



***Request for Competitive Sealed Proposals***

***for***

**GENERAL CONTRACTOR  
SERVICES**

***Fairview Cemetery Improvements Project***

***RFP #1012-19-01***

February 1, 2019

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# Request for Proposals

## Section 1. Procurement Background

### 1.1 General Notice

The Town of Pecos City (“Owner”) extends this Request for Proposal (“RFP”) to solicit Competitive Sealed Proposals (“Proposal”) from any interested party (“Proposer”) for General Contractor Services for the Fairview Cemetery Improvements Project (“Project”)

The Owner will use the Competitive Sealed Proposal method. The procurement and the provision of Services will be in accordance with the Texas Government Code Chapter 2269 and this RFP. The Owner will use a one-step process and select the Proposer that offers the best value for the Owner based on the evaluation criteria and weighting described in this RFP. Services required consist of Pre-Construction Phase and Construction Phase Services (“Services”) as more fully described in the RFP Attachment C (Scope of Services) and RFP Attachment D (Draft Construction Contract). The Owner intends to enter into a Construction Contract (“Contract”) with the successful Proposer.

Proposals shall be submitted in accordance with the requirements set forth in this RFP, including the format and content guidelines in Section 4. The capitalized terms in this RFP have the meanings as first used in the text of this RFP and/or as defined in Attachment A -Definition of Terms.

At completion of the evaluation process the Owner will select a Proposer to enter into negotiations for award of the Construction Contract

**This RFP is subject to revision after the date of issuance via written addenda.** Any such addenda will be issued based on the list of potential Proposers maintained by the Owner Representative. It is each Proposer’s responsibility, however, to obtain all RFP addenda prior to submitting its Proposal.

The Owner assumes no obligations, responsibilities and liabilities, fiscal or otherwise, to reimburse all or part of the costs incurred or alleged to have been incurred by parties considering and developing a response to and/or responding to this RFP. All such costs shall be borne solely by each Proposer.

### 1.2 RFP Organization

This RFP consists of:

- Section 1: Procurement Background
- Section 2: Project Overview
- Section 3: Procurement Process
- Section 4: Proposal Submission Requirements
- Section 6: Proposal Evaluation and Selection
- Section 7: Conditions for Proposers

- Attachment A: Definition of Terms
- Attachment B: Proposal Forms
- Attachment C: Scope of Construction Services
- Attachment D: Construction Contract (to be issued by addendum)
- Attachment E: Project Requirements

The contents of the RFP Attachments take priority over any conflicting statements in the RFP Sections. The Owner is providing this RFP and Attachments only for the purpose of obtaining Proposals for the Project and does not confer a license or grant for any other use.

### 1.3 Owner's Objectives

The Owner's objectives for delivery of the Project are as follows:

- **Quality:** Provide an attractive perimeter fence that honors those whom are remembered within as well as brings pride to the community.
- **Cost:** Control initial capital costs and minimize life-cycle costs.
- **Schedule:** The Owner would like the project to be completed by June 30, 2019.
- **Risk:** Achieve an optimal balance of risk allocation between the Owner and the General Contractor.
- **Safety:** Implement an effective safety program incorporating industry best practices.

The Owner's expectations are that the General Contractor will work in close collaboration with the Owner during the Pre-Construction and Construction Services phases to achieve the Project objectives.

## Section 2. Project Overview

### 2.1 Project Scope

The Town of Pecos City owns and maintains the Fairview Cemetery located on Eddy Street. This memorial cemetery has served the community for generations as a place to honor loved ones that have gone before us. The Owner desires to complete a Project that allows citizens to Honor the Past While Looking to the Future.

The project will include, but is not limited to: limited geotechnical testing of the soils to determine appropriate foundations/footings for the perimeter improvements; design of attractive perimeter improvements that will last for generations; construction of the perimeter improvements; assistance with presentations to community stakeholders; and warranty services upon construction completion.

Further requirements regarding scope, design standards and performance are described in more detail in Attachment E (Project Requirements)

## 2.2 Project Budget

The total cost allocation for this Project is \$500,000.00 dollars.

## 2.3 Project Schedule

The Owner desires the improvements to be completed by June 30, 2019.

## 2.4 Construction Services

As noted in Section 1 and more fully described in Attachment C (Scope of Services), the General Contractor will provide services that generally encompass completing the Project's construction.

# Section 3. Procurement Process

## 3.1 Acknowledgement of RFP

Each potential Proposer shall provide the Owner Representative, within **five (5) business days** of receipt of this RFP, an acknowledgement that it has received the RFP and is a potential Proposer. Such acknowledgement shall identify and provide full contact information for the Proposer Contact (name of firm, point of contact person, mailing address, phone number, email address), who shall be the Proposer's single point of contact for the receipt of any future documents, notices and addenda associated with this RFP. Such acknowledgement must be electronically transmitted to the Owner Representative.

## 3.2 Communications and Owner Representative

Howdy Lisenbee, with the Town of Pecos City, will act on behalf of the Owner and be the sole point of contact for this RFP and shall administer the RFP process. All communications shall be submitted by email, and shall specifically reference this RFP. All questions or comments should be directed to the Owner Representative as follows:

Howdy Lisenbee: [hlisenbee@pecostx.gov](mailto:hlisenbee@pecostx.gov)

To ensure fairness during the procurement process, until the Contract is executed, Proposers and their employees, representatives and agents shall not contact an Owner staff, member of selection committee, City Council member, or any other official, employee, representative or consultant of the Owner involved with this procurement process other than the Owner Representative identified above and Consultants:

A violation of this provision may result in disqualification of Proposer.

Prior to the Proposal submission deadline stated in this RFP, submit all questions about the meaning or intent of

the RFP, Addenda and the related supplemental information to the Owner Representative as indicated in the RFP. Interpretations or clarifications considered necessary by the Owner in response to such questions will be issued by addenda. Addenda will be sent via email. Other questions will be answered via email. Questions received after May 25, 2018 at 5:00 PM will not be answered.

All communications are subject to distribution to all Proposers except that Owner will endeavor to prevent disclosure to other Proposers' information unique to a particular Proposer or otherwise identified as proprietary or confidential by a Proposer. The Owner will share with all Proposers all addenda to this RFP including any revisions based on its review of Proposer comments and questions concerning this RFP. The Owner disclaims the accuracy of information derived from any source other than the Owner Representative Contact identified above, and the use of any such information is at the sole risk of the Proposer. Only answers and responses issued by formal addenda shall be final and binding upon the Owner. Oral and other interpretations shall be without legal effect and Proposer shall not rely on such oral and other interpretations.

### 3.3 Procurement Schedule

The current procurement schedule is as follows:

Activity	Date(s)
RFP Issuance	February 1, 2019
Proposal Preparation Period	Feb. 1 – 22, 2019
Optional Pre-Proposal Meeting and Site Visit	February 12, 2019
Submission of Proposals	February 22, 2019
Owner Review and Evaluation of Proposals	February 25, 2019
Interview Period	Feb. 26-28, 2019
Selection & Contract Negotiations	March 1 - 6, 2019
Approval of Contract by the City Council	March 14, 2019
Notice to Proceed	March 18, 2019

### 3.4 Interviews

The Owner, at its sole discretion, may choose to conduct interviews with any or all Proposers to provide Proposers a better opportunity to demonstrate their qualifications and experience and how they can provide the best value to the Owner for this Project.

If the Owner chooses to conduct interviews Proposers will be notified of:

- The time and place for the interview.
- Interview format and agenda.
- Individuals that are expected to participate in the interview as a minimum.

Failure to participate in the interview may result in disqualification from consideration for the Project.

### 3.5 Optional Pre-Proposal Meeting and Site Tour

Owner will conduct an optional pre-Proposal meeting for those interested in responding to the RFP. The meeting will be held at **the Town of Pecos City – City Hall, City Council Chambers on February 12, 2019, starting at 11:00 a.m.** At this meeting, the Owner’s Representative will offer information about the Project and the procurement process. Those who attend the pre-Proposal meeting will have the opportunity and option to tour the Project site following the meeting to familiarize themselves with site conditions and constraints.

### 3.6 RFP

Proposers shall use the complete RFP in preparing the Proposals; neither Owner nor Owner’s Representatives and Consultants assumes any responsibility for errors or misinterpretations resulting from the use of an incomplete RFP. Owner will make copies of the RFP available to any prospective Proposer looking to submit a Proposal.

Owner will consider all Proposals submitted prior to the deadline to determine the Proposer that offers the best value Proposal for the Project based on the evaluation criteria and weighting described in the RFP and does not confer a license or grant permission or authorization for any other use.

Before submitting a Proposal, Proposer will

- Examine and carefully study the RFP, including any addenda and the related supplemental information identified in the RFP.
- Become familiar and satisfied with all federal, state, and local laws and regulations that may affect cost, progress, or the provisions of the Services.
- Carefully study and correlate the information known to Proposer with the RFP, addenda and the related supplemental information identified in the RFP.
- Promptly give Owner Representative written notice of all conflicts, errors, ambiguities, or discrepancies that Proposer discovers in the RFP, addenda and the related supplemental information. Determine that the RFP, addenda and the related supplemental information are generally sufficient to indicate and convey understanding of all terms and conditions for completion of the Services

## Section 4. Proposal Submission Requirements

### 4.1 Submittal Place and Deadline

**Three (3) paper documents (one (1) original and two (2) copies), as well as one (1) electronic version of the Proposal on a USB data storage drive in PDF format, must be received no later than February 22, 2019 at 11:00 a.m.** Proposals can be submitted to one of the following addresses listed below. Time of receipt will be determined by the Purchasing Manager or their designee. Any Proposal received after the submittal deadline will be deemed non-responsive and returned unopened. The delivered packaging containing the Proposal documents must note “Proposal Enclosed” on its face. The Proposer assumes full responsibility for ensuring that the Proposal arrives at the prescribed location before the prescribed time. **Any Proposal received after the submittal deadline**

**will be deemed non-responsive and returned unopened.**

<u>Mailing Address</u>	<u>Physical Address</u>
Town of Pecos City	Town of Pecos City
Public Works Department	110 E 6 <sup>th</sup> St.
PO Box 929	Pecos, TX 79772
Pecos, TX 79772	Monday-Friday 8am to 5pm (excluding Holidays)

Proposals will be publicly opened in the City Council Chambers at 110 E 6<sup>th</sup> St, Pecos, TX on February 22, 2019 at approximately 11:01 a.m. Owner will publicly acknowledge receipt of Proposals received in time to be considered. In accordance with Texas law, the names of Proposers submitting a Proposal and the prices stated in each Proposal will be read aloud at this time and place. There will be no further discussion of the Proposals or the procurement process and no questions or comments will be received at this time and place.

The Proposal will remain in full force and effect for sixty (60) days after the Proposal submission date.

Proposer shall deliver the original and required copies of Proposal plainly marked with the Project name and the name and address of the Proposer. The Proposer assumes full responsibility for ensuring that the Proposal arrives at the prescribed location before the prescribed time

Proposers shall be allowed to submit multiple Proposals if they have more than one product or design that they feel could meet the Owner's Objectives (Section 1.3).

## **4.2 Submission Format**

The Proposal must not exceed twenty (20) total pages (most or all 8½ x 11 inch with 1-inch or greater margins), excluding the:

- Transmittal Letter and attachments.
- Proposal index or table of contents, front and back covers, title pages/separation tabs.
- Proposal Appendices A and B.

A maximum of three (3) of the total pages may be 11 x 17-inch tri-fold format. Eleven-point font or larger must be used in Proposal Sections 1 - 8.

## **4.3 Submission Content**

Proposers are instructed to limit the information included in the Proposal to the information necessary to demonstrate the technical, financial and other qualifications and experience for the Project and meet the other submittal requirements specifically requested in this RFP. Proposals should be prepared in a straightforward and concise manner. The Owner is not interested in receiving marketing brochures, promotional material, generic narratives, elaborate binding, colored displays, etc. in the Proposals. Emphasis should be placed on clarity and completeness of content and responsiveness to the RFP requirements.

Each Proposal shall include the assumptions that the Proposer has incorporated into its Proposal. Neither the acceptance of the Proposal by the Owner, nor the participation of the Owner at any interview with the Proposer, nor the award by the Owner of the Contract, shall in any way be interpreted as an agreement or approval by the Owner that the assumptions are reasonable or correct or that the Owner accepts any liability for the Proposer's Proposal. The Owner specifically disclaims responsibility or liability for any Proposer's assumptions in developing its Proposal.

The Proposal must include the following information in the order listed:

- Section 1 Transmittal Letter **and Bid Bond**
- Section 2 Executive Summary
- Section 3 General Contractor Team and Key Personnel
- Section 4 Experience
- Section 5 Project Approach
- Section 6 Bid Proposal Form
- Appendix A – Proposer Profile Information
  - Conflict of Interest Questionnaire
  - Financial Resources Information Form
  - Letters from Surety and Insurance Carrier
  - Other Proposer Information
- Appendix B – Resumes

#### **4.3.1 Section 1- Proposal Transmittal Letter**

Proposers must submit the Proposal Transmittal Letter found in Attachment B of the RFP. This Letter shall be on the Proposer's letterhead. Attached to this Letter shall be the **Bid Bond**.

#### **4.3.2 Section 2 – Executive Summary**

The executive summary (maximum of two (2) pages) must include a concise overview of the key elements of the Proposal and must summarize and refer to information in the Proposal concerning meeting the Minimum Qualifications Requirements of RFP Section 5.3. The executive summary shall not be used to convey additional information not found elsewhere in the Proposal.

#### **4.3.3 Section 3 – General Contractor Team and Key Personnel**

- Identify the General Contractor and any other firms that will be Team Members included on the General Contractor's Team. Describe the scope of the Proposer's and each Team Members Services and responsibilities during the Construction Services Phase of the Project.
- Identify all Key Personnel (and their company affiliations-) and describe their specific responsibilities during the Construction Services Phase of the Project.
- Provide a statement that: acknowledges proposed Key Personnel will be dedicated and available for the performance of the Project; indicate the amount of time on a percentage basis each Key Personnel will

spend during the Construction Services Phase and describe where Key Personnel have worked together on prior projects. **Key Personnel are identified in RFP Attachment A Definition of Terms**

- Provide resumes for all Key Personnel in Appendix B (Resumes) of the Proposal. Resumes must be limited to one page per individual and include:
  - Academic and professional qualifications
  - Professional registration (as applicable)
  - Experience as it relates to the Project and to the individual’s specified role on the Project

Any change in the General Contractor Team Members or Key Personnel included in the Proposal will require Owner approval.

#### 4.3.4 Section 4 – Experience

The Proposal must describe five (5) prior projects to demonstrate the Proposer and Team Members experience, qualifications and competence for providing the Services for this Project. The Proposer shall submit descriptions of reference projects to demonstrate relevant experience. Each project description shall contain at least the following information:

- Name and location of project
- Name of owner
- Owner reference and contact information
- General description of project and scope of work showing relevance to this Project
- Role of Proposer or Team Member
- Contract value
- Initial dates of substantial and final completion (month/year) agreed to with owner and actual dates substantial and final completion dates. If there is a difference please explain the reasons for such difference.
- Describe any aspects of the project and actions taken by the Proposer that demonstrates why the Proposer could provide the best value to the Owner and/or that would differentiate the Proposer from the other Proposers.
- General Contractor Team Members and Proposer and Key Personnel that participated in project and are included in this Proposal, along with a clear description of the project role and responsibility of each

#### 4.3.5 Section 5 – Project Design & Approach

Provide a conceptual rendering of the proposed design that conforms with the Design Standards and Expectations outlined in Attachment D. (Photos, renderings, or drawings of the proposed design are acceptable.) Additionally, provide a written description of the Project Approach for managing and performing the Construction Phase Services. The following items should be addressed:

- Discuss how a collaborative relationship with the Owner would be established during the Construction and how design questions and construction activities will interface
- Identify the Work components critical to the Project’s success and how these components would be achieved
- Identify and discuss key Project risk factors and the approach for mitigation
- Provide a narrative on the approach to project safety

- Provide a narrative of the Proposer’s activities and efforts to maximize the use of local, qualified contractors and sub-contractors to provide construction services for this Project.
- Provide a narrative on the approach to quality control
- Discuss the project schedule and identify your specific approach to meeting the schedule

#### 4.3.6 Section 6 – Bid Proposal Form

The Proposer must complete the Bid Proposal Form that is included in the RFP. Bids shall be submitted in a single sum category entitled General Construction, which shall include all portions of the work depicted in the construction bid documents. The Proposer must fill in all spaces and a legal officer or agent authorized to bind the Proposer to a contract shall sign the bid form.

#### 4.3.7 Appendix A Proposer Profile Information

- **Conflict of Interest Questionnaire**  
The Proposer shall complete and submit the Conflict of Interest Questionnaire found in RFP Attachment B.
- **Financial condition**  
Proposer shall complete and submit the Financial Resources Information table found in RFP Attachment B. If the Proposer is a joint venture, LLC or partnership, such financial information must be provided for each partner or member.
- **Bonds and Insurance**
  - Proposal Security (attached to the Transmittal Letter)
    - **A Proposal must be accompanied by Proposal security in the form of an acceptable Bid Bond in the name of the Owner.** The Bid Bond must be issued by a surety authorized to do business in the State of Texas
    - **Provide a Bid Bond in the amount of twenty-five thousand dollars (\$ 25,000). The Bid Bond is five (5) percent of the Owner’s budget of \$ 500,000.**
    - The Bid Bond of the Selected Proposer will be retained as security until performance and payment bonds have been provided. The Bid bonds will be returned when the performance and payment bonds are provided. The Proposal security of other Proposers whom the Owner believes to have a reasonable chance of receiving the award may be retained by Owner until the earlier of 7 days after the effective date of the Agreement or 90 days after the Proposals are opened
  - Payment and Performance Bonds
    - A letter from the Proposer’s surety must be provided to verify the Proposer’s ability to provide payment and performance bonds of at least \$500,000 for this Project and confirming Surety’s willingness to provide such bonds. The surety must be authorized by law to do business in the State of Texas. Indicate if the surety is listed in the U.S. Department of Treasury’s Circular 570.

## Insurance

- A letter or Certificate of Insurance from the Proposer's insurance company must be provided in Appendix E stating its ability to acquire and provide the following required insurance for the Project and listing Owner as additional insured:
  - Statutory workers compensation insurance: (as required by state law)
  - Employer's liability insurance: \$1.0 million
  - Commercial general liability insurance: \$1.0 million per occurrence; \$ 1.0 million annual aggregate
  - Commercial automobile liability insurance: \$1.0 million combined single limit for bodily injury and property damage
  - Builder's Risk Insurance: \$500,000

The required insurance must be obtained and maintained from insurance companies that are duly licensed or authorized in the State of Texas.

The Proposal must provide the following additional information pertaining to factors or events that have the potential to adversely impact the Proposer's ability to perform its contractual commitments, ("Other Proposer Information").

- **Other Proposer Information**

- **Material adverse changes in financial position.** Describe any material historical, existing or anticipated changes in financial position, including mergers, acquisitions, takeovers, joint ventures, bankruptcies, divestitures, or any material changes in the mode of conducting business that has occurred within the past three years.
- **Legal proceedings and judgments.** List and briefly describe any pending or past (within three years) legal proceedings and judgments, or any contingent liability. If no such proceedings or judgments are listed, provide a sworn statement to that effect from the general counsel.
- **Completion of contracts.** Has the Proposer failed to complete any contract, or has any contract been terminated due to alleged poor performance or default within the past three years? If so, describe the circumstances.
- **Violation of laws.** Has the Proposer been convicted of or been found in violation of any federal, state, or local statute, regulation, or court order concerning antitrust, public contracting, employment discrimination or prevailing wages within the past three years? If so, describe the circumstances.
- **Debarred from bidding.** Has the Proposer been debarred within the past three years, or is it under consideration for debarment, on public contracts by the federal government or by any state? If so, describe the circumstances.

If any of the above questions are answered in a manner that indicates that any of these unfavorable factors or events are present, it is the Proposer's responsibility to: (1) describe in

detail the unfavorable factor or event; and (2) provide sufficient information to demonstrate that the unfavorable factor or event will not adversely impact the Proposer's ability to perform its contractual commitments.

The Proposer must notify the Owner of any changes subsequent to submission of the Proposal and before the selection process is completed (and, in the case of the selected Proposer, before execution of the Contract).

## **Section 5. Proposal Evaluation and Selection**

### **5.1 General**

The Proposals will be reviewed and evaluated by the Owner's selection committee according to the requirements and criteria outlined in this Section. During the Proposal evaluation process, written or verbal questions or requests for clarification may be submitted to one or more Proposers regarding its Proposal or related matters. Failure to respond in a timely manner to any such questions or requests may be grounds for elimination of the Proposer from further consideration. In addition, the Owner may require that all or a limited number of Proposers participate in interviews prior to final selection.

### **5.2 Responsiveness**

Each Proposal will be reviewed to determine whether it is responsive to the RFP. Failure to comply with the requirements of this RFP may result in a Proposal being rejected as non-responsive. At its sole discretion, however, the selection committee may waive any such failure to meet a requirement of this RFP and may request clarification or additional information to remedy a failure.

### **5.3 Minimum Qualification Requirements**

Each responsive Proposal will be reviewed to determine whether it meets the Minimum Qualification Requirements outlined below. At its sole discretion, the selection committee may waive any failure to satisfy such requirements and may request clarification or additional information to address any questions that may arise in this regard. Any Proposal that does not satisfy all of the following Minimum Qualification Requirements may be rejected.

- Acceptable Proposal Transmittal Letter and Bid Bond.
- Bonds and Insurance. Ability of the Proposer to provide payment and performance bonds in the amount of \$ 500,000 and the required insurance.
- Acceptable Financial Resources Information
- Acceptable Other Proposer Information.
- Licensing and registration. The General Contractor must be licensed in the State of Texas for the type of work to be performed.
- Safety record. The Proposer must have achieved an experience modification rate (EMR) of not greater

than 1.0 for the current and past two years.

- Acceptable Conflict of Interest Questionnaire.
- Evidence of authority to do business in Texas.

## 5.4 Comparative Evaluation Criteria

Selection will be made in accordance with Texas Government Code Chapter 2269. Proposals will be evaluated and ranked in relation to the following selection criteria:

Criteria	Point Value
Proposed Bid Price	40
Project Design & Approach	30
Experience / Past Performance of Proposer	15
Experience and Qualifications of Key Personnel	15
Total	100

The Owner, at its discretion, may invite the most highly rated Offerors to participate in an interview with the Owner to present information on their qualifications and to introduce their key personnel. No formal presentation will be required. Offerors will be expected to bring the key personnel offered in their Proposals to the interview.

## 5.5 Selection

After the evaluation process is complete, the Owner shall determine the Selected Proposer that submits the Proposal that offers the best value based on the published selection criteria, weighting and the ranking evaluation.

The Owner shall first attempt to negotiate a contract with the Selected Proposer. If the Owner is unable to negotiate a satisfactory contract with the Selected Proposer, the Owner shall, formally and in writing, end negotiations with the Proposer and proceed to negotiate with the next Proposer in the order of the selection ranking until a contract is reached or negotiations with all ranked Proposers end.

# Section 6. Conditions for Proposers

## 6.1 Owner Authority

Owner is a Municipal Corporation in the State of Texas operating under a municipal charter adopted as authorized by Article XI, Section 5, of the Texas Constitution. The procurement process for this Project is authorized under Texas State Statute Government Code Title 10, Subtitle F, and Chapter 2269.

## 6.2 Ineligible Firms and Individuals

The following firms are serving in a professional capacity to the Owner for this Project and are therefore not eligible to assist or participate with any Proposer that submits a Proposal for the Project: NOT APPLICABLE

Proposers are advised to determine whether or not any potential Team Member is participating as a Proposer or team member in the procurement for the design services for this project and take that into account for the purposes of this Proposal.

## 6.3 Conflict of Interest

Texas Government Code Chapter 176 requires the public disclosure of certain information concerning persons doing business or seeking to do business with the Owner, including affiliations and business and financial relationships such persons may have with Owner officers. The Conflict of Interest Questionnaire can be found in RFP Attachment B.

**Proposer shall complete and submit this Questionnaire and include it in Appendix A of the Proposal.**

## 6.4 Proprietary Information

All materials submitted to the Owner become public property and are subject to the Texas Public Information Act, Texas Government Code Chapter 552. If the Proposal contains proprietary information that the Proposer does not want disclosed, each page containing such information must be identified and marked "PROPRIETARY" at the time of submittal. Owner will, to the extent provided by law, endeavor to protect such information from disclosure. Proposers will be notified in writing by owner if proprietary information is requested and Proposer will be given an opportunity to request from the Texas Attorney General that the information be withheld. The final decision as to what information must be disclosed, however, lies with the Texas Attorney General. Failure to identify proprietary information will result in all unmarked sections being deemed non-proprietary and available upon public request. Proposers shall not be permitted to mark their entire Proposal as proprietary.

## 6.5 Rights of the Owner

In connection with this procurement process, including the receipt and evaluation of Proposals and award of the Construction Contract, Owner reserves to itself (at its sole discretion) all rights available to it under applicable law, including without limitation, with or without cause and with or without notice, the right to:

- Cancel, withdraw, postpone, or extend this RFP, in whole or in part, at any time prior to the execution of the Construction Contract, without incurring any obligations or liabilities
- Modify the procurement schedule
- Waive deficiencies, informalities and irregularities in a Proposal and accept and review a non-conforming Proposal
- Suspend and terminate the procurement process or terminate evaluations of Proposals received
- Permit corrections to data submitted with any Proposal
- Hold meetings or interviews, and conduct discussions and correspondence, with one or more of the

Proposers to seek an improved understanding of any information contained in a Proposal

- Seek or obtain, from any source, data that has the potential to improve the understanding and evaluation of the Proposals
- Seek clarification from any Proposer to fully understand information provided in the Proposal and to help evaluate and rank the Proposers
- Reject a Proposal containing exceptions, additions, qualifications or conditions not called for in the RFP or otherwise not acceptable to the Owner
- Conduct an independent investigation of any information, including prior experience, included in a Proposal by contacting project references, accessing public information, contacting independent parties, or any other means
- Request additional information from a Proposer during the evaluation of its Proposal

## 6.6 Obligation to Keep General Contractor Team Intact

Proposers are advised that all Team Members and Key Personnel identified in the Proposal shall remain on the General Contractor Team for the duration of the procurement process and execution of the Project. If extraordinary circumstances require a change, it must be submitted in writing to the Owner Representative, who, at his sole discretion, will determine whether to authorize a change, recognizing that certain circumstances (such as termination of employment) may occur that are beyond the Proposer's control. Unauthorized changes to the General Contractor Team at any time during the procurement process may result in elimination of the Proposer from further consideration.

## 6.7 Addenda

If any revisions to the RFP or procurement process become necessary or desirable (at the Owner's sole discretion), the Owner, through the Owner's Representative, may issue written addenda. **The Owner's Representative will issue any such addenda to potential Proposers based on the list of potential Proposers maintained by the Owner's Representative that includes those that made an acknowledgement of RFP in accordance of RFP section 3.1 and attended the mandatory Pre-proposal meeting.** It is Proposer's responsibility, however, to obtain all addenda prior to submitting its Proposal.

## 6.8 Withdrawal of Proposal

Proposers may withdraw a Proposal by providing a written request, duly executed by an authorized representative, and delivered to the Owner at any time prior to the Proposal submittal deadline or within 24 hours after Proposals are opened. If withdrawal is after Proposals are opened, the written request shall demonstrate to the reasonable satisfaction of the Owner that there was a material and substantial mistake in the preparation of its Proposal. Individuals making the withdrawal will be required to provide evidence of serving as an authorized representative of the Proposer.

## **6.9 Professional Services**

The Proposer shall secure any required services for the Project that are defined as professional services under the Professional Services Procurement Act, Chapter 2254 of the Texas Government Code (for example, registered professional land surveyors, professional architects, and professional engineers) using the qualifications-based selection process prescribed by that Chapter.

## **6.10 Inspection and Construction Materials Testing**

The General Contractor will be required to provide quality control services in accordance with the contract documents. Independent of those General Contractor services, and in accordance with Texas law, the Owner will provide or contract for inspection services, testing of construction material engineering and verification testing services necessary for acceptance of the Project. The General Contractor will be required to provide management for coordination of these services.

## **6.11 Protests**

Any protest to an Owner's action in connection with this procurement must be filed in writing no later than three (3) business days following such action and must be in strict accordance with the Owner's applicable procedures and with applicable law

# Attachment A

## Definition of Terms

The definitions of some of the capitalized terms used in this RFP are presented below:

**General Contractor Team** – the team formed by the Proposer for purposes of responding to the RFP.

**General Contractor Team Member** – a corporate entity, firm, or individual included on the General Contractor Team and identified in the Proposal as such that will provide any of the Construction Phase Services for this Project.

**General Contractor** – The Selected Proposer who is awarded the Contract for this Project and who will execute the Contract.

**Draft Construction Contract** – The draft contract, including the agreement and all of its attachments, presented as RFP Attachment D (Draft Construction Contract).

**Key Personnel** – The individuals, employed by the General Contractor or other firms included on the Project Team, who would fill certain key roles in delivery of the Project and related services by the General Contractor, including at least the following positions: project manager, safety manager, quality manager, and construction superintendent.

**Minimum Qualification Requirements** – The requirements set forth in Subsection 5.3 of this RFP that, at a minimum, must be satisfied (or waived by Owner) in order for the Proposal to be evaluated and ranked according to the comparative evaluation criteria.

**Owner** – Town of Pecos City, Texas

**Project** – Fairview Cemetery Improvements Project

**Proposer** – The entity responding to this RFP by submitting the Proposal.

**Selected Proposer** - The Proposer who is selected, based on the Owner's evaluation and ranking of the Proposals, to provide the best value for this Project who will be awarded the Contract.

**Services** – The Pre-Construction and Construction Phase Services as described in Attachment C and Attachment D of the RFP.

**Work** –the entire construction or the various separately identifiable parts thereof required to be provided under the Contract Documents. Work includes and is the result of performing or providing all labor, services and documentation necessary to produce such construction and furnishing, installing and incorporating all materials and equipment into such construction, as required by the Contract Documents.

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## **Attachment B**

- 1. Proposal Transmittal Letter**
- 2. Conflict of Interest Questionnaire**
- 3. Financial Resources Information Form**
- 4. Bid Proposal Form**

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# Proposal Transmittal Letter

Town of Pecos City  
Public Works Department  
110 E 6<sup>th</sup> Street  
Pecos, TX 79772

\_\_\_\_\_ (the "Proposer") hereby submits its Proposal for the Fairview Cemetery Improvements Project.

Proposer accepts all of the requirements, terms, and conditions of the RFP including without limitation the Contract subject to Attachment D of the Proposal. The Proposal will remain subject to acceptance for sixty (60) days after the opening of Proposals.

In submitting this Proposal, Proposer certifies, represents and warrants, that:

- A. The submittal of the Proposal has been duly authorized by, and in all respects binding upon, the Proposer.
- B. The undersigned declares that it is the Proposer or by holding the position below indicated is authorized to execute this Proposal Transmittal Letter on behalf of the Proposer and that all representations made on this form are true and accurate.
- C. Proposer has examined, carefully studied and understands and agrees to be bound by the requirements of the RFP, the other related information identified in the RFP, and the following Addenda, receipt of all of which is hereby acknowledged:

Addendum No.	Addendum Date	Signature Acknowledging Receipt

- D. All information and statements contained in the Proposal are current, correct and complete and are made with full knowledge that the Owner will rely on such information and statements in evaluating the Proposal.
- E. The submission of this Proposal will constitute an incontrovertible representation by Proposer that Proposer has complied with every requirement of the RFP and Addenda without exception.
- F. Proposer acknowledges that it is aware and understands the requirements of Chapter 176 of the

Texas Local Government Code and Proposer is solely responsible for complying with such requirements.

- G. The Surety identified on the bonding letter in Appendix A is authorized by law to do business in the State of Texas pursuant to a current certificate of authority to transact surety business.
- H. The insurance company identified on the insurance letter in Appendix A is duly licensed or authorized in the State of Texas to issue policies for the limits and coverages so required.
- I. Proposer is familiar with and is satisfied as to all federal, state and local laws and regulations that may affect furnishing the Services.
- J. Proposer has given Owner Representative written notice of all conflicts, errors, ambiguities, or discrepancies that Proposer has discovered in the RFP and the written resolution thereof by the Owner is acceptable to Proposer.
- K. Proposer has provided evidence of its authority to do business in the State of Texas and included such evidence with this Proposal Transmittal Letter. Alternately and if selected, Proposer will covenant, with its execution of this Proposal Transmittal Letter, to obtain and submit evidence of such authority to the Owner not later than the date of its execution of the Contract.
- L. Proposer further represents that this Proposal is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation; Proposer has not directly or indirectly induced or solicited any other Proposer to submit a false or sham Proposal; Proposer has not solicited or induced any individual or entity to refrain from making a Proposal; and Proposer has not sought by collusion to obtain for itself any advantage over any other Proposer or over the Owner.

The following documents are attached to and made a condition of this Proposal:

- Proposal
- Section 1- Proposal Transmittal Letter and Bid Bond
- Section 2- Executive Summary
- Section 3- General Contractor Team and Key Personnel
- Section 4- Experience
- Section 5- Project Approach
- Section 6- Bid Proposal Form
- Appendices A

The principal contact person who will serve as the interface between the Owner and the Proposer for all communications during the procurement period is:

Name:  
Title:  
Address:  
Telephone:  
Email:

The terms used in this letter have the meanings indicated in the RFP. The significance of terms with initial capital letters is described in the RFP.

Proposer agrees that venue shall lie exclusively in Reeves County, Texas for any legal action.

This Proposal is submitted by:

Name of Proposer and identification of Proposer  
(Individual; Corporation; Partnership; Joint Venture; other-specify):

If a Joint Venture, the Proposal Transmittal Form must be signed by authorized representatives of all members of the Joint Venture.

\_\_\_\_\_  
*(typed or printed)*

For a corporation indicate the state of incorporation with the corporate address. For a limited liability company indicate the state in which company was formed with the company address.

By:

Title: \_\_\_\_\_  
*(Individual's Signature)*

**Proposer shall have this form notarized by a duly authorized notary public.**

Doing business as:

Business address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

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# Financial Resources Information

**Proposer Name:** \_\_\_\_\_

Financial Metric	2016	2017	2018
A. Operating Revenues			
B. Operating Expense (not including Depreciation and Amortization)			
C. Depreciation and Amortization			
D. Operating Income (A- B-C)			
E. Net Income			
F. Total Assets			
G. Current Assets			
H. Total Liabilities			
I. Current Liabilities			
J. Net Worth (Equity) (F- H)			

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# Bid Proposal Form

PROJECT: Fairview Cemetery Improvements Project

NAME OF PROPOSER: \_\_\_\_\_

GENTLEMEN:

The Undersigned, in compliance with your invitation to bid for the construction work on the above referenced facility, has received and examined the construction documents and all conditions regarding the project, and having visited the site of the proposed project, hereby propose:

1. To hold my bid open for a maximum period of sixty (60) days.
2. To accept the provisions of the RFP.
3. To enter into and execute a contract, if awarded on basis of this proposal.
4. To accomplish the work in accordance with all the contract documents.
5. To complete the work by the time stipulated in the proposal form and under the conditions as outlined in the supplementary General Conditions.

I acknowledge receipt of the following addenda: \_\_\_\_\_

## BASE BID

(Written in words): \_\_\_\_\_

(Written in dollars): \$ \_\_\_\_\_

Upon notification of the acceptance of the proposal, the Undersigned agrees to execute a contract for the above work, for the above stated compensation. The Undersigned further agrees, if awarded the contract, to execute and deliver to the Architect within fifteen (15) days after the Notice of Award, satisfactory bonds, in the form of 100% "Performance Bond" and 100% "Labor and Material Payment Bond," according to the laws of the State of Texas governing this construction work, in an amount equal to the contract sum.

**Construction Time**

The undersigned hereby agrees to complete all the work and improvements as specified in the contract documents within \_\_\_\_\_ calendar days after the contracts have been signed by the Owner and Contractor and a "Notice To Proceed" has been issued.

Respectfully Submitted,

Name of Contracting Firm: \_\_\_\_\_

Address: \_\_\_\_\_

BY: \_\_\_\_\_  
Name

\_\_\_\_\_  
Title

Seal -- if bid is by a corporation.

# Attachment C

## Scope of Construction Services

### CONSTRUCTION PHASE SERVICES

Construction Phase Services will include the following:

1. Participate in up to one (1) Project kick off meeting for Construction Phase Services;
2. Performance of the construction portion of the Work in strict accordance with all applicable Contract Documents;
3. Coordinate and manage the Work that includes all required necessary site improvements required within the Contract Price and within the allowable contract time;
4. Coordinate with various local and state agencies, as necessary;
5. Arrange for procurement of materials and equipment;
6. Manage all procurement and construction-related subcontracts while meeting the Owner's requirements for procurement of subcontractor and supplier bids or proposals. This effort includes inspection of the Work performed by subcontractors to ensure conformance with the Contract Documents;
7. Monitor and maintain quality controls over shop drawings, equipment and materials, implementation and Work;
8. Provide Performance Bond and Payment Bond; Insurance for Construction Phases shall be provided;
9. Implement the construction site safety plan
10. Conduct a pre-construction meeting with all the contractors and sub-contractors performing major elements of the work prior to the start of their work activities;
11. Obtain any necessary construction permits;
12. Manage storm water runoff and dust;
13. Establish and implement procedures to track, expedite and process all submittals, change orders, and requests for information;
14. Establish a Critical Path Method schedule for the Project, monitor and update the construction schedule monthly, prepare two-week look ahead work schedules consistent with overall schedule;
15. Review and process all pay request applications from subcontractors;
16. Conduct monthly progress meetings with the on-site trade foremen or superintendents;
17. Attend monthly meetings with the Owner staff and provide written monthly progress report and updated schedule;
18. Maintain current hard copies of Project as-built drawings, including all subcontracted work, and submit in hard copy, PDF and electronic format upon completion;
19. Develop, implement and manage a plan necessary for the Owner to accept the Project as completed and ready to use;
20. Expedite and coordinate delivery, storage, security and installation of Owner procured material and equipment, as applicable;
21. Update and revise the Operation and Maintenance Manual as necessary;
22. Supervise and manage the warranties provided to the Owner for the equipment and construction work;
23. Receive warranty/guaranty Work items from the construction contractors and subcontractors and provide same to Owner upon Final Completion of the Project, or at a date negotiated by the Parties;
24. Conduct a walk-through with the Owner regarding the two-year warranty;
25. Implement close out procedures necessary for the Owner to accept the Project as being finally complete; provide lien waivers from all subcontractors and material suppliers;
26. Prepare a final report on all construction costs.
27. Transfer Project to Owner for Owner operations



# Attachment D

## Design Standards & Expectations

The Fairview Cemetery Improvements Project will include:

1. The demolition and proper disposal of the existing chain-link fence, posts & foundations, and entrance gate located at Park Street and W 8<sup>th</sup> Street.
  - a. Excess or unsuitable soil shall be removed by contractor.
  - b. Contractor shall grade the perimeter in preparation for placement of foundations.
2. Design of a new perimeter fence that complies with the following standards:
  - a. Linear length of the existing fence is estimated to be 3,420 feet. Contractor will need to field verify actual lengths.
  - b. Bottom portion of the fence shall be of solid construction:
    - i. Vehicular traffic on all perimeter streets shall be able to see into the cemetery. Expected height of the bottom portion is anticipated to be between 2 feet and 3 feet, as long as sightlines are maintained. (based on the estimated line of sight of a small sedan.)
    - ii. Bottom portion must be constructed of brick, rock, or faux-rock materials. CMU blocks will not be accepted. EFIS, or adobe-type construction will not be accepted.
  - c. Solid vertical columns shall be provided at (approximately) 10-foot or 20-foot intervals, of the same construction as the bottom portion of the fence. Columns shall include a capstone design.
  - d. Top portion of the fence shall be of commercial grade aluminum panels (or equivalent)
    - i. Panels shall be black
    - ii. Panels shall picket style, to allow for viewing into the cemetery.
    - iii. Consideration should be given to maintenance and replacement of the panels over time.
  - e. Total fence height shall not exceed six (6) feet
3. A concrete footing/foundation shall be provided for the entire perimeter.
  - a. Foundation shall be designed and stamped by a professional engineer and shall be sufficient to prevent shifting, settling, or leaning of the fence over time.
  - b. Construction shall consider existing aggressive soil conditions.
    - i. Soil samples shall be collected as part of the geotechnical work by the engineer. Foundation shall be able to withstand high alkali soils and to meet other structural concerns identified.
4. Construction shall include two entrances for vehicular traffic.
  - a. Existing entrance at Park St & W 8<sup>th</sup> St shall be replaced with an entrance meeting the new design criteria, namely a solid column on either side of the entrance.
  - b. A new entrance onto S Hackberry St shall be constructed in line with the existing central roadway within the cemetery.
  - c. Entrances will not be gated.