

RFQ Document

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INTRODUCTION

HOUSING AUTHORITY OF THE CITY OF TEXAS CITY (TX)

REQUEST FOR QUALIFICATIONS (RFQ), Architectural/Engineering Design Services

The Housing Authority of the Texas City (hereinafter, "HA") is a public entity that was formed to provide federally subsidized housing and housing assistance to low-income families, within the City of Texas City. The HA is headed by an Executive Director (ED) and is governed by a five-person board of commissioners and is subject to the requirements of Title 24 of the Code of Federal Regulations (hereinafter, "CFR") and the HA's procurement policy.

Currently, the HA owns and/or manages: (a) 1 scattered-sites development totaling 50 units; and (b) administers a total of 809 Section 8 Housing Choice Vouchers (for a total of 859). The HA currently has approximately 10 employees.

In keeping with its mandate to provide efficient and effective services, the HA is now soliciting proposals from qualified, licensed and insured entities to provide the above noted services to the HA. All proposals submitted in response to this solicitation must conform to all of the requirements and specifications outlined within this document and any designated attachments in its entirety.

RFQ INFORMATION AT A GLANCE

[Table No. 2]

HA CONTACT PERSON	Benjamin A. Davis, Telephone [409.945.4011], bdavis@tchousing.net
HOW TO OBTAIN THE RFQ DOCUMENTS ON THE APPLICABLE INTERNET SITE	1. Access www.tchousing.net . 2. Click on the "BIDs/RFPs" icon on the left side to access the nahro.economicengine.com system. 3. Follow the listed directions.
PRE-PROPOSAL CONFERENCE	Tuesday, October 11, 2016 at 10:30am cst TCHA Administration Office 817 Second Avenue North, Texas City, Texas 77590
HOW TO FULLY RESPOND TO THIS RFQ BY SUBMITTING A PROPOSAL SUBMITTAL	As instructed within Section 3.0 of the RFQ document, submit 3 copies of your "hard copy" proposal to the HA Contracts & Purchasing office.
PROPOSAL SUBMITAL RETURN & DEADLINE	Tuesday, November 8, 2016 at 3:00pm cst TCHA Administration Office 817 Second Avenue North, Texas City, Texas 77590 *(The "hard copy" proposal must be received in-hand and time-stamped by the HA by no later than 3:00 p.m. on this date).
ANTICIPATED APPROVAL BY HA BOARD OF COMMISSIONERS	Monday, November 21, 2016 at 12:00pm cst TCHA Administration Office 817 Second Avenue North, Texas City, Texas 77590

1.0 HA'S RESERVATION OF RIGHTS:

- 1.1 The HA reserves the right to reject any or all proposals, to waive any informality in the RFQ process, or to terminate the RFQ process at any time, if deemed by the HA to be in its best interests.
- 1.2 The HA reserves the right not to award a contract pursuant to this RFQ.
- 1.3 The HA reserves the right to terminate a contract awarded pursuant to this RFQ, at any time for its convenience upon 10 days written notice to the successful proposer(s).
- 1.4 The HA reserves the right to determine the days, hours and locations that the successful proposer(s) shall provide the services called for in this RFQ.
- 1.5 The HA reserves the right to retain all proposals submitted and not permit withdrawal for a period of 60 days subsequent to the deadline for receiving proposals without the written consent of the HA Contracting Officer (CO).
- 1.6 The HA reserves the right to negotiate the fees proposed by the proposer entity.
- 1.7 The HA reserves the right to reject and not consider any proposal that does not meet the requirements of this RFQ, including but not necessarily limited to incomplete proposals and/or proposals offering alternate or non-requested services.
- 1.8 The HA shall have no obligation to compensate any proposer for any costs incurred in responding to this RFQ.
- 1.9 The HA shall reserve the right to at any time during the RFQ or contract process to prohibit any further participation by a proposer or reject any proposal submitted that does not conform to any of the requirements detailed herein. By accessing the www.tchousing.net Internet System (hereinafter, the "noted Internet System" or the "System") and by downloading this document, each prospective proposer is thereby agreeing to abide by all terms and conditions listed within this document and within the noted Internet System, and further agrees that he/she will inform the CO in writing within 5 days of the discovery of any item listed herein or of any item that is issued thereafter by the HA that he/she feels needs to be addressed. Failure to abide by this time frame shall relieve the HA, but not the prospective proposer, of any responsibility pertaining to such issue.

- 2.0 SCOPE OF WORK (SOW)/TECHNICAL SPECIFICATIONS (T/S):** The HA is seeking proposals from qualified, licensed and bonded entities to provide the following detailed annual audit services:
- 2.1 General Specifications:** The HA intends to award a contract to a firm to provide architectural design services (A/E) for various projects the HA may develop. Services will include, but are not limited to typical A/E services pertaining to:
- 2.1.1 Site planning;
 - 2.1.1 Structural, mechanical, electrical and civil engineering;
 - 2.1.2 Landscaping;
 - 2.1.3 Cost estimating; and
 - 2.1.4 Construction contract administration.
- 2.2 Phases of the A/E Services Shall Consist of:**
- 2.2.1 Schematic Design/Preliminary Study Phase;
 - 2.2.2 Design Development Phase;
 - 2.2.3 Bidding, Construction and Contract Document Phase;
 - 2.2.4 Bidding and Award Phase;
 - 2.2.5 Construction Phase; and
 - 2.2.6 Post Completion/Warranty Phase.
- 2.3 Design Product:** The design product shall meet all State Housing Division requirements as well as all City of Texas City Building Code requirements and shall conform with all applicable local codes, ordinances, regulations and standards, including HUD's Section 504 program; UFAS, ADA and ANSI requirements. The design shall also include coordination for the abatement of asbestos-containing building materials as well as demolition of existing structures.

3.0 PROPOSAL FORMAT:

3.1 **Tabbed Proposal Submittal:** The HA intends to retain the successful proposer pursuant to a “Best Value” basis, not a “Low Proposal” basis (“Best Value,” in that the HA will, as detailed within the following Section 4.0, consider factors other than just cost in making the award decision). Therefore, so that the HA can properly evaluate the offers received, all proposals submitted in response to this RFQ must be formatted in accordance with the sequence noted following. Each category must be separated by numbered index dividers (which number extends so that each tab can be located without opening the proposal) and labeled with the corresponding tab reference also noted below. None of the proposed services may conflict with any requirement the HA has published herein or has issued by addendum.

[Table No. 3]

RFQ Section	Tab No.	Description
3.1.1	1	Form of Proposal: This Form is attached hereto as Attachment A to this RFQ document. This 1-page Form must be fully completed, executed where provided thereon and submitted under this tab as a part of the proposal submittal.
3.1.2	2	Form HUD-5369-C (8/93), <i>Certifications and Representations of Offerors, Non-Construction Contract:</i> This Form is attached hereto as Attachment B to this RFQ document. This 2-page Form must be fully completed, executed where provided thereon and submitted under this tab as a part of the proposal submittal.
3.1.3	3	Profile of Firm Form: The Profile of Firm Form is attached hereto as Attachment C to this RFQ document. This 2-page Form must be fully completed, executed and submitted under this tab as a part of the proposal submittal.
3.1.4	4	Proposed Services: As more fully detailed within Section 2.0, <i>Scope of Proposal/Technical Specifications</i> , of this document, the proposer shall, at a minimum, clearly detail within the information submitted under this tab documentation showing:
3.1.4.1		As detailed within Section 4.1, Evaluation Factor No. 2, herein, evidence of the proposers CAPABILITY to provide professional services in a timely manner.
3.1.4.2		As detailed within Section 4.1, Evaluation Factor No. 3, herein, evidence of the proposers PAST PERFORMANCE in terms of cost control, quality of work, and compliance with performance schedules.
3.1.4.3		As detailed within Section 4.1, Evaluation Factor No. 4, The proposers’ DEMONSTRATED KNOWLEDGE of local building codes and Federal building alterations requirements.
3.1.4.4		Profile of Firm Form/Standard Form 330 (6/2004): This Form is attached hereto as Attachment H to this RFQ document. This Form must be fully completed, executed and submitted under this tab as a part of the proposal submittal.
3.1.4.5		Evidence that the proposer is licensed in the state that the

REQUEST FOR QUALIFICATIONS (RFQ), Architectural/Engineering Design Services

		proposer is located; or, if appropriate, evidence of the proposers' required reciprocal agreement.
3.1.4.6		If appropriate, how staff are retained, screened, trained and monitored;
3.1.4.7		The proposed quality control program;
3.1.4.8		An explanation and copies of forms that will be used and reports that will be submitted and the method of such reports (i.e. written; fax; internet; etc.);
3.1.4.9		A complete description of the products and services the firms provides.
3.1.5	5	Managerial Capacity/Financial Viability: The proposer entity must submit under this tab a concise description of its managerial and financial capacity to deliver the proposed services, including brief professional resumes for the persons identified within areas (5) and (6) of Attachment C, <i>Profile of Firm Form</i> . Such information shall include the proposer's qualifications to provide the services; a description of the background and current organization of the firm.
3.1.6	6	Client Information: The proposer shall submit a listing of former or current clients, including the Public Housing Authorities, for whom the proposer has performed similar or like services to those being proposed herein. The listing shall, at a minimum, include:
3.1.6.1		The client's name;
3.1.6.2		The client's contact name;
3.1.6.3		The client's telephone number;
3.1.6.4		A brief description and scope of the service(s) and the dates the services were provided;
3.1.7	7	Equal Employment Opportunity: The proposer must submit under this tab a copy of its Equal Opportunity Employment Policy.
3.1.8	8	Subcontractor/Joint Venture Information (Optional Item): The proposer shall identify hereunder whether or not he/she intends to use any subcontractors for this job, if awarded, and/or if the proposal is a joint venture with another firm. Please remember that all information required from the proposer under the proceeding tabs must also be included for any major subcontractors (10% or more) or from any joint venture.
3.1.9	9	Section 3 Business Preference Documentation (Optional Item): For any proposer claiming a Section 3 Business Preference, he/she shall under this tab include the fully completed and executed Section 3 Business Preference Certification Form attached hereto as Attachment D and any documentation required by that form.
3.1.10	10	Other Information (Optional Item): The proposer may include hereunder any other general information that the proposer believes is appropriate to assist the HA in its evaluation.

3.1.11 If no information is to be placed under any of the above noted tabs (especially the "Optional" tabs), please place there under a statement

such as "NO INFORMATION IS BEING PLACED UNDER THIS TAB" or "THIS TAB LEFT INTENTIONALLY BLANK." DO NOT eliminate any tabs.

- 3.1.12 Proposal Submittal Binding Method:** It is preferable and recommended that the proposer bind the proposal submittals in such a manner that the HA can, if needed, remove the binding (i.e. "comb-type; etc.) or remove the pages from the cover (i.e. 3-ring binder; etc.) to make copies then return the proposal submittal to its original condition.
- 3.2 Fees:** No fees shall be discussed or proposed, either verbally or in writing, during the RFQ competitive solicitation process. The HA will, as detailed within Sections 4.0 and 5.0 herein, negotiate such fees with the top-rated proposer. Further, as may be detailed herein, the HA does not guarantee any minimum or maximum amount of work as a result of any award ensuing from this RFQ, but will reserve the right to award work on a task order, as-needed.
- 3.3 Proposal Submission:** All proposals must be submitted and time-stamped received in the HA Contract & Purchasing Office by no later than the submittal deadline stated herein (or within any ensuing addendum). A total of 1 original signature copy (marked "ORIGINAL") and 2 exact copies (each of the 3 proposal submittals shall have a cover and extending tabs) of the proposal submittal, shall be placed unfolded in a sealed package and addressed to:

TCHA Administration Office
Attention: Benjamin A. Davis
Deputy Executive Director
817 Second Avenue North
Texas City, Texas 77590

The package exterior must clearly denote the above noted RFQ number and must have the proposer's name and return address. Proposals submitted after the published deadline will not be accepted.

- 3.3.1 Submission Conditions:** DO NOT FOLD OR MAKE ANY ADDITIONAL MARKS, NOTATIONS OR REQUIREMENTS ON THE DOCUMENTS TO BE SUBMITTED! Proposers are not allowed to change any requirements or forms contained herein, either by making or entering onto these documents or the documents submitted any revisions or additions; and if any such additional marks, notations or requirements are entered on any of the documents that are submitted to the HA by the proposer, such may invalidate that proposal. If, after accepting such a proposal, the HA decides that any such entry has not changed the intent of the proposal that the HA intended to receive, the HA may accept the proposal and the proposal shall be considered by the HA as if those additional marks, notations or requirements were not entered on such. By accessing the nahro.economicengine.com Internet site, registering and downloading these documents, each prospective proposer that does so is thereby agreeing to confirm all notices that the HA delivers to him/her as instructed, and by submitting a proposal, the proposer is thereby agreeing to abide by all terms and conditions published herein and by addendum pertaining to this RFQ.

- 3.3.2 Submission Responsibilities:** It shall be the responsibility of each proposer to be aware of and to abide by all dates, times, conditions, requirements and specifications set forth within all applicable documents issued by the HA, including the RFQ document, the documents listed within the following Section 3.6, and any addenda and required attachments submitted by the proposer. By virtue of completing, signing and submitting the completed documents, the proposer is stating his/her agreement to comply with all the conditions and requirements set forth within those documents. Written notice from the proposer not authorized in writing by the CO to exclude any of the HA requirements contained within the documents may cause that proposer to not be considered for award.
- 3.4 Proposer's Responsibilities--Contact With the HA:** It is the responsibility of the proposer to address all communication and correspondence pertaining to this RFQ process to the designated CO only. Proposers must not make inquiry or communicate with any other HA staff member or official (including members of the Board of Commissioners) pertaining to this RFQ. Failure to abide by this requirement may be cause for the HA to not consider a proposal submittal received from any proposer who may has not abided by this directive.
- 3.4.1 Addendums:** All questions and requests for information must be addressed in writing to the CO. The CO will respond to all such inquiries in writing by addendum to all prospective proposers (i.e. firms or individuals that have obtained the RFQ Documents). During the RFQ solicitation process, the CO will NOT conduct any *ex parte* (a substantive conversation—"substantive" meaning, when decisions pertaining to the RFQ are made—between the HA and a prospective proposer when other prospective proposers are not present) conversations that may give one prospective proposer an advantage over other prospective proposers. This does not mean that prospective proposers may not call the CO—it simply means that, other than making replies to direct the prospective proposer where his/her answer has already been issued within the solicitation documents, the CO may not respond to the prospective proposer's inquiries but will direct him/her to submit such inquiry in writing so that the CO may more fairly respond to all prospective proposers in writing by addendum.
- 3.5 Pre-proposal Conference:** The scheduled pre-proposal conference identified on Page 2 of this document is, pursuant to HUD regulation, not mandatory. Many prospective proposers have previously responded to an RFQ with a multi-tabbed submittal and feel comfortable in doing so without attending the pre-conference. Typically, such conferences last 1 hour or less, though such is not guaranteed. The purpose of this conference is to assist prospective proposers in having a full understanding of the RFQ documents so that he/she feels confident in submitting an appropriate proposal; therefore, at this conference the HA will conduct an overview of the RFQ documents, including the attachments. Prospective proposers may also ask questions, though the CO may require that some such questions are delivered in writing prior to a response. Whereas the purpose of this conference is to review the RFQ documents, attendees should bring a copy of the RFQ documents to this

conference; however, the HA *will not* distribute at this conference any copies of the RFQ documents.

3.6 Recap of Attachments: It is the responsibility of each proposer to verify that he/she has downloaded the following attachments pertaining to this RFQ, which are hereby by reference included as a part of this RFQ:

[Table No. 5]

RFQ Section	Attachment	Attachment Description
3.6.1	A	Form of Proposal
3.6.2	B	Form HUD-5369-C (8/93), <i>Certifications and Representations of Offerors, Non-Construction Contract</i>
3.6.3	C	Profile of Firm Form
3.6.4	D	Section 3 Forms, including explanation
3.6.5	E	Form HUD-5369-B (8/93), <i>Instructions to Offerors, Non-Construction</i>
3.6.6	F	<i>HA Instructions To Proposers & Contractors</i>
3.6.7	G	HA Sample Contract Form: form HUD-51915 (9/98), <i>Model Form of Agreement Between Owner and Design Professional</i>
3.6.7.1	G-1	Form HUD-5370-C (10/2006), <i>General Conditions for Non-Construction Contracts Section I (With or without Maintenance Work)</i>
3.6.7.2	G-2	Supplemental Conditions to form HUD-51915, as required by 24 CFR 85.36(i)
3.6.8	H	Standard Form 330 (6/2004), <i>Architect-Engineer Qualifications</i>

4.0 PROPOSAL EVALUATION:

4.1 Evaluation Factors: The following factors will be utilized by the evaluation committee appointed by the HA to evaluate each proposal submittal received; award of points for each listed factor will be based upon the documentation that the proposer submits within his/her proposal submittal as detailed within Section 3.1 herein:

[Table No. 6]

NO.	MAX POINT VALUE	FACTOR TYPE	FACTOR DESCRIPTION
1	20 points	Subjective (Technical)	Evidence of the proposers ABILITY TO PERFORM THE WORK as indicated by profiles of the principals' and staffs' professional and technical competence/experience, and their facilities.
2	20 points	Subjective (Technical)	Evidence of the proposers CAPABILITY to provide professional services in a timely manner.
3	20 points	Subjective (Technical)	Evidence of the proposers PAST PERFORMANCE in terms of cost control, quality of work, and compliance with performance schedules.
4	30 points	Subjective (Technical)	The proposer's DEMONSTRATED KNOWLEDGE of local building codes and Federal building alterations requirements.
5	10 points	Subjective (Technical)	The OVERALL QUALITY AND PROFESSIONAL APPEARANCE OF THE PROPOSAL SUBMITTED , based upon the opinion of the evaluators.
	100 points		Total Points (other than preference points)

4.1.2 Preference Evaluation Factor: The following factors will be utilized by the staff member assigned by the HA to evaluate each proposal submittal received:

[Table No. 6a]

NO.	MAX POINT VALUE	FACTOR TYPE	FACTOR DESCRIPTION
6		Objective	SECTION 3 BUSINESS PREFERENCE PARTICIPATION: A firm may qualify for Section 3 status as detailed within Attachment D (NOTE: A max of 15 points awarded).
6a	15 points		Priority I: As detailed on page 5 of Attachment D.
6b	12 points		Priority II: As detailed on page 5 of Attachment D.
6c	9 points		Priority III: As detailed on page 5 of Attachment D.
6d	6 points		Priority IV: As detailed on page 5 of Attachment D.
6e	3 points		Priority V/VI: As detailed on page 5 of Attachment D.
	15 points		Maximum Preference (Additional) Points
	115 points		Total Possible Points

4.2 Evaluation Method:

- 4.2.1 **Initial Evaluation for Responsiveness:** Each proposal received will first be evaluated for responsiveness (e.g., meets the minimum of the published requirements). The HA reserves the right to reject any proposals deemed by the HA not minimally responsive (the HA will notify such firms in writing of any such rejection).
- 4.2.2 **Evaluation Packet for Proposals Deemed Responsive:** Internally, an evaluation packet will be prepared for each evaluator, including the following documents:
- 4.2.2.1 Instructions to Evaluators;
 - 4.2.2.2 Proposal Tabulation Form;
 - 4.2.2.3 Written Narrative Justification Form for each proposer;
 - 4.2.2.4 Recap of each proposer’s responsiveness;
 - 4.2.2.5 Copy of all pertinent RFQ documents.
- 4.2.3 **Evaluation Committee:** The HA anticipates that it will select a minimum of a three-person committee to evaluate each of the responsive proposals submitted in response to this RFQ. PLEASE NOTE: No proposer shall be informed at any time during or after the RFQ process as to the identity of any evaluation committee member. If, by chance, a proposer does become aware of identity of such person(s), he/she SHALL NOT make any attempt to contact or discuss with such person anything related to this RFQ. As detailed within Section 3.4 of this document, the designated CO is the only person at the HA that the proposers shall contact pertaining to this RFQ. Failure to abide by this requirement may (and most likely will) cause such proposer(s) to be eliminated from consideration for award.
- 4.2.3 **Evaluation:** The CO will evaluate and award points objectively pertaining to Evaluation Factor No. 6. The appointed evaluation committee, independent of the CO or any other person at the HA, shall evaluate the responsive proposals submitted and award points subjectively pertaining to Evaluation Factors No.’s 1-5. Upon final completion of the proposal evaluation process, the evaluation committee will forward the completed evaluations to the CO.
- 4.2.4 **Potential “Best and Finals” Negotiations:** The HA reserves the right to, as detailed within Section 7.2.N through Section 7.2.R of HUD Procurement Handbook 7460.8 REV 2, conduct a “Best and Finals” Negotiation, which may include oral interviews, with all firms deemed to be in the competitive range. Any firm deemed not to be in the competitive range shall be notified of such in writing by the HA in a timely manner as possible, but in any case within no longer than 10 days after the beginning of such negotiations with the firms deemed to be in the competitive range.

4.2.5 Determination of Top-ranked Proposer: Typically, the subjective points awarded by the evaluation committee will be combined with the objective points awarded by the CO to determine the final rankings, which is typically forwarded by the CO to the ED for approval. If the evaluation was performed to the satisfaction of the ED, the final rankings may be forwarded to the Housing Authority Board of Commissioners (BOC) at a scheduled meeting for approval. Contract negotiations may, at the HA's option, be conducted prior to or after the BOC approval.

4.2.5.1 Ties: In the case of a tie in points awarded, the award shall be decided as detailed within Section 6.12.C of HUD Procurement Handbook 7460.8 REV 2, by “drawing lots or other random means of selection.”

4.2.5.2 Minimum Evaluation Results: To be considered to receive an award a proposer must receive a total calculated average of at least 70 points (of the 115 total possible points detailed within Section 4.1 herein).

4.2.6 Contract Price Negotiations: The HA anticipates that it will conduct such negotiations in the following manner:

4.2.7.1 The HA anticipates that it will first negotiate with the first top-rated proposer. If the HA and such proposer have not, within 5 business days, arrived at a mutually agreed upon price for the work, the HA reserves the right to terminate, in writing, negotiations with that proposer and begin negotiations with the next rated proposer. Subsequently, if the HA and such proposer have not, within 5 business days, arrived at a mutually agreed upon price for the work, the HA reserves the right to terminate, in writing, negotiations with that proposer and begin negotiations with the next rated proposer. This process may be repeated until the HA is able to arrive at a mutual agreed upon price with a proposer. In any case, the HA may NOT as a part of this RFQ (or, in the case of an Indefinite Quantities Contract, as a part of that specific task order) re-enter negotiations with a proposer that the HA has terminated negotiations with as detailed within this Section 4.2.7.1.

4.2.7 Award Recommendation: It is anticipated that the final rankings will be forwarded to the HA Board of Commissioners (BOC) at a regularly scheduled board meeting for approval. The BOC will then make its determination as to whether or not to follow the evaluation committee's recommendation. Contract price negotiations may, at the HA's option, be conducted prior to or after the BOC approval.

4.2.8 Notice of Results of Evaluation: If an award is completed, all proposers will receive by e-mail a Notice of Results of Evaluation. Such notice shall inform all proposers of:

4.2.8.1 Which proposer received the award;

- 4.2.8.2 Where each proposer placed in the process as a result of the evaluation of the proposals received;
 - 4.2.8.3 The cost agreed upon with the top-rated or successful proposer;
 - 4.2.8.4 Each proposer's right to a debriefing and to protest.
- 4.2.9 **Restrictions:** All persons having familial (including in-laws) and/or employment relationships (past or current) with principals and/or employees of a proposer entity will be excluded from participation on the HA evaluation committee. Similarly, all persons having ownership interest in and/or contract with a proposer entity will be excluded from participation on the HA evaluation committee.

5.0 CONTRACT AWARD:

5.1 Contract Award Procedure: If a contract is awarded pursuant to this RFQ, the following detailed procedures will be followed:

5.1.1 It is anticipated that upon final completion of the proposal evaluation process, the evaluation committee will forward the completed evaluations to the CO. The CO will formulate and forward to the ED for approval a written award recommendation. The ED will review the recommendation and, if in agreement, take the award recommendation to the BOC at a scheduled board meeting for approval (typically for contracts with a total value greater than \$25,000). If so, the BOC will then make its determination of whether or not to follow the committee's recommendation. At some point (in a timely manner) after award all proposers will, as detailed within Section 4.2.9 herein, receive a Notice of Results of Evaluation. Contract price negotiations may, at the HA's option, be conducted prior to or after the BOC approval.

5.2 Contract Conditions: The following provisions are considered mandatory conditions of any contract award made by the HA pursuant to this RFQ:

5.2.1 Contract Form: The HA will not execute a contract on the successful proposer's form--contracts will only be executed on the HA form (please see Sample Contract, Attachments G, G-1 and G-2), and by submitting a proposal the successful proposer agrees to do so (please note that the HA reserves the right to amend this sample contract form as the HA deems necessary). However, the HA will, during the RFQ competitive solicitation process, prior to the submittal deadline, consider any contract clauses that the proposer wishes to include therein, but the failure of the HA to include such clauses does not give the successful proposer the right to refuse to execute the HA's contract form. It is the responsibility of each prospective proposer to notify the HA, in writing, prior to submitting a proposal, of any contract clause that he/she is not willing to include in the final executed contract and abide by. The HA will consider and respond to such written correspondence, and if the prospective proposer is not willing to abide by the HA's response (decision), then that prospective proposer shall be deemed ineligible to submit a proposal.

5.2.1.1 Please note that the HA has no legal right or ability to (and will not) at any time negotiate any clauses contained within ANY of the HUD forms included as a part of this RFQ.

5.2.2 Assignment of Personnel: The HA shall retain the right to demand and receive a change in personnel assigned to the work if the HA believes that such change is in the best interest of the HA and the completion of the contracted work.

5.2.3 Unauthorized Sub-Contracting Prohibited: The successful proposer shall not assign any right, nor delegate any duty for the work proposed pursuant to this RFQ (including, but not limited to, selling or transferring the contract) without the prior written consent of the CO. Any purported

assignment of interest or delegation of duty, without the prior written consent of the CO shall be void and may result in the cancellation of the contract with the HA, or may result in the full or partial forfeiture of funds paid to the successful proposer as a result of the proposed contract; either as determined by the CO.

- 5.3 Contract Period:** The HA anticipates that it will initially award a contract for the period of 1 year with the option, at the HA's discretion, of 2 additional one-year option periods, for a maximum total of 3 years.
- 5.4 Licensing and Insurance Requirements:** Prior to award (but not as a part of the proposal submission) the *successful proposer* will be required to provide:
- 5.4.1** An original certificate evidencing the proposer's current industrial (workers compensation) insurance carrier and coverage amount;
 - 5.4.2** An original certificate evidencing General Liability coverage, naming the HA as an additional insured, together with the appropriate endorsement to said policy reflecting the addition of the HA as an additional insured under said policy (minimum of \$1,000,000 each occurrence, general aggregate minimum limit of \$1,000,000, together with damage to premises and fire damage of \$50,000 and medical expenses any one person of \$5,000), with a deductible of not greater than \$1,000;
 - 5.4.3** An original certificate showing the proposer's professional liability and/or "errors and omissions" coverage (minimum of \$1,000,000 each occurrence, general aggregate minimum limit of \$1,000,000), with a deductible of not greater than \$1,000;
 - 5.4.4** An original certificate showing the proposer's automobile insurance coverage in a combined single limit of \$1,000,000. For every vehicle utilized during the term of this program, when not owned by the entity, each vehicle must have evidence of automobile insurance coverage with limits of no less than \$50,000/\$100,000 and medical pay of \$5,000.
 - 5.4.5** A copy of the proposer's business license allowing that entity to provide such services within the City of Texas City;
 - 5.4.6** If applicable, a copy of the proposer's license issued by the State of Texas licensing authority allowing the proposer to provide the services detailed herein.
 - 5.4.7** The requested related information shall also be entered where provided for on the Profile of Firm Form (DO NOT ATTACH SUBMIT COPIES WITHIN THE PROPOSAL SUBMITTAL--we will garner the necessary certificates from the successful proposer prior to contract execution).
- 5.5 Contract Service Standards:** It is the responsibility of the successful proposer to ensure that all work performed pursuant to this RFQ must conform and comply with all applicable local, state and federal codes, statutes, regulations and laws.

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