

CLAY COUNTY, TEXAS:

**PUBLIC REQUEST AND GUIDELINES FOR STATEMENTS OF QUALIFICATIONS
REGARDING ENGAGEMENT AS CONSTRUCTION MANAGER AS
CONSTRUCTOR FOR THE CLAY COUNTY, TEXAS
COURTHOUSE ROOF REPLACEMENT PROJECT
HENRIETTA, TEXAS**

RFQ No.: 24-RFQ-01

Issuance Date: March 4, 2024

**Roof Replacement:
Historic Clay County Courthouse, built: 1884**

Introduction and Response Submittal Procedure

1. **RFQ.** This is a **Request and Guidelines for Statements of Qualifications** (“RFQ”), submitted by **Clay County, Texas** (“County”), a duly organized and operating Texas county, by and through the approval of the **Commissioners Court of Clay County, Texas** (“Commissioners Court”), the County’s governing body. The County shall give public notice of this RFQ, and actions regarding this RFQ, in the manner required by law.
2. **Definitions and Interpretation.** As used in this RFQ, unless otherwise designated: (a) “**AIA**” shall mean the American Institute of Architects; (b) “**Construction Manager as Constructor**” (“**CMAC**”) is synonymous with, shall constitute, and has the same meaning, duties, responsibilities, and rights as, a “**Construction Manager at Risk**” (“**CMAR**”) described by Chapter 2269, Subchapter F of the Texas Government Code; (c) “**Project**” shall mean the pending **Clay County Courthouse Roof Replacement Project**, the public works project described in this RFQ for Roof Replacement of the **Historic 1884 Clay County Courthouse** (“**Courthouse**,” being located at 100 N. Bridge Street, Henrietta, Texas 76365); (d) “**Courthouse**” and “**Project Building**” shall mean the real property and improvements of the aforesaid courthouse located in Clay County, Texas as described in this paragraph 2; and (e) the past, present, or future tense(s) shall each include the other, the masculine, feminine, or either gender shall each include the other, and the singular and plural number shall each include the other where necessary for a correct meaning. All attached documents are incorporated by reference.
3. **Legal Entity** of the Offeror may be considered by the County in terms of risk under its best interests. Joint-Venture (JV) entities; Prime/Sub-contractor; or other formation of firms for the purposes of providing the County with the optimum CMAC and construction capabilities that enhance the County’s project or projects position.
4. **SOQ Solicitation.** The County hereby solicits sealed **Statements of Qualifications** (“**SOQs**”) from qualified firms or individuals (“**Offerors**”) for a proposed engagement by

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the County of a Construction Manager as Constructor (CMAC) for the County's pending Courthouse Roof Replacement Project, and as such, performance of the necessary evaluations, designs, reviews, cost estimates, and related functions required for development of project plans, specifications, procurement, review, and execution of the construction scope for the Project. The proposed roof replacement project is located at: **100 N. Bridge Street, Henrietta, Texas, 76365.**

5. **Attachments to RFQ.** The following documents are attached to this RFQ as exhibits:
 - **EXHIBIT 1** -- Offeror's Proposal Form
 - **EXHIBIT 2** -- AIA Document A305-2020/Contractor's Qualification Statement (with attached AIA Documents: Exhibit A/General Information Form; Exhibit B/Financial and Performance Information Form; Exhibit C/Project Specific Information Form; Exhibit D/Contractor's Past Project Experience Form; and Exhibit E/Contractor's Past Project Experience, Continued Form); and
 - **EXHIBIT 3** -- AIA Document A133-2019/Standard Form of Agreement between Owner and Construction Manager as Constructor (with attached AIA Documents: Exhibit A/Guaranteed Maximum Price Amendment; and Exhibit B/Insurance and Bonds).
6. **RFQ Inspection and Copies.** This RFQ may be inspected, and copies obtained from the following County public official: **Laura Lee Brock, Clay County Auditor, 214 N. Main, Henrietta, Texas 76365.** Proposed Offerors may obtain a copy of this RFQ by: (a) calling the Clay County Auditor's Office; (940) 538-5560; (b) making their request for an RFQ copy by email to Laura Lee Brock at lauralee.brock@co.clay.tx.us; (c) downloading a copy from Clay County's website www.claycountytexas.net. Offerors are advised to check the County's internet website frequently for any additional postings or information regarding the Project, including but not limited to updated construction plan addenda, drawings, FAQs and/or specifications for the Project.
7. **Deadline to Submit Written Questions.** Questions regarding this RFQ must be submitted in writing to Laura Lee Brock at **Clay County Auditor's Office** (by US mail, courier, hand-delivery, or e-mail delivery to the Clay County Judge's office address and contact information as provided above in this RFQ), **on or before 3:00 P.M. CST on Wednesday March 27, 2024.** The instructions contained in this RFQ are provided for the preparation and timely submission of a SOQ. The County will try to answer written questions concerning this RFQ but shall not be obligated to do so. Answers to written questions may be delivered by the County by email; therefore, legible written inquiries must contain the name and email address of the person to whom the County reply should be made. The foregoing shall not limit the County's right to issue addenda to the scope of work, or any other RFQ matter, prior to the opening of RFQ responses, or to delay the date and time of

said opening, to ensure that all potential Offerors are aware of and have had sufficient time to consider the addenda.

8. **Pre-SOQ Submittal Meeting.** A Pre-SOQ meeting will occur **at 10:00 A.M. CST on Thursday March 14, 2024, at the Clay County Courthouse, north entrance, 100 N. Bridge Street, Henrietta, Texas 76365.**
9. **Deadline to Submit SOQs.** Sealed SOQs will be accepted by the County **until 3:00 P.M. CST on Wednesday March 27, 2024.** The submitted SOQ must be timely delivered by mail, courier, or hand-delivery to the Clay County Judge's office to the following County public official: **Hon. Judge Mike Campbell, 214 N. Main Street, Henrietta, Texas 76365.** Any SOQ received by the County after that deadline will be returned unopened. The submitted SOQ, must be appropriately marked on the outside mailing envelope or package as follows: **"Statement of Qualifications of ***** (insert Offeror Name) – CMAC – Clay County Courthouse Roof Replacement Project."**
10. **Opening of SOQs.** The SOQs timely delivered to the County will be opened **in the Commissioners Courtroom located in the Courthouse Annex at 10:00 A.M. CST on Thursday March 28, 2024. Courthouse Annex located at: 214 N. Main Street, Henrietta, Texas 76365.** County review of the SOQs will begin thereafter by the County appointed scoring committee. The scoring committee will review, discuss, and formally rank proposers submitted SOQs. Be advised that Clay County reserves the right to either make a CMAC selection from submitted responses or request interviews of firms selected for further consideration. The Commissioners Court, using its lawful authority, discretion, and best business judgment, may choose to forego the interview procedure and open negotiations with the highest or top-ranked Offeror without an interview.
11. **Sealed and Complete SOQ Documents.** All submitted SOQs must be completed, sealed prior to delivery, and timely submitted to the County as specified in this RFQ. An Offeror interested in responding to this RFQ must submit to the County **one (1) original signature/executed SOQ, plus five (5) additional copies of the fully executed SOQ, for a total of six (6) submitted SOQ instruments.** Should the forms supplied by this RFQ for the SOQ submission be inadequate or space restricted, the Offeror also may submit additional pages of information in the SOQ to provide the County with a full and complete RFQ response. **SOQ copies (complete with attachments and forms) shall be 'Spiral' Bound or Stapled.**
12. **County's Reserved Rights.** The rights to accept or reject any or all submitted SOQs, and/or to waive all formalities regarding this RFQ, are hereby reserved by the County pursuant to all applicable authority. The County further reserves the right to (a) negotiate, under applicable guidelines, the procurement of professional and construction services with one or all qualified Offerors having met the submittal requirements, or (b) cancel in whole or in part this RFQ, if it is in the best interest of the County to do so. All SOQs shall become the property of the County upon submission. The County will not reimburse

responding Offerors for their SOQ submission expenses, or any subsequently incurred costs associated with the submission of any additional information, the appearance at an interview or presentation, or with the negotiation or procurement of a contract.

13. **Evaluation of Offerors.** Offerors determined eligible for further evaluation based on qualifications submitted in response to this RFQ may be given, at the sole discretion of the Commissioners Court, an opportunity to make a presentation and/or interview with the County's designated agents. The SOQ submitting Offerors will be ranked in order by the County's scoring committee no later than **forty-five (45) days from the opening of the SOQs**, pursuant to the procedure required by Chapter 2269 of the Texas Government Code and other authority, and according to the selection criteria described in this RFQ. Following the ranking of Offerors, contract negotiations will begin with the top ranked Offeror as required by law. Should negotiations with the highest ranked Offeror fail to yield a contract award, or if the selected Offeror is unable to execute a contract, negotiations will formally end and then negotiations will commence with the second highest ranked Offeror in the manner required by law. However, notwithstanding anything to the contrary stated in this RFQ, the County using its lawful authority, discretion, and best business judgment, may: (a) choose to forego the aforesaid interview procedure and open negotiations with the highest or top-ranked Offeror; or (b) direct a contract award from its score evaluation of the highest ranked Offeror, without interviews, if deemed in the best interest of the County. The County shall select the Offeror that timely submits a SOQ offering the best value for the County based on the selection criteria described in this RFQ and the evaluation ranking of Offerors conducted by the Commissioners Court.
14. **Confidential Information.** Upon written request to the Clay County Judge's Office, the County will provide a list of names of all Offerors who timely submitted a SOQ to the County for the Project. No disclosure of submitted SOQ contents will occur to competing Offerors, and all submitted SOQ's will be kept confidential by the County, during the SOQ evaluation, selection, and negotiation process, subject to the requirements of Chapter 2269 of the Texas Government Code, Chapter 551 of the Texas Government Code (the Texas Open Meetings Act), and Chapter 552 of the Texas Government Code (the Texas Public Information Act). Except for trade secrets and confidential information identified in the SOQ as proprietary or confidential, all SOQ's will be open for public inspection after a contract award is made by the County, subject to the requirements of said statutes.

Project Description

15. **Proposed CMAC Engagement.** The County seeks to engage a Construction Manager as Constructor for the Project, as described in this RFQ. Please note the following: (a) the Project involves a **One-Step RFQ selection process** pursuant in part to section 2269.253 of the Texas Government Code for the selection of a Construction Manager as Constructor (CMAC) (also called Construction Manager at Risk or CMAR in this RFQ) for the Project; and (b) the contracted price for the CMAC engagement for the Project may be a **guaranteed maximum price** pursuant to section 2269.251 of the Texas Government Code. The selected

Offeror must: (a) execute with the County an AIA Owner-Construction Manager As Constructor Document A133-2019 and A133-2019 Exhibits A and B, and other submitted information as requested prior to final award of the CMAC contract; and (b) upon final award of said contract for the County's Project, timely and successfully perform all duties, tasks, and matters specified for performance by the Construction Manager as Constructor (CMAC) in said contract, and specified for a Constructor Manager at Risk in Chapter 2269 of the Texas Government Code.

16. **Scope of Project Improvements.** The County's scope for improvements for the Project consists of Texas Historical Commission ("THC") approved Roof Replacement Project documents consisting of 100% Construction Documents Plan drawings and Project Manual. The work shall make fully functional the Courthouse Roof located in Henrietta, Clay County, Texas. The Project's design and construction will be compliant with authorities having jurisdiction, to include but not be limited to the requirements of the County, the THC, and other entities recognized (as required) at the local (specifically the City Building Official, TDLR-ADA, and/or Fire Marshal), state, or international building code and life safety authority levels. The CMAC will be required to maintain and provide invoices and other records compliant with the County's ARPA funding requirements.

Scope of Work

17. The County seeks to engage a proactive CMAC involved for the full duration of the Project program(s), including a post-occupancy 1-year warranty inspection, to include but not be limited to the following services and activities: A-E Design Development; Contract Documents; Bidding; Negotiations and Contract preparation; Construction; and as required Beneficial Occupancy and Final Completion; and 1-year warranty period and inspection performance. Specific work items will include:

- Phase One - Pre-Construction services to include (not limited to):
 - Preparation and evaluation of Guaranteed Maximum Price (GMP) to include cost reduction alternatives to the County.
 - Review of plans and specification for constructability and cost-value

- Phase Two - Construction services to include (not limited to):
 - CMAC's Maintenance and distribution of active schedules, specifically as follows: Construction schedule; Submittal schedule, Addendum Log, RFI Log, etc. As schedules are updated the CMAC to make distribution to Owner, Architect and THC.
 - CMAC's strict adherence to submittal and mock-up requirements as required per Project Construction Documents/Project Manual or as otherwise designated by THC and/or Architect.
 - CMAC's strict adherence to all criterion as designated in the Project document package. Criterion to include (not limited to): Construction

Document Drawings, Project Manual / Book of Specifications, Addendum, ASI's, etc.

- CMAC's strict adherence to Architects' Instruments of Service and supplementary standards documentation where incorporated by reference. Supplementary standards include THC Preservation Briefs as well as Secretary of Interiors Standards for Historic Restoration. CMAC to comply and provide data as required by Specifications and/or Architects RFI. Requests to include (not limited to): Product literature, Material data, Material testing reports, Progress Photographs, Field testing, Field Mock-Up's, etc.
- CMAC's coordination with local Utility service providers (i.e., City TPW, Electrical, Gas, TxDOT etc.) respective of all required Utility infrastructure (not limited to): field coordination, permit documentation and approvals, shut-downs, connections, etc.).
- CMAC's coordination with sub-contractors for delivery of products and/or construction delivery services to include (not limited to) submittals, shop drawings (inclusive of multi-disciplinary/trades review/coordination), mock-up's and RFI preparation in conjunction with all required field verification and coordination of work as per scope of work as described in the Project Construction Documents.
- CMAC to provide continuous on-site and office support for the project and to the County and A-E team.
- CMAC to host and document recurrent scheduled OAC Meetings. CMAC team shall be responsible for Meeting documentation preparation packets (i.e., Agenda, Logs, Updated Schedules). CMAC shall be responsible for OAC Meeting follow-up documentation (i.e., Meeting minutes, Follow-up email correspondence etc.).
- Attend other scheduled meetings at the County's request (monthly report at a designated regularly scheduled Commissioners Court session.
- Provide all final project documents the County. Project documents to include, but not limited to: As-Built drawings, Digital Photographs, Warranty data, O&M manuals, etc.

18. **Regulatory Compliance.** All Project submissions and work shall conform to all federal, state, and local laws, ordinances, requirements, and building codes, and shall be in accordance with local design standards, details, and specifications. Furthermore, the Offeror must timely submit to the County any and all documents showing compliance with: (a) Chapter 176 of the Texas Local Government Code regarding vendor disclosure of **Conflicts of Interest**; (b) Chapter 2271 of the Texas Government Code showing timely Offeror submission of **House Bill Form 89** that clarifies Offeror does not boycott Israel and will not boycott Israel during the term of an awarded CMAC contract; and (c) section 2252.908 of the Texas Government Code showing timely Offeror submission of a **Form 1295**/Texas Ethics Commission Certificate of Interested Parties. Please note that upon award notification that the designated CMAC will be required to provide completed State Forms respective

of HB 1295 and HB 89. The State requires completion of respective disclosure forms and for each to be submitted prior to any award being considered final, contract being signed by Clay County, or any notice to proceed with work being issued by Clay County. Clay County cannot advise on the CMACs completion of Form 1295 or Form 89. If you have questions, the Texas Ethics Commission implemented the law and generated the form so we would suggest calling them at 512-463-5800 or <https://www.ethics.state.tx.us>

Statement of Qualifications

19. **Evaluation Criteria.** The criteria response information described below shall be included by the Offeror in the SOQ timely submitted to the County for the Project, and said information shall be evaluated by the County:
- (a) Acceptance of AIA Documents A305-2020, completed, signed, and notarized. And A133-2019 or as Submitted with Deviations is required.
 - (b) The competence and qualifications of the individuals who will be directly responsible for the proposed work based upon experience pertinent to the work considered shall be described in the SOQ. The Offeror shall demonstrate experience in Historic Preservation projects, including: **10-years minimum** Historic Preservation experience is required of Prime firm; and **5-years minimum** experience for specialty Sub-contractors in Historic Preservation work is acceptable under the U.S. Secretary of the Interior’s Guidelines for Historic Preservation, and/or completed work approved by the THC. Specialty work includes but is not limited to: (i) Historic metal shingle, siding, metal trims and flashing replacement, replication; (ii) Historic windows restoration (repair, replacement, replication); (iv) Historic exterior wood balustrades & iron railing.
 - (c) The SOQ shall describe similar historic roof experience by the Firm – Texas Historic Courthouse Historic Preservation and Restoration Projects administered by the Texas Historical Commission. *Where the experience in this area maybe that of the key individuals that will be assigned to the project, clarify if individual or firm experience for each project is listed. Provide a brief summary of each project including: Project Title, Location, Project Description, basic scope, square footage, project value showing both the Construction Cost at Contract Award vs. Final Construction Cost at Completion, Show Project duration in calendar days when provided at Contract Award vs. Actual Start/Completion dates of Construction, provide Owner references to include point of contact name and phone number, provide Architect references to include Firm name, Project Manager name and phone number, and provide project reference photos.
 - (d) The SOQ shall describe the technical adequacy of the personnel to be utilized for the proposed work based upon qualifications and experience

pertinent to the work considered.

- (e) The SOQ shall demonstrate the experience of the prime firm based upon previous work like that of the type considered.
 - (f) The SOQ shall describe the typical pre-construction services to be provided by the Offeror, and the fees for services are to be included within this section, as noted below.
 - (g) The SOQ shall demonstrate the Offeror's understanding of the CMAC/CMAR delivery method and describe the Offeror's Project Delivery approach. Where the experience in this area may be that of the key individuals that will be assigned to the project, please provide clarification of the key individuals experience along with referential data on recently completed Historic restoration project(s).
 - (h) The SOQ shall describe the Prime firm's history of accuracy of cost estimates and ability to perform within budget guidelines and constraints.
 - (i) The SOQ shall contain a copy of the contract issues or exceptions, if any, the Offeror would request if selected to provide the services listed above pursuant to AIA Document A305-2020.
 - (j) The CMAC fees shall be described in the SOQ (see Offeror's Proposal Form attachment).
 - (k) Pursuant sections 2269.055, 2269.253-.254 of the Texas Government Code and other authority, the SOQ shall contain sufficient descriptions and documentation regarding: (i) the proposed price of the CMAC engagement; (ii) the Offeror's experience, reputation, quality of goods and services, safety record, and proposed personnel; (iii) the Offeror's financial capability to perform as the CMAC for the Project, in view of the Project's size and scope; (iv) the ability of the Offeror through CMAC performance to provide the best value to the County for the Project; and (v) the ability of the Offeror to successfully perform for the Project all duties, tasks, and matters specified for performance by a Construction Manager at Risk (CMAR) by Chapter 2269 of the Texas Government Code; and
 - (l) The SOQ shall contain and describe compliance with any other criteria for evaluation or SOQ requirement described in this RFQ for the Project.
20. **Scoring Criteria.** After receipt of the timely submitted SOQs, the County will use the following weighted scoring criteria in the Offeror ranking process:

•	Qualifications and experience of team members proposed:	25 points
•	Experience, Historic Preservation and Restoration Projects:	20 points
•	Experience, Texas Historic Courthouse Preservation Program:	20 points
•	Experience, CMAC/CMAR support services:	20 points
•	Quality of References for past/present projects:	20 points
•	Firms financial responsibility and stability:	10 points
•	CMAC fees as best value to County:	15 points
•	Overall completeness of information submitted:	10 points
	Total possible points:	140 points

Format Requirements

21. **Organization and Copies.** The SOQ format response shall: (a) be organized in order regarding the evaluation criteria listed in paragraph 21 above; and (b) preferably not exceed 30 double-sided pages in length (exclusive of cover letter, references, and resumes); and (c) contain **one** (1) executed original SOQ, and **five** (5) copies of the fully executed original SOQ. **SOQ copies (complete with attachments and forms) shall be ‘Spiral’ Bound or Stapled.**

22. **Criteria Identified.** SOQs shall be clearly identified and conform to the evaluation criteria listed in paragraph 21 above.

23. **Project Time-Line.** A proposed Project schedule, identifying the beginning and ending of the work from GMP acceptance through Final Completion shall be required to be included in the SOQ.

24. **Client Reference List.** The Offeror shall submit in the SOQ a completed Client Reference List for a minimum of three and up to five (3-5) [AIA Document A305 requires 5 references] from recent (within 10 years) clients of similar size projects, or projects of similar size and scope, using the following content:

Client Name and Contact: _____

Project: _____

Address: _____

Phone: _____

E-Mail (if available): _____

25. **Insurance and Fee Information.** PLEASE COMPLETE THIS INFORMATION AND ATTACH TO THE SUBMITTED SOQ. Place a check mark next to the insurance coverage that applies to your firm. Complete the same for each of your consultants/major sub-contractors:

PROPOSED INSURANCE:

Minimum Statutory Workers’ Compensation Insurance, with Employers’ Liability

Insurance in the amount of \$ _____ / _____ / _____

____ Minimum Commercial General Liability Insurance of \$ ____ each occurrence

____ Minimum Business Automobile Liability Insurance of \$ ____ each occurrence on all vehicles used in connection with the contract, whether owned, non-owned or hired

____ Minimum Professional Liability Insurance of \$ ____ each occurrence

PROPOSED CMAC FEES: Use Proposal form as provided, as attached to this RFQ.

Proposed General Conditions Cost: Using a Projects Schedule of 4 months for the Courthouse to complete Selective Demolition and Restoration, identify General Conditions Cost using Allowable General Conditions in the Worksheet on the following page.

Proposed CMAC/Preconstruction Fee: To include personnel expenses, project estimates, preliminary project schedule, value engineering, constructability reviews, pre-planning, overhead and profit, and other services throughout the pre-construction phase of the Project.

Proposed Construction Phase Services Fee: Identify a Construction Phase Services Fee as a percentage of the construction Budget for all home office expenses, and any other expenses not included in the Allowable General Conditions Worksheet, including all overhead and profit.

END OF RFQ