee by reason of or on account of any breach of this obligation by the Principal or the Surety.

Provided further, that the Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the said Contract, or to the work to be performed thereunder, or the Specifications accompanying the same, shall in anyway affect its obligation on this Bond, and it does hereby waive notice of any such change, extension of time, alteration or addition, to the terms of the said Contract or to the work or to the Specifications.

Provided further, that if any legal action be filed upon this Bond, venue shall lie in Denton County, Texas.

The liabilities, rights, limitations and remedies concerning this Bond shall be determined in accordance with the provisions of Chapter 2253 of the Texas Government Code, pursuant to which this Bond is executed.

IN WITNESS WHEREOF, the above parties have executed this instrument under their several seals this \_\_\_\_\_ day of \_\_\_\_\_ in the year 20\_\_\_\_, the name and corporate seal of each corporate party being hereto affixed, and these present duly signed by its undersigned representative pursuant to authority of its governing body.

ATTEST:

\_\_\_\_\_  
(Principal)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Typed Name and Title)

\_\_\_\_\_  
(Typed Name and Title)

(SEAL)

ATTEST:

\_\_\_\_\_  
(Surety)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Typed Name and Title)

\_\_\_\_\_  
(Typed Name and Title)

(SEAL)

Surety's Texas Local Recording  
Agent or Resident Agent:

Surety's Home Office Agent or  
Servicing Agent:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Typed Name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(License No.)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(File No)

\_\_\_\_\_  
(City, State, Zip)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Telephone)

\_\_\_\_\_  
(City, State, Zip)

\_\_\_\_\_  
(Telephone)

# PAYMENT BOND

Surety Bond No.

STATE OF TEXAS           §  
COUNTY OF               §

KNOW ALL MEN BY THESE PRESENT: That we, \_\_\_\_\_, as Principal, and \_\_\_\_\_, as Surety, are hereby held and firmly bound unto the University of North Texas System, as Obligee, in the sum of Dollars (\$ \_\_\_\_\_) for payment whereof the said Principal and Surety bind themselves, their heirs, executors, administrators, and successors, jointly and severally, by the terms and conditions herein.

The conditions of this obligation are such that whereas the Principal entered into a certain contract with the Obligee, as an entity of the State of Texas, dated the \_\_\_\_day of \_\_\_, 200\_ (“Contract”), which is hereto attached and made a part hereof for all purposes, for the purpose of \_\_\_\_\_.

NOW THEREFORE, the condition of this obligation is such that this Payment Bond shall remain in full force and effect unless and until 120 days after Principal has faithfully performed the Contract in accordance with the Contract documents and Principal has executed a copy of the attached Payment Affidavit and provided it to Obligee.

In the event that the Principal fails to promptly pay when due any amount owed to persons who have supplied labor, materials, or supplies used in Principal’s performance of the said Contract, the Surety will, upon receipt of notice from the Obligee or a claim in the form required by law, satisfy all undisputed balances due, and make arrangements satisfactory to the interested parties to resolve all amounts disputed in good faith, but in no event shall the liability of the Surety for the Principal’s failure to promptly pay for labor, materials, or supplies exceed the amount of this bond.

The Surety agrees to pay to the Obligee upon demand all loss and expense, including attorney’s fees, incurred by the Obligee by reason of or on account of any breach of this obligation by the Principal or the Surety.

Provided further, that this bond is made and entered into for the protection of all parties supplying labor or materials in the prosecution of the work provided for in the said Contract, and all such parties shall have a direct right of action under this bond as provided in Chapter 2253 of the Texas Government Code. If any legal action is filed upon this bond, venue shall lie in Denton County, Texas.

The liabilities, rights, limitations and remedies concerning this Bond shall be determined in accordance with the provisions of Chapter 2253 of the Texas Government Code, pursuant to which this bond is executed.

IN WITNESS WHEREOF, the above parties have executed this instrument under their several seals this \_\_\_\_\_ day of \_\_\_\_\_ in the year 20\_\_\_\_, the name and seal of each party being hereto affixed, and duly signed by its undersigned representative pursuant to authority of its governing body.

## CONSTRUCTION MANAGER-AT-RISK

\_\_\_\_\_  
(Firm Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(City, State, Zip)

\_\_\_\_\_  
(Typed Name and Title)

\_\_\_\_\_  
(Telephone)

\_\_\_\_\_  
(Texas Vendor ID No.)



# HUB SUBCONTRACTING PLAN (HSP) QUICK CHECKLIST

While this HSP Quick Checklist is being provided to merely assist you in readily identifying the sections of the HSP form that you will need to complete, it is very important that you adhere to the instructions in the HSP form and instructions provided by the contracting agency.

- ❖ If you will be awarding all of the subcontracting work you have to offer under the contract to only Texas certified HUB vendors, complete:
  - Section 1 – Respondent and Requisition Information
  - Section 2 a. – Yes, I will be subcontracting portions of the contract
  - Section 2 b. – List all the portions of work you will subcontract, and indicate the percentage of the contract you expect to award to Texas certified HUB vendors
  - Section 2 c. – Yes
  - Section 4 – Affirmation
  - GFE Method A (Attachment A) – Complete an Attachment A for each of the subcontracting opportunities you listed in Section 2 b.
  
- ❖ If you will be subcontracting any portion of the contract to Texas certified HUB vendors and Non-HUB vendors, and the aggregate percentage of all the subcontracting work you will be awarding to the Texas certified HUB vendors with which you have a continuous contract\* in place for five (5) years or less meets or exceeds the HUB Goal the contracting agency identified in the “Agency Special Instructions/Additional Requirements”, complete:
  - Section 1 – Respondent and Requisition Information
  - Section 2 a. – Yes, I will be subcontracting portions of the contract
  - Section 2 b. – List all the portions of work you will subcontract, and indicate the percentage of the contract you expect to award to Texas certified HUB vendors and Non-HUB vendors
  - Section 2 c. – No
  - Section 2 d. – Yes
  - Section 4 – Affirmation
  - GFE Method A (Attachment A) – Complete an Attachment A for each of the subcontracting opportunities you listed in Section 2 b.
  
- ❖ If you will be subcontracting any portion of the contract to Texas certified HUB vendors and Non-HUB vendors or only to Non-HUB vendors, and the aggregate percentage of all the subcontracting work you will be awarding to the Texas certified HUB vendors with which you have a continuous contract\* in place for five (5) years or less does not meet or exceed the HUB Goal the contracting agency identified in the “Agency Special Instructions/Additional Requirements”, complete:
  - Section 1 – Respondent and Requisition Information
  - Section 2 a. – Yes, I will be subcontracting portions of the contract
  - Section 2 b. – List all the portions of work you will subcontract, and indicated the percentage of the contract you expect to award to Texas certified HUB vendors and Non-HUB vendors
  - Section 2 c. – No
  - Section 2 d. – No
  - Section 4 – Affirmation
  - GFE Method B (Attachment B) – Complete an Attachment B for each of the subcontracting opportunities you listed in Section 2 b.
  
- ❖ If you will not be subcontracting any portion of the contract and will be fulfilling the entire contract with your own resources, complete:
  - Section 1 – Respondent and Requisition Information
  - Section 2 a. – No, I will not be subcontracting any portion of the contract, and I will be fulfilling the entire contract with my own resources
  - Section 3 – Self Performing Justification
  - Section 4 – Affirmation

\***Continuous Contract:** Any existing written agreement (including any renewals that are exercised) between a prime contractor and a HUB vendor, where the HUB vendor provides the prime contractor with goods or service under the same contract for a specified period of time. The frequency the HUB vendor is utilized or paid during the term of the contract is not relevant to whether the contract is considered continuous. Two or more contracts that run concurrently or overlap one another for different periods of time are considered by CPA to be individual contracts rather than renewals or extensions to the original contract. In such situations the prime contractor and HUB vendor are entering (have entered) into “new” contracts.



# HUB SUBCONTRACTING PLAN (HSP)

In accordance with Texas Gov't Code §2161.252, the contracting agency has determined that subcontracting opportunities are probable under this contract. Therefore, all respondents, including State of Texas certified Historically Underutilized Businesses (HUBs) must complete and submit this State of Texas HUB Subcontracting Plan (HSP) with their response to the bid requisition (solicitation).

**NOTE: Responses that do not include a completed HSP shall be rejected pursuant to Texas Gov't Code §2161.252(b).**

The HUB Program promotes equal business opportunities for economically disadvantaged persons to contract with the State of Texas in accordance with the goals specified in the 2009 State of Texas Disparity Study. The statewide HUB goals defined in 34 Texas Administrative Code (TAC) §20.13 are:

- 11.2 percent for heavy construction other than building contracts,
- 21.1 percent for all building construction, including general contractors and operative builders contracts,
- 32.7 percent for all special trade construction contracts,
- 23.6 percent for professional services contracts,
- 24.6 percent for all other services contracts, and
- 21 percent for commodities contracts.

### - - Agency Special Instructions/Additional Requirements - -

In accordance with 34 TAC §20.14(d)(1)(D)(iii), a respondent (prime contractor) may demonstrate good faith effort to utilize Texas certified HUBs for its subcontracting opportunities if the total value of the respondent's subcontracts with Texas certified HUBs meets or exceeds the statewide HUB goal or the agency specific HUB goal, whichever is higher. When a respondent uses this method to demonstrate good faith effort, the respondent must identify the HUBs with which it will subcontract. If using existing contracts with Texas certified HUBs to satisfy this requirement, only contracts that have been in place for five years or less shall qualify for meeting the HUB goal. This limitation is designed to encourage vendor rotation as recommended by the 2009 Texas Disparity Study.

## SECTION 1 RESPONDENT AND REQUISITION INFORMATION

- a. Respondent (Company) Name: \_\_\_\_\_ State of Texas VID #: \_\_\_\_\_  
 Point of Contact: \_\_\_\_\_ Phone #: \_\_\_\_\_  
 E-mail Address: \_\_\_\_\_ Fax #: \_\_\_\_\_
- b. Is your company a State of Texas certified HUB?  - Yes  - No
- c. Requisition #: \_\_\_\_\_ Bid Open Date: \_\_\_\_\_

(mm/dd/yyyy)



Enter your company's name here: \_\_\_\_\_

Requisition #: \_\_\_\_\_

**SECTION 2 SUBCONTRACTING INTENTIONS**

After dividing the contract work into reasonable lots or portions to the extent consistent with prudent industry practices, and taking into consideration the scope of work to be performed under the proposed contract, including all potential subcontracting opportunities, the respondent must determine what portions of work, including goods and services, will be subcontracted. Note: In accordance with 34 TAC §20.11., an "Subcontractor" means a person who contracts with a prime contractor to work, to supply commodities, or to contribute toward completing work for a governmental entity.

a. Check the appropriate box (Yes or No) that identifies your subcontracting intentions:

- **Yes**, I will be subcontracting portions of the contract. (If **Yes**, complete Item b, of this SECTION and continue to Item c of this SECTION.)
- **No**, I will not be subcontracting any portion of the contract, and I will be fulfilling the entire contract with my own resources. (If **No**, continue to SECTION 3 and SECTION 4.)

b. List all the portions of work (subcontracting opportunities) you will subcontract. Also, based on the total value of the contract, identify the percentages of the contract you expect to award to Texas certified HUBs, and the percentage of the contract you expect to award to vendors that are not a Texas certified HUB (i.e., Non-HUB).

Item #	Subcontracting Opportunity Description	HUBs		Non-HUBs
		Percentage of the contract expected to be subcontracted to HUBs with which you have a <u>continuous contract</u> * in place for five (5) years or less.	Percentage of the contract expected to be subcontracted to HUBs with which you have a <u>continuous contract</u> * in place for more than five (5) years.	Percentage of the contract expected to be subcontracted to non-HUBs .
1		%	%	%
2		%	%	%
3		%	%	%
4		%	%	%
5		%	%	%
6		%	%	%
7		%	%	%
8		%	%	%
9		%	%	%
10		%	%	%
11		%	%	%
12		%	%	%
13		%	%	%
14		%	%	%
15		%	%	%
Aggregate percentages of the contract expected to be subcontracted:		%	%	%

(Note: If you have more than fifteen subcontracting opportunities, a continuation sheet is available online at <http://window.state.tx.us/procurement/prog/hub/hub-subcontracting-plan/>)

c. Check the appropriate box (Yes or No) that indicates whether you will be using only Texas certified HUBs to perform all of the subcontracting opportunities you listed in SECTION 2, Item b.

- **Yes** (If **Yes**, continue to SECTION 4 and complete an "HSP Good Faith Effort - Method A (Attachment A)" for each of the subcontracting opportunities you listed.)
- **No** (If **No**, continue to Item d, of this SECTION.)

d. Check the appropriate box (Yes or No) that indicates whether the **aggregate expected percentage** of the contract you will subcontract with Texas certified HUBs with which you have a continuous contract\* in place with for five (5) years or less meets or exceeds the HUB goal the contracting agency identified on page 1 in the "Agency Special Instructions/Additional Requirements".

- **Yes** (If **Yes**, continue to SECTION 4 and complete an "HSP Good Faith Effort - Method A (Attachment A)" for each of the subcontracting opportunities you listed.)
- **No** (If **No**, continue to SECTION 4 and complete an "HSP Good Faith Effort - Method B (Attachment B)" for each of the subcontracting opportunities you listed.)

*\*Continuous Contract: Any existing written agreement (including any renewals that are exercised) between a prime contractor and a HUB vendor, where the HUB vendor provides the prime contractor with goods or service under the same contract for a specified period of time. The frequency the HUB vendor is utilized or paid during the term of the contract is not relevant to whether the contract is considered continuous. Two or more contracts that run concurrently or overlap one another for different periods of time are considered by CPA to be individual contracts rather than renewals or extensions to the original contract. In such situations the prime contractor and HUB vendor are entering (have entered) into "new" contracts.*



Enter your company's name here: \_\_\_\_\_ Requisition #: \_\_\_\_\_

**SECTION 3 SELF PERFORMING JUSTIFICATION (If you responded "No" to SECTION 2, Item a, you must complete this SECTION and continue to SECTION 4.)**

Check the appropriate box (Yes or No) that indicates whether your response/proposal contains an explanation demonstrating how your company will fulfill the entire contract with its own resources.

- Yes (If **Yes**, in the space provided below **list the specific page(s)/section(s)** of your proposal which explains how your company will perform the entire contract with its own equipment, supplies, materials and/or employees.)
- No (If **No**, in the space provided below **explain how** your company will perform the entire contract with its own equipment, supplies, materials and/or employees.)

**SECTION 4 AFFIRMATION**

As evidenced by my signature below, I affirm that I am an authorized representative of the respondent listed in SECTION 1, and that the information and supporting documentation submitted with the HSP is true and correct. Respondent understands and agrees that, if awarded any portion of the requisition:

- The respondent will provide notice as soon as practical to **all** the subcontractors (HUBs and Non-HUBs) of their selection as a subcontractor for the awarded contract. The notice must specify at a minimum the contracting agency's name and its point of contact for the contract, the contract award number, the subcontracting opportunity they (the subcontractor) will perform, the approximate dollar value of the subcontracting opportunity and the expected percentage of the total contract that the subcontracting opportunity represents. A copy of the notice required by this section must also be provided to the contracting agency's point of contact for the contract no later than ten (10) working days after the contract is awarded.
- The respondent must submit monthly compliance reports (Prime Contractor Progress Assessment Report – PAR) to the contracting agency, verifying its compliance with the HSP, including the use of and expenditures made to its subcontractors (HUBs and Non-HUBs). (The PAR is available at <http://www.window.state.tx.us/procurement/prog/hub/hub-forms/progressassessmentrpt.xls>).
- The respondent must seek approval from the contracting agency prior to making any modifications to its HSP, including the hiring of additional or different subcontractors and the termination of a subcontractor the respondent identified in its HSP. If the HSP is modified without the contracting agency's prior approval, respondent may be subject to any and all enforcement remedies available under the contract or otherwise available by law, up to and including debarment from all state contracting.
- The respondent must, upon request, allow the contracting agency to perform on-site reviews of the company's headquarters and/or work-site where services are being performed and must provide documentation regarding staffing and other resources.

_____ Signature	_____ Printed Name	_____ Title	_____ Date (mm/dd/yyyy)
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- REMINDER:**
- If you responded "Yes" to SECTION 2, Items c or d, you must complete an "HSP Good Faith Effort - Method A (Attachment A)" for each of the subcontracting opportunities you listed in SECTION 2, Item b.
  - If you responded "No" SECTION 2, Items c and d, you must complete an "HSP Good Faith Effort - Method B (Attachment B)" for each of the subcontracting opportunities you listed in SECTION 2, Item b.



# HSP Good Faith Effort - Method B (Attachment B)

Enter your company's name here: _____	Requisition #: _____
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**IMPORTANT:** If you responded "No" to SECTION 2, Items c and d of the completed HSP form, you must submit a completed "HSP Good Faith Effort - Method B (Attachment B)" for each of the subcontracting opportunities you listed in SECTION 2, Item b of the completed HSP form. You may photo-copy this page or download the form at <http://www.window.state.tx.us/procurement/prog/hub/hub-forms/HUBSubcontractingPlanAttachment-B.doc>

## SECTION B-1 SUBCONTRACTING OPPORTUNITY

Enter the item number and description of the subcontracting opportunity you listed in SECTION 2, Item b, of the completed HSP form for which you are completing this attachment.

Item #: \_\_\_\_\_ Description: \_\_\_\_\_

## SECTION B-2 MENTOR PROTÉGÉ PROGRAM

If respondent is participating as a Mentor in a State of Texas Mentor Protégé Program, submitting its Protégé (Protégé must be a State of Texas certified HUB) as a subcontractor to perform the subcontracting opportunity listed in SECTION B-1, constitutes a good faith effort to subcontract with a Texas certified HUB towards that specific portion of work.

Check the appropriate box (Yes or No) that indicates whether you will be subcontracting the portion of work you listed in SECTION B-1 to your Protégé.

- Yes (If Yes, to continue to SECTION B-4.)
- No / Not Applicable (If No or *Not Applicable*, continue to SECTION B-3 and SECTION B-4.)

## SECTION B-3 NOTIFICATION OF SUBCONTRACTING OPPORTUNITY

When completing this section you MUST comply with items a, b, c and d, thereby demonstrating your Good Faith Effort of having notified Texas certified HUBs and minority or women trade organizations or development centers about the subcontracting opportunity you listed in SECTION B-1. Your notice should include the scope of work, information regarding the location to review plans and specifications, bonding and insurance requirements, required qualifications, and identify a contact person. When sending notice of your subcontracting opportunity, you are encouraged to use the attached HUB Subcontracting Opportunity Notice form, which is also available online at <http://www.window.state.tx.us/procurement/prog/hub/hub-subcontracting-plan/>

Retain supporting documentation (i.e., certified letter, fax, e-mail) demonstrating evidence of your good faith effort to notify the Texas certified HUBs and minority or women trade organizations or development centers. Also, be mindful that a working day is considered a normal business day of a state agency, not including weekends, federal or state holidays, or days the agency is declared closed by its executive officer. The initial day the subcontracting opportunity notice is sent/provided to the HUBs and to the minority or women trade organizations or development centers is considered to be "day zero" and does not count as one of the seven (7) working days.

- a. Provide written notification of the subcontracting opportunity you listed in SECTION B-1, to three (3) or more Texas certified HUBs. Unless the contracting agency specified a different time period, you must allow the HUBs at least seven (7) working days to respond to the notice prior to your submitting your bid response to the contracting agency. When searching for Texas certified HUBs, ensure that you use the State of Texas' Centralized Master Bidders List (CMBL) and Historically Underutilized Business (HUB) Search directory located at <http://www.window.state.tx.us/procurement/cmb/cmbhub.html>. HUB Status code "A" signifies that the company is a Texas certified HUB.
- b. List the three (3) Texas certified HUBs you notified regarding the subcontracting opportunity you listed in SECTION B-1. Include the company's Vendor ID (VID) number, the date you sent notice to that company, and indicate whether it was responsive or non-responsive to your subcontracting opportunity notice.

Company Name	VID #	Date Notice Sent (mm/dd/yyyy)	Did the HUB Respond?
			<input type="checkbox"/> - Yes <input type="checkbox"/> - No
			<input type="checkbox"/> - Yes <input type="checkbox"/> - No
			<input type="checkbox"/> - Yes <input type="checkbox"/> - No

- c. Provide written notification of the subcontracting opportunity you listed in SECTION B-1 to two (2) or more minority or women trade organizations or development centers in Texas to assist in identifying potential HUBs by disseminating the subcontracting opportunity to their members/participants. Unless the contracting agency specified a different time period, you must provide your subcontracting opportunity notice to minority or women trade organizations or development centers at least seven (7) working days prior to submitting your bid response to the contracting agency. A list of trade organizations and development centers that have expressed an interest in receiving notices of subcontracting opportunities is available on the Statewide HUB Program's webpage at <http://www.window.state.tx.us/procurement/prog/hub/mwb-links-1/>
- d. List two (2) minority or women trade organizations or development centers you notified regarding the subcontracting opportunity you listed in SECTION B-1. Include the date when you sent notice to it and indicate if it accepted or rejected your notice.

Minority/Women Trade Organizations or Development Centers	Date Notice Sent (mm/dd/yyyy)	Was the Notice Accepted?
		<input type="checkbox"/> - Yes <input type="checkbox"/> - No
		<input type="checkbox"/> - Yes <input type="checkbox"/> - No

# HSP Good Faith Effort - Method B (Attachment B) *Cont.*

Enter your company's name here: _____	Requisition #: _____
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## SECTION B-4 SUBCONTRACTOR SELECTION

a. Enter the item number and description of the subcontracting opportunity for which you are completing this Attachment B continuation page.

Item #: \_\_\_\_\_ Description: \_\_\_\_\_

b. List the subcontractor(s) you selected to perform the subcontracting opportunity you listed in SECTION B-1. Also identify whether they are a Texas certified HUB and their VID number, the approximate dollar value of the work to be subcontracted, the expected percentage of work to be subcontracted, and indicate whether the company is a Texas certified HUB.

Company Name	Texas certified HUB	VID # <small>(Required if Texas certified HUB)</small>	Approximate Dollar Amount	Expected Percentage of Contract
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%

c. If any of the subcontractors you have selected to perform the subcontracting opportunity you listed in SECTION B-1 is **not** a Texas certified HUB, provide written justification for your selection process (attach additional page if necessary):

**REMINDER:** As specified in SECTION 4 of the completed HSP form, if you (respondent) are awarded any portion of the requisition, you are required to provide notice as soon as practical to **all** the subcontractors (HUBs and Non-HUBs) of their selection as a subcontractor. The notice must specify at a minimum the contracting agency's name and its point of contact for the contract, the contract award number, the subcontracting opportunity it (the subcontractor) will perform, the approximate dollar value of the subcontracting opportunity and the expected percentage of the total contract that the subcontracting opportunity represents. A copy of the notice required by this section must also be provided to the contracting agency's point of contact for the contract no later than ten (10) working days after the contract is awarded.



# HUB Subcontracting Opportunity Notification Form

In accordance with Texas Gov't Code, Chapter 2161, each state agency that considers entering into a contract with an expected value of \$100,000 or more shall, before the agency solicits bids, proposals, offers, or other applicable expressions of interest, determine whether subcontracting opportunities are probable under the contract. The state agency I have identified below in **Section B** has determined that subcontracting opportunities are probable under the requisition to which my company will be responding.

34 Texas Administrative Code, §20.14 requires all respondents (prime contractors) bidding on the contract to provide notice of each of their subcontracting opportunities to at least three (3) Texas certified HUBs (who work within the respective industry applicable to the subcontracting opportunity), and allow the HUBs at least seven (7) working days to respond to the notice prior to the respondent submitting its bid response to the contracting agency. In addition, the respondent must provide notice of each of its subcontracting opportunities to two (2) or more minority or women trade organizations or development centers at least seven (7) working days prior to submitting its bid response to the contracting agency.

We respectfully request that vendors interested in bidding on the subcontracting opportunity scope of work identified in **Section C, Item 2**, reply no later than the date and time identified in **Section C, Item 1**. Submit your response to the point-of-contact referenced in **Section A**.

<b>Section A</b>	<b>PRIME CONTRACTOR'S INFORMATION</b>	
Company Name:	_____	State of Texas VID #: _____
Point-of-Contact:	_____	Phone #: _____
E-mail Address:	_____	Fax #: _____

<b>Section B</b>	<b>CONTRACTING STATE AGENCY AND REQUISITION INFORMATION</b>	
Agency Name:	_____	
Point-of-Contact:	_____	Phone #: _____
Requisition #:	_____	Bid Open Date: _____ <small>(mm/dd/yyyy)</small>

<b>Section C</b>	<b>SUBCONTRACTING OPPORTUNITY RESPONSE DUE DATE, DESCRIPTION, REQUIREMENTS AND RELATED INFORMATION</b>	
1. <b>Potential Subcontractor's Bid Response Due Date:</b>	<p>If you would like for our company to consider your company's bid for the subcontracting opportunity identified below in Item 2, we must receive your bid response no later than <input type="text" value="Select"/> Central Time on: _____  <div style="text-align: right;">Date (mm/dd/yyyy)</div></p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><small>In accordance with 34 TAC §20.14, each notice of subcontracting opportunity shall be provided to at least three (3) Texas certified HUBs, and allow the HUBs at least seven (7) working days to respond to the notice prior to submitting our bid response to the contracting agency. In addition, we must provide the same notice to two (2) or more minority or women trade organizations or development centers at least seven (7) working days prior to submitting our bid response to the contracting agency.</small></p> <p><small>(A working day is considered a normal business day of a state agency, not including weekends, federal or state holidays, or days the agency is declared closed by its executive officer. The initial day the subcontracting opportunity notice is sent/provided to the HUBs and to the minority or women trade organizations or development centers is considered to be "day zero" and does not count as one of the seven (7) working days.)</small></p> </div>	
2. <b>Subcontracting Opportunity Scope of Work:</b>		
3. <b>Required Qualifications:</b> <input type="checkbox"/> - Not Applicable		
4. <b>Bonding/Insurance Requirements:</b> <input type="checkbox"/> - Not Applicable		
5. <b>Location to review plans/specifications:</b> <input type="checkbox"/> - Not Applicable		