

CITY OF WHEELER
Economic Development Corporation (EDC)

REQUEST FOR QUALIFICATIONS

Submittal Deadline: September 11th, 2023 by 12:00pm



Request for Qualifications (RFQ) for Engineering/Architectural Services

The City of Wheeler, Economic Development Corp., is seeking to enter into an Engineering/Architectural/architectural services contract with a State of Texas-registered Engineering/Architectural/architect for the Wheeler Downtown Main Revitalization and Sidewalk Project #2051-01-014 TxDOT Transportation Alternative Set-Aside project located in Wheeler, TX. The following outlines this request for qualifications:

- I. Scope of Work: The Engineering/Architectural Services contract will encompass all project-related Engineering/Architectural & surveying services required for the construction of ADA-compliant ramps and sidewalks associated with the 2021 TxDOT (23 CFR 172) 205-01-014, including:
 1. Preliminary and final design plans and specifications;
 2. Preparation of the bid packet;
 3. Environmental Assessment; and
 4. Other special services.

Please specify actual tasks to be performed under each of these categories.

The project itself is as follows:

Demolishing approximately 3,150 square-feet of concrete sidewalk and 3,815 square-feet of asphalt paving and replacing with approximately 6,365 square-feet of concrete sidewalk, 700 square-feet of concrete paving, 1,000 square-feet of asphalt paving, 210 linear-feet of guardrail, along with incorporating lighting. The project is located on FM 2473 (Main St) alongside the west side of FM 2473 from State Hwy 152 to Texas Ave in Wheeler, TX.

The following outlines this request for qualifications.

- II. Statement of Qualifications: The City of Wheeler, Wheeler Economic Development Corp. (EDC), is seeking to contract with a competent, qualified Engineering/Architectural firm, registered to practice in the State of Texas, that has had experience in the following areas:
 - Municipal construction including but not limited to ADA-compliant ramps and sidewalks;
 - Registered and in good standing as a professional engineer per the Texas Engineering/Architectural Practice Act;
 - Past experience working on TxDOT-funded projects;
 - Past experience with NEPA documentation submission through the State for environmental review and Federal Highway Administration NEPA review process.

As such, within your qualifications, please address each of these points and provide a list of past local government clients, as well as resumes of all Engineers that will or may be assigned to this project if you receive the Engineering/Architectural services contract award. Please include the name, address, email address and phone number of at least three (3) references for completed municipal projects.

Also, please provide a copy of your current certificate of insurance for professional liability.

- III. Affirmative Action/DBE/EEO: The City of Wheeler EDC is an Affirmative Action/Equal Opportunity Employer and strives to attain goals for Section 3 of the *Housing and Urban Development Act of 1968 (12 U.S.C. 1701u)* as amended. Section 3 Residents and Business Concerns, Minority Business Enterprises, Small Business Enterprises and Women Business Enterprises are

encouraged to submit qualifications.

This is a federally funded contract. When federal funds are participating in the professional services phase of the project, the EDC will implement TxDOT's DBE program and coordinate closely with the TxDOT district. A DBE goal will be given to the EDC for this program in compliance with the Disadvantaged/Minority Business Enterprise Program, established in 49 CFR Part 26.

DBE Goal – Based on the project's Federal funding, type of work, location, overall, and item cost estimate values, subcontracting opportunities, certified DBE firms in the vicinity of the project location, and size of the project, the Civil Rights Division of TxDOT assigns a race-conscious DBE goal of 0% for this project.

Although the respondent is not required to show sub-consultant teaming structures in their response, the winning respondent will be expected to abide by the DBE goal. Respondents may use past DBE goal attainment and projects to demonstrate their ability to attain the DBE goal set forth above.

Race-neutral DBE participation is encouraged and suggested. Race-neutral participation is achievable through various opportunities such as DBE material supplier, subcontracting, etc. The contract may include a race-neutral DBE (no assigned DBE goal) provision to provide for the reporting of DBE utilization, if used, to satisfy TxDOT DBE utilization reporting requirements.

It is the policy of the City of Wheeler EDC to ensure that DBEs as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in federally assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of all contracts;
2. To create a level playing field on which DBEs can compete fairly for all contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26, eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in all contracts;
6. To assist the development of firms that can compete successfully in the marketplace outside of the DBE program.

IV. Evaluation Criteria: The SOQs received will be evaluated and ranked according to the following criteria:

Criteria	Maximum Points
Staff Experience/Qualifications	50
Past Work Performance	25
Capacity to Perform Proposed Services	25
Total	100

The respondent's qualifications will be evaluated based on these criteria. The most qualified respondent will be selected, subject to negotiation of fair and reasonable compensation. For costs of Engineering/Architectural (A/E) professional services, negotiations must occur after the initial selection of the engineer or architect as price cannot be used as a selection factor. (See 2 CFR 200.320(d)(5) and Texas Government Code § 2254.004)

V. Format of Submission: Please provide the following information, in order:

1. Contact Information/Firm Type

- Legal name of firm
- Contact Persons including phone number and email address
- Legal business description (Individual, Partnership, Corporation, Joint Venture, etc.)

2. Statement of Qualifications and Experience of Proposed Staff (50 points)

Provide an overview and brief history of the firm and Subconsultant(s), to include the following:

- Organizational chart for personnel (including Subconsultants) who are to work on this project including licensure information.
- Provide a copy of your current certificate of insurance for professional liability.
- DBE information, if applicable, about Consultant and Subconsultant(s).
- Names and roles of key personnel proposed to work on this project; include resumes for all key personnel and indicate any individuals who have had previous experience on similar scope projects.
- **Address points cited specifically in Section II of this RFQ.**
- Provide the Project Manager's experience with similar type projects.
- Provide the firms experience on environmental processes involving TxDOT projects.

3. Past Work Performance (25 points)

Provide verifiable examples of at least three (3) similar projects, including:

- Project name and location
- Client name and contact person for reference
- Services provided
- Date of completion or project status

4. Capacity to Perform (25 points)

- Address Scope of Work tasks as described in Section I.
- Explain how the team will design the project. Are there multiple design options?
- Provide a proposed project schedule for the project
- Provide staffing size by areas of expertise.
- Provide current workload of prime firm.
- Provide staff availability to perform services.

VI. Deadline for Submission: Please submit five (5) paper copies and a PDF of your services and statement of qualifications in sealed envelope labeled **Wheeler TxDOT Transportation Alternatives CSJ 2051-01-014**. The submissions will be received no later than **12:00pm, September 11th, 2023** at the following address:

Hand Delivered or Land Courier to:
Wheeler EDC
Attn: Kristen Moudy
City of Wheeler
505 S. Alan L. Bean Blvd
Wheeler, TX 79096

or

Mail to:
Wheeler EDC
Attn: Kristen Moudy
City of Wheeler
505 S. Alan L. Bean Blvd
Wheeler, TX 79096

Submittal of RFQ in response to this solicitation constitutes an offer by the respondent. Once submitted, RFQs become the property of the City of Wheeler EDC. As such, the EDC reserves the right to use any ideas contained in any RFQ regardless of whether that respondent/firm is selected. Submission of an RFQ in response to this solicitation by any respondent, shall indicate that the respondent(s) has/have accepted the conditions contained in the RFQ, unless clearly and specifically noted in the RFQ submitted and confirmed in the contract between the EDC and the successful respondent otherwise. RFQs which do not comply with these requirements may be rejected at the option of the EDC. No late submissions will be accepted. Failure to meet RFQ requirements may be grounds for disqualification.

The EDC reserves the right to reject any and all SOQs for any reason whatsoever. The EDC may waive informalities or irregularities in the SOQ received where such is merely a matter of form and not substance, and the correction or waiver thereof is deemed by the EDC not prejudicial to other SOQs. After the selection of the most qualified firm(s), scope of services and billing rates will be negotiated and used as attachments to the EDC's Professional Services Agreement. This agreement will then be submitted to the City Council for approval. If the EDC and the selected firm cannot successfully negotiate an agreement, then the EDC will enter into negotiations with the next best-qualified firm on the evaluation rating list. This procedure may be repeated until one (1) or more firms have been selected and approved by the City Council.

The EDC currently anticipates conducting the selection process proceeding in accordance with the following list of milestones. This schedule is subject to revision, and the EDC reserves the right to modify this schedule as necessary, in its sole discretion.

RFQ issued	Date: August 24, 2023
RFQ published	Date: August 24, 2023
SOQ Submission Deadline	Date: September 11, 2023 at 12:00pm
SOQ Review	Date: September 11, 2023 at 2:00pm
City Council Approval	Date: September 18, 2023 at 6:00pm

Time Allowed for Action - The City of Wheeler EDC may hold RFQs 60 days after deadline without taking action. Respondents are required to hold their RFQ firm for the same period of time.

Right to Reject/Award - The City of Wheeler EDC reserves the right to reject any or all RFQs, to waive any or all non-substantive formalities or technicalities, and to make such awards of contract as may be deemed to be the best and most advantageous to the City of Wheeler EDC based on the evaluation criteria set forth in this RFQ. Any rejection or waiver proposed must be approved by TxDOT.

Assignment – Respondents are advised that the City of Wheeler EDC shall not allow the successful respondent to sell, assign, transfer, or convey any part of any contract resulting from this SOQ in who or in part, to a third party without the written approval of the City of Wheeler EDC and TxDOT.

Award – Respondents are advised that the City of Wheeler EDC is soliciting SOQs, and an award shall be made to the respondent that in the opinion of the City of Wheeler EDC is the best qualified.

Number of Contracts – The City of Wheeler EDC reserves the right to award on more than one

or no contract(s) in response to this RFQ.

Statutory Requirements – It shall be the responsibility of the successful respondent to comply with all applicable State and Federal laws, Executive Orders, and Municipal Ordinances, and the Rules and Regulations of all authorities having jurisdiction over the work to be performed here under and such shall apply to the contract throughout, and they will be deemed to be included in the contract as though written out in full in the contract documents.

Alterations/Amendments to SOQ – An SOQ **CANNOT** be altered or amended after opening time. Alterations made before opening time must be initialed by the respondent guaranteeing authenticity. No SOQ may be withdrawn after opening time.

List of Exceptions – The City of Wheeler EDC will not accept exceptions associated with the RFQ. Each respondent shall reply to meet all specifications with the RFQ.

Interpretations – Any questions concerning the project and/or specifications/requirements with regard to this RFQ shall be directed to the designated individual(s) as outlined in this RFQ. Such interpretations, which may affect the eventual outcome of this RFQ, shall be furnished in writing to all prospective Respondents via Addendum. No interpretation shall be considered binding unless provided in writing by the City of Wheeler EDC in accordance with paragraph entitled "Addenda and Modifications."

Confidential Information – Any information deemed to be confidential by the respondent should be clearly noted on the pages where confidential information is contained; however, the City of Wheeler EDC cannot guarantee that it will not be compelled to disclose all or part of any public record under Texas Public Information Act, since information deemed be confidential by the respondent may be considered confidential under Texas Law, or pursuant to a Court order.

Past Performance – Respondents past performances shall be taken into consideration in the evaluation of the SOQ submittal.

Jurisdiction – Contract(s) executed as part of this solicitation shall be subject to and governed under the laws of the State of Texas. Any and all obligations and payments are due and performable and payable in Wheeler County, Texas.

Right to Audit – The City of Wheeler EDC, or TxDOT, reserves the right to audit the vendor's books and records relating to the performance of this contract. The City of Wheeler EDC, or TxDOT, at its own expense, shall have the right at all reasonable times during normal business hours and upon at least twenty-four (24) hours advance notice, to audit, to examine, and to make copies of or extras from the books of account and records maintained by the vendor(s) with respect to the Supply/Service and/or Purchase Contract. If such audit discloses overpayment by the EDC to vendor, written notice of such overpayment shall be provided to the vendor, and the amount of overpayment shall be promptly reimbursed by vendor to the EDC. In the event any such overpayment is not paid within ten (10) business days after receipt of such notice, the unpaid amount of such overpayment shall bear interest at the rate of one percent (1%) per month from the date of such notice until paid.

Venue – The parties agree that the venue for the purpose of any and all lawsuits, cause of action, arbitration, and/or any other dispute(s) shall be in Wheeler County, Texas.

Conflict of Interest – Chapter 176 of the Texas Local Government Code requires that any

vendor or person considering doing business with a local government entity disclose in the Questionnaire Form CIQ, the vendor or person's affiliation or business relationship that might cause a conflict of interest with a local government entity. By law, this questionnaire must be filed with the records administrator of the City of Wheeler EDC not later than the 7th business day after the date the person becomes aware of facts that require the statement be filed. See Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor. For more information or to obtain Questionnaire CIQ visit the Texas Ethics Commission web page at www.ethics.state.tx.us/forms/CIQ.pdf.

IF YOU HAVE ANY QUESTIONS ABOUT COMPLIANCE, PLEASE CONSULT YOUR OWN LEGAL COUNSEL. COMPLIANCE IS THE INDIVIDUAL RESPONSIBILITY OF EACH PERSON OR AGENT OF A PERSON WHO IS SUBJECT TO THE FILING REQUIREMENT. AN OFFENSE UNDER CHAPTER 176 IS A CLASS "C" MISDEMEANOR.

Confidentiality of Information and Security – Should the successful respondent become the holder of and have access to confidential information in the process of fulfilling its responsibilities in connection with an awarded contract the successful respondent agrees that it shall keep such information confidential and will comply fully with the laws and regulations of the State of Texas, ordinances, and regulations of the City of Wheeler EDC, and any applicable federal laws and regulations relating to confidentiality.

Texas Ethics Commission Requirement Notification - In 2015, the Texas Legislature adopted Houses Bill 1295, which added section 2252.908 of the Texas Government Code. The law states that a government entity or state agency may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties to the governmental entity or state agency. The law applies only to a contract of a governmental entity or state agency that either (1) requires an action or vote by a governing body of the entity or agency before the contract may be signed or (2) has a value of at least \$1 million. The disclosure requirement applies to a contract entered into on or after January 1, 2016.

A signed and notarized Form 1295 shall be tendered to the City of Wheeler EDC by providers selected to receive a contract prior to contract execution. The City of Wheeler EDC will not evaluate the information provided or respond to any questions on how to interpret the Texas Ethics Commission's rules.

For additional information, please reference the Texas Ethics Commission webpage at: <https://www.ethics.state.tx.us/tec/1295-Info.htm>.

Administrative Qualification Requirements - Administrative qualifications are required to complete for solicitations using this process when applicable administrative qualification is a process used by the department to verify that a provider has an indirect cost rate that meets TxDOT requirements.

Administrative Qualification is governed by Section 9.34(b) of Title 43 in the Administrative Code (TAC).

The TAC exempts non-Engineering/Architectural firms and certain service types from administrative qualification. For such firms and service types, an indirect cost rate is not required.

For more information purposes, only, the *Project Team Composition* (PTC) Form indicates the work categories that are exempt from administrative qualifications for this solicitation. For

firms not subjected to exemption, if selected, an indirect cost rate is necessary for rate schedule development. These firms have two options:

- Be administratively qualified by selection notification, or
- Accept the TxDOT developed indirect cost rate of 120%.
 - To accept the TxDOT developed rate, a Certification of No Indirect Cost Rate Audit form must be completed and submitted by selection notification.
 - The instruction is part of the form that can be found at:
<https://www.txdot.gov/content/txdotreimagine/us/en/home/business/peps/become-precertified.html>

Prime Provider Certification Statements - The prime provider must certify that they meet the following requirements:

- The prime firm is registered or licensed with the Texas Board of Professional Engineers, and if processing as a joint venture, the requirement applies to each joint venture member.
- The prime provider firm certifies that it is registered with the Texas Secretary of State office to do business in the State of Texas with legal firm name as indicated on this form. If proposing as a joint venture, the requirement applies to each joint venture member.
- Individuals on the project team are currently employed by the prime provider or a sub provider firm that has been identified on the team.
- A Professional Engineer registered or licensed in Texas will sign and seal the work to be performed on the contract.
- The prime provider shall perform at least 30 percent of the contracted work with its own work force.

Project Manager Requirement - The prime provider's project manager, as proposed in the SOQ, is required to be a registered Professional Engineer licensed in Texas by the SOQ deadline specified in this solicitation. The project manager must be an employee of the prime provider.

Termination of Contract – The City of Wheeler EDC reserves the right to terminate the contract if, in the opinion of the City of Wheeler, the successful vendor's performance is not acceptable, no funds are available, or if the City wishes, without cause, to discontinue this contract. Termination will be in written form allowing a 30-day notice.

Addenda and Modifications – Any changes, additions, or clarification to the SOQ are made by amendments (addenda). Any respondent in doubt as to the true meaning of and part of the RFQ or other documents may request an interpretation from the Executive Director. At the request of the respondent, the, or in the event the Executive Director deems the interpretation to be substantive, the interpretation will be made by written addendum. Said Addenda shall be e-mailed to all

Prospective respondents. All Addenda issued in respect to this RFQ shall be considered official changes to the original documents. Verbal statements in responses to inquiries and/or request for explanations shall not be authoritative or binding. It shall be the respondent's responsibility to ensure that they must recognize, comply with, and attach a signed copy of each Addendum which shall be made part of their RFQ submittal. Respondent(s) signature on Addenda shall be interpreted as the respondent's recognition and compliance to official changes as outlined by the City of Wheeler EDC and as such are made part of the original solicitation documents. Failure of any respondent to receive any such addendum or interpretation shall not relieve such respondent from its terms and requirements. Addendums are available by contacting the Executive Director at 806-367-0084

Preparation Costs – The City of Wheeler EDC shall not be held liable for any costs incurred by any respondent for work performed in the preparation of and production of a SOQ or any work performed prior to execution of contract.

Equal Employment Opportunity – The City of Wheeler EDC, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 22000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

Respondents agree that they will not discriminate in hiring, promotion, treatment, or other terms and conditions of employment based on race, sex, national origin, age disability, or in any way violate Title VI of 1964 Civil Rights Act and amendments, except as permitted by said laws.

Authorization to Bind Respondent to SOQ – SOQs MUST give full firm name and address of respondent and be manually signed. Failure to do so will disqualify your SOQ. Person signing SOQ must show title or AUTHORITY TO BIND HIS/HER FIRM IN A CONTRACT. Firm name and authorized signature must appear on each page that calls for this information. The legal status of the respondent whether corporation, partnership, or individual, shall also be stated in the SOQ. A corporation shall execute the SOQ by its duly authorized officers in accordance with its corporate by-laws and shall also list the state in which it is incorporated. A partnership Respondent shall give full names and addresses of all partners. All partners shall execute the SOQ. Partnerships and individual Respondents shall state in the SOQ the names and addresses of all persons with a vested interest therein. The place of residence of each respondent, or the office address in the case of a firm or company, with county and state and telephone number, shall be given after the signature.

Confidential Information – Respondents are advised that all confidential records must be submitted in a separate sealed envelope and marked accordingly.

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. Compliance with Regulations: The contractor shall comply with the Regulation relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter referred to as, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the "Regulators"), which are herein incorporated by reference and made a part of this contract.
2. Nondiscrimination – The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, and national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. Solicitations for Subcontractors, Including Procurements of Materials and Equipment – In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurement of materials and

lease of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

4. Information and Reports – The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the City of Wheeler EDC or TxDOT to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the City of Wheeler EDC or TxDOT as appropriate and shall set forth what efforts it has made to obtain information.
5. Sanctions for Noncompliance - The contractor's noncompliance with the nondiscrimination provisions of this contract, The City of Wheeler EDC shall impose such contract sanctions as it or TxDOT may determine to be appropriate, including, but not limited to:
 - a) Withholding of payments to the contractor under the contract until the contractor complies, and/or
 - b) Cancellation, termination, or suspension of the contract, in whole or in part.
6. Incorporation of Provisions – The contractors shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

Payment – The method of payment to the selected firms shall be on a time-and-material basis. This amount shall include labor, overhead, profit, and expenses including transportation, communications, and materials. Progress payments will be based on actual hours and contract hourly rates charged to a particular task monthly. Each invoice submitted to the EDC for payment shall contain a brief description of the work billed on that invoice, total billed to date, total paid to date, and amount remaining.