

**Request for Qualifications**  
**#021919 Architectural Services**  
**Gaines County Texas Multi-facility Projects**

**QUALIFICATIONS ARE DUE on or before Feb 19, 2019 at 10 am.**  
*Qualifications received after the date and time may not be considered.*

**Addressed to:**

**Gaines County Judge**  
**POB 847**  
**101 S. Main St., Room 201**  
**Seminole, TX 79360**

**I. General Information & Requirements**

- A. Request for Qualifications. Gaines County, Texas (“Owner”) requests statements of qualifications from architects ("Architect") with substantial experience in designing local government facilities in Texas, and familiarity with applicable laws, codes and regulations, including the requirements of Seminole, Gaines County Texas, to assist the County in the redesign of multiple county facilities, the Library, Old Jail, EOC and any other facilities the commissioners court decides upon (the “Projects”). The Projects are to be renovated/repurposed at multiple locations in Gaines County, Texas.
- B. Scope of Services. The selected Architect will be required to provide programming to assist the Owner in determining the size and features that best fit the County’s needs and which are constructible within the County’s estimated construction budget. The County has initially estimated \$ 7 million dollars as the potential construction budget. The selected Architect will be responsible for the design of the Projects and for providing contract administration services during construction. If the Owner elects to use the Construction Manager at Risk (“CMR”) construction method for the Projects, the Architect will be required to assist the Owner in the selection of the CMR and to work cooperatively and collaboratively with the CMR during the design of the projects.
- C. Selection Process. The Owner will perform an initial ranking of the Architects based on the Responses received to this RFQ. The Owner, at its option, may request one or more Respondents to provide additional information or to be interviewed. Once the Owner has obtained the information needed, it will rank the Respondents from highest to lowest based on the selection criteria set out in Section K below. Contract negotiations will begin with the first-ranked Respondent, and if the parties are unable to agree upon mutually-acceptable terms, the Owner will terminate negotiations and move to the second-ranked Respondent. This process will be followed until an agreement is reached or all of the Respondents are rejected. The Commissioners Court will have the final decision in selecting the Architect.

The Owner reserves the right to terminate the selection process at any time, and to reject any and all Respondents. The Owner will not be responsible to any Respondent for the costs incurred by it in responding to this RFQ.

- D. Licensure. All Respondents must have legally required licensure so that all services required from them may be delivered in accordance with applicable law.
- E. Inquiries and Contact Person. Owner will try to answer written inquiries concerning this RFQ, but shall not be obligated to do so. If an Architect believes the scope of services is unclear, or has a question regarding this RFQ, then the Architect may make a written inquiry by email to the person identified below. Answers will be delivered by email, but the Owner may issue addenda to this RFQ prior to the deadline for submission, or delay the date and time of submission in order to ensure that all prospective Respondents are aware of and have had sufficient time to consider the addenda. **The final date for questions and inquiries is February 15<sup>th</sup>, 2019 at noon.**

All questions should be addressed to the following contact person **BY EMAIL:**

Contact Person: **County Judge Tom Keyes**

Email: **tom.keyes@co.gaines.tx.us**

- F. Public Information. Owner is a political subdivision of the State of Texas and is subject to the Texas Public Information Act (Chapter 552 of the Texas Government Code). Any information submitted to Owner is presumed to be public information and available to the public. Any information or materials submitted to Owner that the Respondent considers confidential and exempt from public disclosure under applicable law must be clearly marked "CONFIDENTIAL." The word "CONFIDENTIAL" should also appear prominently at the top of each page on which the information appears. If a request is made to review or obtain copies of the information marked Confidential under the Texas Public Information Act, Owner will endeavor to advise the Respondent of the request. If requested by the Respondent, the Owner will ask for an Open Records Decision or Ruling from the Texas Attorney General's Office, but the Respondent, at Respondent's sole cost and expense, will be responsible for asserting any appropriate exceptions to disclosure and information to support the Respondent's position. The Owner will abide by the decision of the Texas Attorney General.
- G. Waiver of Formalities. Owner reserves the right to reschedule, extend, or cancel this RFQ at any time. Owner reserves the right to reject any or all Responses, and to waive formalities or irregularities in connection with this RFQ and may consider submissions not made in compliance with this request for qualifications if it elects to do so, to the extent permitted by law, although the Owner will have no obligation for such consideration.

- H. Addenda. If Owner issues addenda to this RFQ, the addenda will be posted on the Owner's website. Respondents are responsible for determining whether addenda have been posted prior to submitting their Responses.
- I. No Reimbursement for Costs. Respondent acknowledges and accepts that the Owner will not reimburse Respondent for any costs incurred by Respondent in participating in this selection process.
- J. Submission of Responses. The Owner will receive Responses, consisting of the Statements of Qualifications and required documents and information as described in Article II below, at the time and location described below:

**RESPONSES MUST BE RECEIVED on or before February 19, 2019 at 10 a.m..  
at the following office:**

**Gaines County Judge  
POB 847  
101 S. Main St., Room 201  
Seminole, TX 79360  
Re: RFQ/Architect**

Responses received after the date and time specified may not be considered.

- K. Evaluation Methodology
1. Criteria for Evaluation. The Owner will identify the Respondent or Respondents that the Owner believes to be the most highly qualified providers to perform the required services in accordance with Chapter 2254 of the Texas Government Code, based on the following criteria and the information submitted by the Respondents pursuant to Article II below:
    - a) Demonstrated recent successful experience in the design of facilities in Texas similar in size and scope to the Owner's Project. **50 points**
    - b) Financial ability of Respondent to perform Respondent's services reliably. **30 points**.
    - c) The satisfaction of the facility owners with Respondent's services and with the design and operation of the facilities designed by the Respondent. **20 points**
  2. Boycott of Israel Prohibited. The Owner is prohibited under Section 2270.002 of the Texas Government Code from entering into a contract for goods or services with a person or entity unless the contract contains a written verification from the person or entity that it does not boycott Israel and will not boycott Israel during the term of the contract.

3. Acceptance of Evaluation Methodology. By submitting its Response to this RFQ, each Respondent accepts the evaluation process and acknowledges and accepts that determination of the “most highly qualified” firm will require subjective judgments by the Owner.

L. Required Texas Ethics Commission Forms.

1. Each Respondent is required to provide the completed Conflict of Interest Questionnaire (“Chapter 176 Form”) set out in **Attachment 1**, with its Response.
2. The selected Architect will be required to provide a Form 1295 Certificate of Interested Parties to the County at the time the Architect Contract is signed.

M. Architect Contract. The selected Architect and Owner will enter into a contract which sets out the scope of services and the agreed-upon fees and reimbursable expenses prior to any services being performed. The contract will be substantially in the form attached hereto as **Attachment 2**.

## **II. Submission Requirements for Responses**

The Respondent’s Response should consist of (i) the Statement of Qualifications described in Section A below and (ii) the accompanying information described in Section B below.

- A. The Respondent’s Statement of Qualifications should contain the following information:
1. the business name, principal business address and telephone and fax numbers of the Respondent;
  2. the name of the individual representing the Respondent with regard to this RFQ, and that person’s title, phone number and email address;
  3. a statement of interest for this RFQ including a brief narrative describing the Respondent’s unique qualifications to perform design services for this Project;
  4. a statement of availability and commitment of the Respondent and its principal(s) and assigned professionals to undertake the services described in this RFQ;
  5. a brief description of the work experience and professional registration information for professional team members assigned to this project;
  6. a brief history of the Respondent and each principal or consultant who will work on the Project;

7. a list of all staff members who perform services in connection with projects, including, but not limited to, staff architects (other than the architect principally responsible for performing the design services) and compliance personnel;
8. a brief description of the Respondent's experience in working on projects in which the Construction Manager-at-Risk construction method was used, and whether this method would be a good choice for Owner's Project.
9. a brief description of at least three (3) local government facilities in Texas designed by the Respondent (or designed by an architect of record who is now a principal or employee of the Respondent) and constructed within the last ten (10) years. The response should provide Owner with information by which to evaluate the Respondent based on the Selection Criteria set out in Article I, Section K, and should include the following information with regard to each project:
  - a. the name and location of the facility,
  - b. the name of the current owner of the facility,
  - c. a description of the services performed by the Respondent, or the current principal/employee of the Respondent, in connection with the facility (e.g. design and contract administration services),
  - d. a brief description of any assistance which the Respondent provided to facility owners in resolving construction problems that arose during construction or during the one-year warranty period following substantial completion;
  - e. a statement as to whether the project was constructed within the contract amount, and if not, the reason why it was not;
  - f. a statement as to whether the project was substantially completed by the required substantial completion date, and if not, the reason why it was not;
  - g. the name and current contact information for at least one employee or representative of the facility owner who has actual knowledge of the project and can provide information on the design, construction and/or operation of the facility and/or the Architect's services;

B. The Statement of Qualifications **should be accompanied by the following:**

1. Copies of Respondent's financial statements for the past three (3) years, audited, if available, and Respondent's financial rating;
2. A specimen Certificate of Insurance showing the amount and types of insurance coverages currently maintained by the Respondent;
3. The completed Chapter 176 Form set out in Attachment 1 to this RFQ; and
4. A written response to the following:
  - a. Has your firm, or any principals or professionals of your firm been involved in a dispute with an owner involving mediation, arbitration and/or litigation, or an investigation by a professional board arising in connect with a design or professional services contract or in connection with services performed?
  - b. If the answer to (i) is "Yes", provide a detailed explanation of the events, the basis for the dispute or complaint, and the resolution.

### **III. Qualifications Statement Format**

- A. All submittals must be on 8 ½" X 11" paper, typed with at least 12 point font, double-spaced, with a maximum of 30 pages. Brochures or pictures of the Respondent's projects do not count toward the 30 page limit.
- B. Each Respondent should submit one original Response, signed by a duly authorized representative of the Respondent, and 10 copies of the Response.

### **IV. Additional Information/Interview**

Owner may require additional information or a personal interview from one or more of the Respondents. Respondents agree to promptly provide Owner with additional information reasonably requested by Owner in connection with this RFQ.

If Owner elects to interview a Respondent, the Owner will provide Respondent with information on the date(s) set aside for interviews.

**IN SUBMITTING A RESPONSE TO THIS RFQ, THE RESPONDENT AGREES THAT IT WAIVES ANY CLAIMS IT HAS OR MAY HAVE AGAINST THE OWNER, THE OWNER'S EMPLOYEES, OFFICERS, OFFICIALS, AGENTS, REPRESENTATIVES, AND THE MEMBERS OF THE OWNER'S GOVERNING BODY IN CONNECTION WITH OR ARISING OUT OF THIS RFQ, INCLUDING, THE ADMINISTRATION OF THE RFQ, THE BASIS FOR SELECTION, THE EVALUATIONS OF THE RESPONSES, THE METHOD USED FOR SELECTION AND ANY DISCLOSURE OF INFORMATION**

**REGARDING THE RESPONSES OR EVALUATIONS. THE SUBMISSION OF A RESPONSE CONSTITUTES THE ACCEPTANCE BY THE RESPONDENT OF THE EVALUATION TECHNIQUE DESCRIBED IN THIS RFQ.**

**END OF INSTRUCTIONS**

Attachment 1  
Chapter 176 Form

| <b>CONFLICT OF INTEREST QUESTIONNAIRE</b>  |                        | <b>FORM CIQ</b> |
|--|------------------------|-----------------|
| <b>For vendor doing business with local governmental entity</b>  |                        |                 |
| <p><b>This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.</b></p> <p>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 governmental entity and the vendor meets requirements under Section 176.006(a).</p> <p>By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.</p> <p>A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.</p>   | <b>OFFICE USE ONLY</b> |                 |
| <p><b>1</b> Name of vendor who has a business relationship with local governmental entity.</p>   | <p>Date Received</p>   |                 |
| <p><b>2</b> <input type="checkbox"/> Check this box if you are filing an update to a previously filed questionnaire. (The law requires 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.)</p>  |                        |                 |
| <p><b>3</b> Name of local government officer about whom the information is being disclosed.</p> <p align="center">_____</p> <p align="center">Name of Officer</p>  |                        |                 |
| <p><b>4</b> 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.</p> <p align="center">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?</p> <p align="center"><input type="checkbox"/> Yes      <input type="checkbox"/> No</p> <p align="center">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 a family member of the officer AND the taxable income is not received from the local governmental entity?</p> <p align="center"><input type="checkbox"/> Yes      <input type="checkbox"/> No</p> |                        |                 |
| <p><b>5</b> 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.</p>   |                        |                 |
| <p><b>6</b> <input type="checkbox"/> 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).</p>  |                        |                 |
| <p><b>7</b></p> <p align="center">_____<br/>Signature of vendor doing business with the governmental entity</p> <p align="right">_____<br/>Date</p>  |                        |                 |



**CONFLICT OF INTEREST QUESTIONNAIRE**  
**For vendor doing business with local governmental 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 governmental entity or an agency of a federal, state, or local governmental 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:

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(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 governmental 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 governmental entity and vendor has been executed; or

(ii) the local governmental 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 governmental entity and:

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

(2) has given a local government officer of that local governmental entity, or a family member of the officer, 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 governmental 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 governmental 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 2  
Architect Contract