



CITY OF BANDERA

511 Main St. • PO Box 896 • Bandera, Texas 78003 • P: (830) 796-3765 • F: (830) 796-4247

REQUEST FOR QUALIFICATIONS FOR ENGINEERING SERVICES

Wastewater Treatment Plant Project

QUALIFICATIONS ARE DUE ON OR BEFORE 3:00 P.M. CST ON OCTOBER 8, 2021.

I. PROJECT DESCRIPTION

The purpose of the project is...

II. SCOPE OF WORK

- A. Perform initial surveys, soil and all necessary studies as necessary for design.
- B. Prepare preliminary and final design plans and specifications and cost estimate.
- C. Prepare bid and final contract documents and receive approvals as applicable.
- D. Coordinate bid process and contract award.
- E. Assure construction contract compliance with EDA grant requirements.
- F. Review and approve change orders.
- G. Administer construction oversight.
- H. Conduct all field testing and inspections.
- I. Prepare as-built record drawings and provide in digital format.
- J. Provide other engineering services as required to complete the project.

III. TECHNICAL KNOWLEDGE AND EXPERTISE

The successful firm will be registered to practice in the State of Texas and be proficient in the following areas:

- A. Designing public works projects, preferably with EDA for federal funding
- B. Obtaining all necessary environmental and regulatory permits
- C. Municipal concrete roadway projects
- D. Drainage analysis and design
- E. Stormwater pollution prevention
- F. Utility adjustment and accommodation
- G. Construction management and inspection

IV. SELECTION PROCESS

The RFQ provides information necessary to prepare and submit a State of Qualifications (SOQ) for consideration and ranking by the City of Bandera. For the ranking, a point system will be used by the elevation committee to rank the firms in order of the most qualified to perform the services, and determine if presentations are required by the top ranking firms.

By submitting its SOQ in response to the RFQ, respondent accepts the evaluation process as outlined in the SOQ Requirements and Evaluation section which follows:

Criteria	Points
Qualifications & Availability	15
Proposed Staff	20
Project Experience	40
Project Approach & Performance	25
Total	100

V. STATEMENT OF QUALIFICATION (SOQ) REQUIREMENTS

Respondents shall carefully read the information in the following evaluation criteria and submit a complete SOQ to all questions in the RFQ as formatted below. See Attachment A for the Rating Sheet.

A. Qualifications & Availability 15 points

Provide the following:

- Legal name of the firm and Texas Registered Engineering Firm Number
- Location of office that will be conducting the work
- Contact persons
- Date of firm formation
- Legal business description (individual, partnership, corporation, etc.)
- Summary of any litigation, claims, or contract disputed filed by or against the firm in the past five (5) years related to the services that the firm provided in the regular course of business
- Proof of professional liability insurance (certificate of insurance)
- Conflict of Interest: provide a state of any conflicts the proposing entity or key employees may have regarding these services, to include conflicts or working relationships that may be perceived by disinterested parties as a conflict. If no conflicts of interest are identified, provide statement to that effect.
- System for Award Management: The Consultant Firm must not be debarred or suspended from the Excluded Parties List (EPLS) in the System for Award Management (SAM) and have an active registration with the SAM (www.SAM.gov). Please include verification.
- Form CIQ (Attachment B): Texas Local Government Code Chapter 176 required that any vendor or person who enters or seeks to enter into a contract with a local government entity discloses in the Questionnaire Form CIQ the person's or vendor's employment, affiliation, business relationship, family relationship or provision of gifts that might cause a conflict of interest with a local government entity. Questionnaire Form CIQ is included in the RFQ and must be submitted with the response.
- Certification Regarding Lobbying (Attachment C): Certification for Contracts, Grants, Loans, and Cooperative Agreements is included in the RFQ and must be submitted with the response.
- Texas HB 1295 (Attachment D): Effective January 1, 2016, all contract and contract amendments, extensions, or renewals executed by the City Council will require the completion of Form 1295 "Certificate of Interested Parties" pursuant to Government Code 2252.908. Form 1295 must be completed by awarded or vendor at time of signed contract submission. The required forms can be found at www.ethics.state.tx.us/file for your reference.
- Required Contract Provisions (Attachment E): Applicable provisions enclosed in Exhibit D must be included in all contract executed as a result of this RFQ.

B. Proposed Staff **20 Points**

Provide the following:

- Organizational chart for proposed project personnel, including subconsultants, with licensure information.
- Names and roles of key proposed project personnel and their office locations
- Resumes for all key personnel highlighting previous experience on similar projects
- Staffing size by area of expertise
- Staff availability for this project

C. Project Experience **40 Points**

Provide the following:

- Overview and brief history of the firm
- Similar projects completed within the last ten (10) years to include:
 - Project name and location
 - Services provided
 - Date of completion
 - Client name and contact
 - Grant program and funding source if applicable – Final construction cost vs engineer’s estimate (OPC)
 - Adherence to project schedule

D. Project Approach & Performance **25 Points**

Provide the following:

- Explanation on assessing and designing the project
- Example of typical project design schedule
- Minimum of three (3) references or reference statements with contact information for verification

VI. CONTRACTING WITH SMALL BUSINESSES, AND MINORITY BUSINESS ENTERPRISES, WOMEN’S BUSINESS ENTERPRISES, AND LABOR SURPLUS AREA FIRMS

Small and minority businesses, women’s businesses enterprises, and labor surplus area firms are encouraged to participate in this RFQ. If any subcontractor or subconsultants are used by the awarded, prime firm, the prime firm is required to take the following affirmative steps:

- A. Place qualified small and minority businesses and women’s business enterprises on solicitation lists.
- B. Assure small and minority businesses, and women’s business enterprises are solicited whenever they are potential sources.
- C. Divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses and women’s business enterprises.
- D. Establish delivery schedules, where the requirement permits, which encourage participation by small and minority businesses and women’s business enterprises.
- E. Use the service and assistance, as appropriate, or organizations such as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.

VII. DEADLINE FOR SUBMISSION

The complete submittal package, consisting of one (1) digital copy and three (3) physical copies in a sealed package clearly marked CONFIDENTIAL RFQ – Engineering Services must be received no later than 3:00 PM Friday, October 8, 2021, at the following address:

City of Bandera
511 Main Street
PO Box 896
Bandera, TX 78003

If original is in color, please submit the copies in color and mark "Copy").

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

VIII. PUBLIC INFORMATION

The City of Bandera is a political subdivision of the State and is subject to the Texas Public Information Act. Any information submitted to the City is presumed to be public information and available to the public as it would be for any County document. Any information or materials submitted to the City, including financial information that the Respondent submits belongs to the City. If the proposer considers the information to be confidential, it must be clearly and conspicuously marked "CONFIDENTIAL" on each page containing confidential information. If a request is made for copies of the information marked Confidential, the City will advise the Respondent of the request. If requested by the Respondent, the City will request an opinion from the Texas Attorney General's Office as to whether the information is subject to disclosure under the Texas Public Information Act. The Respondent shall be responsible for timely providing information to the Texas Attorney General to substantiate its claim that the information is not subject to disclosure. The City will abide by the decision of the Texas Attorney General.

Confidential/Proprietary: Please clearly mark "Confidential/Proprietary" on any information that you seek to protect from public disclosure under the Texas Public Information Act TX GOV. SECTION 552 et al and submit such information in a separately marked envelope. The City cannot assure any firm that information that is marked "Confidential/Proprietary" will remain private, however, in the event of a request for such information under the Public Information Act, the City will timely notify you in writing of the request.

IX. NO REIMBURSEMENT FOR COSTS

Respondent acknowledges and accepts that the City will not reimburse Respondent for any costs incurred by Respondent in responding to this RFQ or otherwise participating in this selection process.

ATTACHMENT "A"

ENGINEER/ARCHITECT/SURVERYOR RATING SHEET

Grant Recipient: _____

Name of Respondent: _____

EDA Date of Rating: _____

Evaluator's Code: _____

Experience: Rate the Respondent for experience in the following areas:

Qualifications & Availability

<u>Factors</u>	<u>Max Pts.</u>	<u>Score</u>
Has previously designed similar projects	5	_____
Has worked on federally funded construction projects	5	_____
Has worked on projects that were located in this general region	5	_____
Subtotal	15	_____

Proposed Staff

<u>Factors</u>	<u>Max Pts.</u>	<u>Score</u>
Staff level/experience of staff	5	_____
Adequacy of resources	10	_____
Professional liability insurance is in force	5	_____
Subtotal	20	_____

Project Experience

<u>Factors</u>	<u>Max Pts.</u>	<u>Score</u>
Past projects completed on schedule	5	_____
Manages projects within budgetary constraints	10	_____
Work product is of high quality	15	_____
Extent of experience in project construction management	5	_____
Experience with EDA funded projects	5	_____
Subtotal	40	_____

Project Approach & Performance

<u>Factors</u>	<u>Max Pts.</u>	<u>Score</u>
Project design explanation and example project schedule	10	_____
References	15	_____
Subtotal	25	_____

TOTAL SCORE

<u>Factors</u>	<u>Max Pts.</u>	<u>Score</u>
Qualifications & Availability	15	_____
Proposed Staff	20	_____
Project Experience	40	_____
Project Approach & Performance	25	_____
Total Score	100	_____

ATTACHMENT "B"

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor doing business with local government entity

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local government entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local government's entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statements to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1. Name of vendor who has a business relationship with local government entity:

2. Check this box if you are filing an update to a previously filed questionnaire. (The law required that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3. Name of local government officer about whom the information has been disclosed.

4. Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

Yes

No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or family member of the officer AND the taxable income is not received from the local government entity?

Yes

No

5. Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

6. Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7.

Signature of vendor doing business with the government entity

Date

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local government entity

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

Local Government Code §176.001(1-a): “Business relationship” means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local government entity or an agency of a federal, state, or local government entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code §176.003(a)(2)(A) and (B):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

(i) a contract between the local government entity and vendor has been executed; or

(ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

(i) a contract between the local government entity and vendor has been executed; or

(ii) the local government entity is considering entering into a contract with the vendor.

Local Government Code §176.006(a) and (a-1):

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local government entity and:

(1) has an employment or other business relationship with a local government officer of that local government entity, or a family member of the officer, described in Section 176.003(a)(2)(A);

(2) has given a local government officer of that local government entity, or a family member of the office, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by section 176.003(a-1); or

(3) has a family relationship with a local government officer of that local government entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

(A) begins discussions or negotiations to enter into a contract with the local governmental entity; or

(B) submits to the local government entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

(A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);

(B) that the vendor has given one or more gifts described by Subsection (a) or

(C) of a family relationship with a local government officer.

ATTACHMENT "C"

CERTIFICATION REGARDING LOBBYING
(To be submitted with each bid or offer exceeding \$100,000)

The undersigned certifies, to the best of his or her knowledge and belief, that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(c) The undersigned shall require that the language paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all County s shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995).

The Contractor, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. § 3801 et seq., apply to this certification and disclosure, if any.

Signature of Contractor's Authorized Official

Date

Printed Name and Title of Contractor's Authorized Official

ATTACHMENT "D"

CERTIFICATE OF INTERESTED PARTIES

Form 1295

CERTIFICATE OF INTERESTED PARTIES		FORM 1295	
Complete Nos. 1 - 4 and 6 if there are interested parties. Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.		OFFICE USE ONLY	
1 Name of business entity filing form, and the city, state and country of the business entity's place of business.		Must file online at www.ethics.state.tx.us/File	
2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.			
3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.			
4		Nature of Interest (check applicable)	
Name of Interested Party	City, State, Country (place of business)	Controlling	Intermediary
5 Check only if there is NO Interested Party. <input type="checkbox"/>			
6 UNSWORN DECLARATION My name is _____, and my date of birth is _____ My address _____ (street) _____ (city) _____ (state) _____ (zip code) _____ (country) I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of _____, on the _____ day of _____, 20____ (month) (year) <div style="text-align: center; margin-top: 20px;"> _____ Signature of authorized agent of contracting business entity (Declarant) </div>			
ADD ADDITIONAL PAGES AS NECESSARY			

ATTACHMENT “E”

REQUIRED CONTRACT PROVISIONS

2 CFR Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

(A) Contracts for more than the simplified acquisition threshold, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by [41 U.S.C. 1908](#), must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

(C) Equal Employment Opportunity. Except as otherwise provided under [41 CFR Part 60](#), all contracts that meet the definition of “federally assisted construction contract” in [41 CFR Part 60-1.3](#) must include the equal opportunity clause provided under [41 CFR 60-1.4\(b\)](#), in accordance with [Executive Order 11246](#), “Equal Employment Opportunity” ([30 FR 12319](#), 12935, [3 CFR Part, 1964-1965 Comp.](#), p. 339), as amended by [Executive Order 11375](#), “Amending [Executive Order 11246](#) Relating to Equal Employment Opportunity,” and implementing regulations at [41 CFR part 60](#), “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”

(D) [Davis-Bacon Act](#), as amended ([40 U.S.C. 3141-3148](#)). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the [Davis-Bacon Act](#) ([40 U.S.C. 3141-3144](#), and [3146-3148](#)) as supplemented by Department of Labor regulations ([29 CFR Part 5](#), “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act ([40 U.S.C. 3145](#)), as supplemented by Department of Labor regulations ([29 CFR Part 3](#), “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(E) [Contract Work Hours and Safety Standards Act](#) ([40 U.S.C. 3701-3708](#)). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with [40 U.S.C. 3702](#) and [3704](#), as supplemented by Department of Labor regulations ([29 CFR Part 5](#)). Under [40 U.S.C. 3702](#) of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of [40 U.S.C. 3704](#) are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are

unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of “funding agreement” under [37 CFR § 401.2](#) (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of [37 CFR Part 401](#), “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

(G) Clean Air Act ([42 U.S.C. 7401-7671q](#).) and the **Federal Water Pollution Control Act** ([33 U.S.C. 1251-1387](#)), as amended - Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the **Clean Air Act** ([42 U.S.C. 7401-7671q](#)) and the **Federal Water Pollution Control Act** as amended ([33 U.S.C. 1251-1387](#)). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Debarment and Suspension (Executive Orders 12549 and 12689) - A contract award (see [2 CFR 180.220](#)) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at [2 CFR 180](#) that implement Executive Orders 12549 ([3 CFR part 1986](#) Comp., p. 189) and 12689 ([3 CFR part 1989](#) Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than [Executive Order 12549](#).

(I) Byrd Anti-Lobbying Amendment ([31 U.S.C. 1352](#)) - Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by [31 U.S.C. 1352](#). Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(J) See [§ 200.323](#).

(K) See [§ 200.216](#).

(L) See [§ 200.322](#).

[[78 FR 78608](#), Dec. 26, 2013, as amended at [79 FR 75888](#), Dec. 19, 2014; [85 FR 49577](#), Aug. 13, 2020]