

# KCISD Softball Complex – RFQ Design-Build Services

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**KARNES CITY INDEPENDENT SCHOOL DISTRICT**  
**Request for Qualifications for**  
**RFQ # 0123**  
**Design-Build Services for KCISD Softball Complex**

**Deliver Qualifications Submissions to:**

Karnes City Independent School District  
Attn: Ms. Bettinae Kaiser, Chief Financial Officer

404 Highway 123  
Karnes City, Texas 78118  
By: 11:00 A.M., February 3, 2023

**ANY SUBMITTAL RECEIVED AFTER THE TIME AND DATE STATED ABOVE  
WILL NOT BE CONSIDERED. UNSIGNED SUBMITTALS AND/OR SUBMITTALS  
RECEIVED VIA FACSIMILE OR EMAIL WILL NOT BE CONSIDERED.**

**FAILURE TO COMPLY WITH SPECIFICATIONS INCLUDED IN THIS RFQ MAY  
RESULT IN THE DISQUALIFICATION OF YOUR SUBMITTAL.**

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The Request for Qualifications (RFQ) is intended to solicit qualifications from qualified and interested firms for Design-Build Services (“Respondent”) with capabilities to design and construct improvements for KARNES CITY ISD (“Owner” or “District”). For the purpose of this RFQ, “Respondent” refers to any entity or team that is qualified to provide all of the improvements as listed in this request. It is the intent of Owner to select the Respondent demonstrating the best overall value to the Owner, and to enter into an agreement to provide design and construction services for the Karnes City ISD Softball Complex. This Request for Qualifications (“RFQ”) requires that qualifications be submitted without any cost information on the proposed project. Based on the proposed RFQ submittals, finalists will be selected for further interview. Please note that the RFQ submissions must be sealed and received at the designated location by the deadline shown. RFQ submissions received after the required deadline will be returned unopened and shall be considered late and non-responsive and will be rejected.

Any questions concerning the RFQ must be submitted in writing and must be submitted no later than five (5) business days prior to the RFQ submittal deadline to the contact person indicated below.

**NAME** Karnes City Independent School District  
**ADDRESS:** 404 Highway 123 – Karnes City, Tx 78118

**Contact Information: Ms. Bettinae Kaiser, Chief Financial Officer**

## Section 1 – General Requirements

- 1.1 Request for Qualifications for Design Build Services for Karnes City ISD. The design-build contract will be procured in accordance with Subchapter G, Chapter 2269, Texas Government Code.
- 1.2 One sealed original response is due into the **Karnes City ISD Administrative Office on February 3, 2023, no later than 11:00 a.m. local time.** Any submittals received after that will not be accepted and will be returned unopened to the respondents.
- 1.3 Packages are to be sealed and clearly labeled “Response to RFQ for Design Build Services. **Attn: Bettinae Kaiser**”. RFQ submissions must address each applicable requirement set out in the RFQ. Only respondents who can provide, either directly or as part of a term under its control, both design and construction should tender their RFQ submission.
- 1.4 Unless expressly allowed by a written authorization or addendum to this

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solicitation/request, no RFQ submissions may be changed, amended, or modified in any manner after it has been delivered to the District; however, a RFQ submission or proposal may be withdrawn and resubmitted any time prior to the deadline for receipt thereof.

- 1.5 Interested persons, entities, or teams, submitting RFQ submissions, must submit one (1) original and five (5) copies of their RFQ submission. One of the bound copies must be executed original bearing the signature of an authorized representative of the Respondent or Team.
- 1.6 RFQ submissions must be on standard paper, with each page numbered sequentially. The RFQ submissions should be in the format set forth as requested herein.
- 1.7 RFQ submissions will be opened by the District on **Friday, February 3, 2023, at local time, Karnes City ISD Administrative Office, 404 Highway 123, Karnes City, Texas 78118**

### Section 2 – Selection

#### Step I – Qualification Submission

- 2.1 Prior to any receipt of, request for, or consideration of any submission, the District request will consider, the relative qualifications of any person, entity or team seeking to provide the goods and services necessary for the development, design, and construction of the **Design-Build Services for KCISD Softball Complex**. After such consideration, the District may choose to interview any respondent and/or request additional information.
- 2.2 Each respondent must submit a RFQ submission containing a full and complete response to each of the items that are set forth below and fully complying with the general requirements set out above. **No price or cost information is to be included with the initial RFQ submission.** The inclusion of pricing or cost information in an RFQ submission is grounds for automatic disqualification by the District.
- 2.3 By submitting a proposal, the design-build firm certifies to Owner that each architect and engineer that is a member of the design-build firm was selected based on demonstrated competence and qualifications, in the manner provided by Section 2254.004, Texas Government Code.
- 2.4 The District reserves the right to reject any or all Qualifications Statements. There will be no contractual obligation on the part of the District to any Respondent, nor will any Respondent have any property interest or other right in the contract unless and until a reasonable price for the services is negotiated, the contract is unconditionally executed, and all conditions to be fulfilled by the

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Respondent (e.g. bonding and insurance documentation provided) have either been fulfilled by the Respondent or waived in writing by the District.

## **Project Overview:**

The Karnes City ISD (“Owner” or “the District”) is seeking qualifications from design-build firms to construct the KCISD Softball Complex.

## **General Project Description:**

### Design-Build Services for KCISD Softball Complex

- **KCISD Softball Complex**
- **The project must be designed and built in strict compliance with:**  
  
**Design/Build firm shall be responsible for designing and constructing the project to meet all applicable codes and regulations including life safety codes, building codes, Texas Disabled Accessibility Standards, fire marshal requirements, city and county regulations, etc.**
- **The location of the project is 404 Highway 123 – Karnes City, Tx 78118**

## **Project Schedule:**

Request for Qualifications advertised: January 19, 2023

Receive and Review RFQ submissions: February 3, 2023

Finalist Interviews: TBD

Selection of Design Build Firm at Board Meeting: TBD

Anticipate Notice to Proceed to Design Build Firm: TBD

Design and construction completion: TBD

## **Section 3 – Point of Contact and Restriction on Communication**

- 3.1** The District designates the following persons as its representatives and Points-of-Contact for this RFQ:

Ms. Bettinae Kaiser, Chief Financial Officer  
Karnes City Independent School District  
404 Highway 123  
Karnes City, Texas 78118  
Email: bkaiser@kcisd.net

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- 3.2** Respondents shall restrict all contact with the District and direct all questions regarding this RFQ, to the District’s Representative specified above. Do not contact members of the Board of Trustees or other employees of the District. Contact with any of these prohibited individuals after issuance of the RFQ and before selection is made, may result in disqualification of your Qualifications Statement. This restriction extends to “thank you” letters, phone calls, emails and any contact that results in the direct or indirect discussion of the RFQ and/or proposal submitted by Respondents. All questions regarding this invitation must be submitted in writing email to [bkaiser@kcisd.net](mailto:bkaiser@kcisd.net). Requests for information/interpretation must be received no later than five (5) business days prior to the RFQ submittal deadline. Only questions answered by formal written addenda posted the District’s website will be binding. Responses to questions submitted will be viewable by the date as specified in the schedule on the District website, ([kcisd.net](http://kcisd.net)).
- 3.3** The District reserves the right to contact any Respondent for clarification after responses are opened and/or to further negotiate with any Respondent if such is deemed desirable by District.
- 3.4** Violation of this provision by Respondent or Respondent’s agent may lead to disqualification of Respondent’s proposal from consideration.

### **Section 4 – The Form of Agreement**

- 4.1** The Form of Agreement. The form of Agreement utilized for this Project shall be the AIA Document A141-2014, Standard Form of Agreement Between Owner and Design-Builder, as modified by the Owner. Upon the Owner’s acceptance of the Design Builder’s Guaranteed Maximum Price proposal, the Contract Documents will also include the completed A141-2014-Exhibit A, Design Build Amendment. A copy of the form of Agreement, including Owner’s modifications, will be provided in the second phase of this procurement. At that time the Respondent will be required to delineate any comments or requested changes and include an explanation for the requested change, otherwise Respondent will be deemed to have accepted the form of Agreement as written.

### **Section 5 – Miscellaneous Applicable Provisions**

- 5.1** Public Information. During the course of the selection process, the Qualifications Statements submitted by Respondents in response to this RFQ are exempt from disclosure to the public under the Texas Public Information Act. The Qualifications Statements will however, upon the award of the contract, become a public record; and therefore, subject to disclosure to any person who makes a proper request for review of the documents. Some of the information you may provide in your Statement of Qualification may contain commercial or financial information which

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you consider privileged or confidential, or may be of a nature which you feel may cause substantial competitive harm to your business if disclosed by the District to a third-party even after the award. You may be entitled to protect this information at the time a request is made for disclosure; however, you will need to consult your legal counsel to assure that this kind of information, if included in your Response, is properly marked as confidential prior to submission. Wholesale marking of your entire proposal “Confidential” or “Proprietary” will not be effective. The District fully complies with the Texas Public Information Act. In the event information from Respondent’s Qualification Statement is requested, the District will use its best efforts to notify the Respondent of such request, but will have no duty to assert any claim to the Attorney General that the proposal or any parts of the proposal are not subject to disclosure under the Act.

- 5.2** Conflicts of Interest. Respondent acknowledges that it is informed that District Policy and Chapter 176 of the Texas Local Government Code requires that persons, or their agents, who seek to contract for the sale or purchase of property, goods, or services with the District, shall file a completed conflict of interest questionnaire with the appropriate district records administrator not later than the 7th business day after the date that the person: (1) begins contract discussions or negotiations with the District; or (2) submits to the District an application, response to a request for qualifications, proposals or bids, correspondence, or another writing related to a potential agreement with the District. The conflict of interest questionnaire form is available from the Texas Ethics Commission at [www.ethics.state.tx.us](http://www.ethics.state.tx.us). Completed conflict of interest questionnaires may be mailed or delivered by hand the address indicated in this RFQ. Please consult your own legal counsel if you have questions regarding the statute or form.
- 5.3** Criminal Background Checks. Respondent agrees to provide assurance that all employees and subcontractors of the Design-Builder who have continuing and direct contact with students have passed a criminal history background check current within the last year. More specific requirements of the statute will be provided with the Second Phase to RFP.

### **Section 6 – Evaluation Criteria**

- 6.1** Criteria and Weights of Criteria for Evaluation. The criteria for evaluation of submitted qualification statements, and selection of the qualified Respondent(s), will be based on the factors listed below:

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	<b>CRITERIA and DESCRIPTION</b>	<b>WEIGHT</b>
1	<p><b>Past Performance, Reputation and Company Focus.</b></p> <ul style="list-style-type: none"> <li>• Outstanding reputation of past performance by Design-Build Firm and proposed team members, based upon information provided by the Respondent, by the references listed in Respondents statement, by the District; other school districts not necessarily listed as references by Respondent</li> <li>• Past performance and reputation of the Design-Build Firm for providing quality work; working cooperatively with their own team members, the Independent Owner’s Representative and the Owner; and demonstrated understanding the importance communication among all parties.</li> </ul>	<b>20 Points</b>
2	<p><b>Experience and Technical Competence – Design</b></p> <ul style="list-style-type: none"> <li>• Experience, technical competence of Design Team and depth of bench to be able to address all aspects of these Projects.</li> <li>• Expertise of design professionals on the team in designing sports complexes.</li> <li>• Number of years your firm been in business under its present name; All other names by which your firm has been known and length of time known by each name</li> <li>• Complete range of services and capabilities normally offered (e.g. surveying, drainage assessment and design, construction management, etc.)</li> </ul>	<b>20 Points</b>
3	<p><b>Experience, Technical and Managerial Competence – Construction</b></p> <ul style="list-style-type: none"> <li>• Demonstrated technical and managerial competence during construction of similar design-build projects, particularly those involving design and construction of sports complexes:</li> <li>• Experience, technical and managerial competence of Construction Team and depth of bench to be able to address all aspects of these Projects.</li> <li>• Demonstrated ability to effectively use phasing, scheduling and creative means to complete projects on fast-track when faced with aggressive completion deadlines and ability to critique these techniques.</li> <li>• Demonstrated ability to effectively use ongoing cost estimation, effective value engineering and analysis to deliver the Design-Build project within budget.</li> </ul>	<b>20 Points</b>
4	<p><b>Capability to Perform.</b></p> <ul style="list-style-type: none"> <li>• Ability to dedicate experienced and capable key personnel to project(s), including principals of the firm, experienced design professionals and the proposed project managers.</li> <li>• Demonstrated financial wherewithal, bonding capacity and overall stability of the firm.</li> </ul>	<b>15 Points</b>

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5	<b>Ability of Design/Builder to meet contract time and schedule</b>	<b>15 Points</b>
5	<b>Financial Soundness and Stability</b> <ul style="list-style-type: none"> <li>• Demonstrated financial soundness and stability based on financial reports, bonding capacity/obligated bonding capacity and ability to comply with bonding and insurance requirements of contracts.</li> </ul>	<b>5 Points</b>
7	<b>Safety Compliance</b> <ul style="list-style-type: none"> <li>• Demonstrated safety compliance based on accident rates, workers comp multiplier, and history for the last two years 2020 thru 2022.</li> </ul>	<b>5 Points</b>
<b>TOTAL</b>		<b>100 Points</b>

**6.2** Respondent’s Acceptance of Evaluation Methodology. By submission of its Statement of Qualifications, the Respondent agrees to waive all rights to claims against the District, or persons authorized by the District for any damages whatsoever arising from the District’s or any person’s or committee’s evaluation of the Respondent’s qualifications.

**6.3** Only the information included in the RFQ submissions will be used to rank and select the Finalists who will be offered the opportunity to interview. The District will select up to five (5) qualified Respondents as Finalists who will proceed to Step II and interviews or providing additional information.

### **Section 7 – Required Questionnaire**

**7.1** Please provide the following information for the Design/Build firm in the sequence and format prescribed by this questionnaire. If the firm is a joint venture, please provide information on both firms. Supplemental materials providing additional information may be attached, but the information requested below is to be provided in this format.

#### **1. Firm Information**

- 1.1 Name of Firm
- 1.2 Address
- 1.3 Phone and Fax
- 1.4 Form of Business Organization (Corporation, Partnership, Individual, Joint Venture, other)
- 1.5 Year Founded
- 1.6 Primary Individual to Contact Regarding This Response



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## 2. Organization

- 2.1 How many years has your organization been in business in its current capacity?
- 2.2 How many years has your organization been in business under its present name? Under what other former names has your organization operated?
- 2.3 If your organization is a corporation, answer the following: Date of Incorporation, State of Incorporation, President's Name, Vice President's Name(s), Secretary's name, and Treasurer's Name.
- 2.4 If your organization is a partnership, answer the following: Date of Organization, Type of Partnership (if applicable), Name(s) of General partners.
- 2.5 If your organization is individually owned, answer the following: Date of Organization, Name of Owner.
- 2.6 If the form of your organization is other than those listed above, describe it and name the principals.
- 2.7 Does your organization anticipate any mergers, transfer of organization ownership, management reorganization, or departure of key personnel within the next twelve (12) months that may affect the organization's ability to carry out its proposal?
- 2.8 Is your organization authorized and/or licensed to do business in Texas?
- 2.9 Has the organization or any of its principals been debarred or suspended from contracting with any public entity? If yes, identify the public entity and the name and current phone number of a representative of the public entity familiar with the debarment or suspension, and state the reason for or circumstances surrounding the debarment or suspension, including but not limited to the period of time for such debarment or suspension.
- 2.10 Has the organization or any of its principals had a bond or surety canceled or forfeited in the last 10 years? If yes, state the name of the bonding company, date, amount of bond and reason for such cancellation or forfeiture.
- 2.11 Has the organization or any of its principals ever been declared bankrupt or filed for protection from creditors under state or federal proceedings? If yes, state the date, court, jurisdiction, cause number, amount of liabilities and amount of assets.

## 3. Financial Information

- 3.1 Provide audited financial reports for the last three (3) years, including at a minimum: Balance Sheet, Income Statements, Statement of Cash Flow, and Statement of Financial Conditions. Include the names, address, and

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telephone number of the preparer.

- 3.2 Provide the name, address, and phone number of the preparer requested under 3.1 above
- 3.3 Will the organization whose financial statement is attached act as guarantor of the contract for construction?
- 3.4 Provide name, address, and phone number of your primary financial institution.
- 3.5 Provide name, address and phone number of your bonding company and agent. Provide a letter from your surety verifying your current bonding capacity. (Performance and Payment Bonds equal to 100% of the Contract Amount for Construction will be required upon establishing the Contract amount.)

## **4. Past Performance and Reputation**

- 4.1 Provide a list of at least five projects constructed by your organization using the Design/Build delivery method. For each project, provide the name and type of project, location, contract value, start and completion dates, names and phone numbers of the Owner and Architect/Engineer.
- 4.2 Describe the relationship you anticipate the firm's key staff will have with the KCISD Board of Trustees, the Independent Client Representative, and the District Administration. Describe a prior client relationship where you believe your team did a particularly good job in communicating with all or some of these stakeholders.
- 4.3 List past or present construction litigation in which your company is a defendant pertaining to Design-Build in Texas.
- 4.4 List any contracts in Texas in the last ten (10) years that were terminated by the owner prior to completion due to non-performance.
- 4.5 Provide a claims history under professional malpractice insurance for the past five (5) years for the Respondent and any sub consultants or team members proposed to provide professional engineering services.
- 4.6 Describe how you propose to integrate the design team and how the design team and construction team interact and influence one another.
- 4.7 Describe your method of subcontractor award.
- 4.8 Within the last five (5) years, has your organization failed to complete a construction contract? (If the answer is yes, please attach details).

## **5. Technical Competence and Experience – Design**

- 5.1 Please provide Resumes or CV's demonstrating the expertise of design professionals on team in designing sports complexes as set out in the Scope of Work for this Project. (Note: These individuals will be considered Key personnel who must be committed to this Project for its duration, unless excused by the Owner).

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- 5.2 Provide a claims history for the past five (5) years under professional malpractice insurance for Respondent and any team member proposed to provide professional architectural or engineering services on this Project.
- 5.3 Name any consultants which are included as part of the proposed team. Describe each consultant's proposed role in the Project and its related experience. List other projects on which your firm has worked with the consultant and what expertise they brought to the project. If any of the consultants served in consulting roles on any of the projects listed on your Company References/Client Profile Information Forms (attached as Exhibit to Respondent's Questionnaire), please indicate their role and what expertise they brought to the project.
- 5.4 List the complete range of services and capabilities your firm normally offers (e.g. surveying, drainage assessment and design, construction management, etc.). Indicate all services which your firm performs with your own employees, and those which are usually subcontracted. List any equipment manufactured by your company that may be included with this project.

### **6. Technical Competence and Experience – Construction**

- 6.1 Demonstrated technical and management competence during construction of similar design-build projects, particularly those involving construction of sports complexes and design considerations that could arise with a project like the one solicited in this RFQ.
- 6.2 Name key personnel who will provide lead on-site construction oversight (e.g. Superintendent and/or Project Manager) for this Project. Provide summary resumes for these individuals, including their name, title, and education, a brief overview of their specific qualifications, capabilities and experience with similar projects, and number of years with your firm. (Note: These individuals will be considered key personnel who must be committed to this Project for its duration, unless excused by the Owner).
- 6.3 Provide qualifications information for subcontractors you anticipate using in performing the construction, installation, optimization on the Project, if any, including the location of their offices, capabilities, experience including name, title and a brief overview of professional experience, if any.
- 6.4 Describe the way in which your firm develops and maintains project schedules. How often do you update schedules?
- 6.5 Describe the types of records, reports, monitoring systems, and information management systems which your firm uses in the management of projects.
- 6.6 Describe a situation where your firm effectively used phasing, scheduling or other creative means to complete projects on a fast-track when faced with aggressive completion deadlines. Candidly provide an example of a

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method which was used and was not as effective at mitigating the effect of an aggressive deadline.

- 6.7 Describe the manner in which your firm develops and maintains a project budget. How often do you update the comparison of construction costs to budgeted costs?

### **7. Capability to Perform**

- 7.1 Provide an organization chart of the organization that depicts reporting responsibilities and organization of proposed team members. This chart must specifically identify the design professionals and subconsultants, program manager, and the key individuals responsible for major disciplines and support areas.
- 7.2 Name key personnel who will be part of the Design-Build Team for this Project. Provide summary resumes for proposed Project team members (for which you have not already provided resumes or CV's), including their name, title, and education, a brief overview of their specific qualifications, capabilities and experience with similar projects, and number of years with your firm. (Note: Key personnel must be committed to this Project for its duration, unless excused by the Owner).
- 7.3 List the members of the proposed design-build team for this Project listed in the previous question, who also worked on any of the projects listed in your previous responses and describe their roles in connection with those projects. If the entire design-build team proposed above worked on any Project as an intact team, please so indicate and provide the information about the project or projects using a Company References/Client Profile Information Form to provide the information requested therein.
- 7.4 Does your firm or any of its members have any affiliation or agreement (formal or informal) with a manufacturer or wholesale provider of sports complex equipment? If so, would this affiliation or agreement require the firm to only recommend, design for or install the products the affiliate manufactures or sells? [Note: If this question is answered in the affirmative, it will not necessarily disqualify your firm, but it is important for the District to have this information disclosed for transparency purposes.]
- 7.5 List all current projects (and their respective locations) assigned to each individual on the team, with Client contact names and numbers for reference checks.
- 7.6 Provide an organizational chart that clearly describes your firm's project organization with supervisory reporting for this program, along with each subconsultant and their area of responsibility.

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## **8. Process of Planning and Project Management**

- 8.1 Describe your organization’s management plan and concepts for working with a Design/Build relationship with your Architect and the Owner during design and construction.
- 8.2 Describe your plan for assuring that the project design meets the Owner’s requirements.
- 8.3 Describe your procedures and objectives for reviewing the design and construction documents for quality control/constructability and providing feedback to the Owner.
- 8.4 Describe your method of assuring that materials, equipment and construction methods meet the Owner’s design requirements.
- 8.5 Describe your firm’s process for making sure subcontractors understand the intent of the contract documents.
- 8.6 Describe your firm’s start up and close out procedures for this project.

## **9. Forms**

Complete and return the forms at the end of this document (Section 10).

## **Section 8 -- Step II – Submission of Proposals and Interviews**

- 8.1** The District may request that the Finalists submit a request for proposal response to provide additional information concerning demonstrated competence and qualifications, considerations of safety and long-term durability of the project, the feasibility of implementing the project as proposed, the ability of the offeror to meet schedules or costing methodology.
- 8.2** The proposals received from the Finalists and the interview results, if held, will be evaluated and ranked by the District based upon the following evaluation criteria and weighting factors.
- 8.3** Finalists must comply with the applicable deadlines and all other applicable requirements described in Section 1 – General Requirements.
- 8.4** Finalists must comply with the applicable deadlines and all other applicable requirements described in Section 9 – Design and Construction, Section 10 – Additional Requirements and Section 11 – Miscellaneous set out below.
- 8.5** Finalists must comply with the criteria, elements and requirements of the Design Criteria Package.
- 8.6** The District shall rank all of the Finalists and then select the Design-Build Team based upon the determination of the proposal offering the best value to the District on the basis of the results of the two step process set forth herein.

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- 8.7** The District will then attempt to negotiation with the selected first ranked Design-Build Team. If a contract cannot be successfully negotiated, the District will formally and in writing end negotiations with the first ranked selected Design-Build Team and shall proceed to negotiate with the second ranked selected Design-Build Team until a contract is reached or there are no finalists remaining.
- 8.8** Following the successful negotiation of a Contract, the Design-Build Team shall complete the design of the Project, submitting all design elements to the District before construction begins.
- 89** The Design-Build Team shall provide a signed and sealed set of "as-built" construction documents for the Project to the District at the conclusion of construction.

### **Section 9 – Design & Construction**

- 9.1** Only Respondents who propose to provide either directly or through a team under its control all goods and services requested in the Request for Qualifications should respond. This includes design and construction.
- 9.2** The District will use its staff or appropriate consultants to assist the District for purposes of evaluation and qualitative issues for the duration of the duration of the Design/Build work. The District's selection of its architect and/or engineering for the government's representative will occur after the interviews have been completed.
- 9.3** The selected Finalist will provide a Contract Price as set forth in the A141-2014 for which the selected Finalist will agree to Design the Project in full compliance with the requirements in this RFQ, in full compliance with all applicable laws, rules, regulations and in full compliance with all the offers, proposals, terms and conditions set forth in the Agreement approved by the District's Board.
- 9.4** Payment and performance bonds, as required by the Texas law, will be required from the successful Finalist in the amount of the Contract Price, less the portion of the Contract Price attributable to design services. If the District and the Design-Build Team have not been able to determine the Contract Price at the time the Design-Build Contract is awarded, then the penal sum of the performance and payment bonds shall be in an amount equal to the construction budget as specified herein. If the Contract amount has been set then the Design-Build Team shall provide the bonds not later than the 10<sup>th</sup> day after the contract is executed.
- 9.5** The successful Finalist must provide liability insurance covering its activities in the coverage amount of not less than \$1,000,000 per occurrence and \$2,000,000

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- aggregate, with the aggregate applying to the Project only. The District must be named as an additional insured. The successful Finalist must provide builder's risk/property insurance for the Project in the amount of the full contract sum. The District must be named an additional loss payee on the insurance. The successful Respondent must provide workers compensation insurance for its employees. Automobile liability insurance must be provided for all motor vehicles involved in the Project in the amount of \$1,000,000 per single limit for bodily injury and property damage, with umbrella coverage in an amount not less than \$2,000,000.
- 9.6** Design professionals on the Project must be covered by professional liability insurance in a coverage amount of not less than \$1,000,000 per occurrence and \$2,000,000 aggregate. Design professionals on the Project must be licensed/registered to practice their profession in the State of Texas.
- 9.7** Construction shall be carried out in accordance with the contract documents (including the approved drawings, plans, specifications, and Project manual), and in accordance with the regulations all applicable local, state and federal laws, regulations, statutes and ordinances. Construction draws and retainage shall be in accordance with the negotiated contract. Construction shall include provision of all necessary furnishings and equipment as negotiated between the parties to make the facility operational for its intended purpose. As part of its interview, the Finalists should include the basic terms and definition of general conditions it proposes for the Design/Build of the facility. The agreement to be negotiated will not become effective until the District and its counsel have approved the agreement, and it has been approved and its execution authorized by the District's Board.

### **Section 10 – Additional Requirements**

- 10.1** Non-Collusion Statement: By submitting a response to this RFQ, you affirm that you are duly authorized to execute this contract, that the company, corporation or firm has not prepared this submittal in collusion with any other bidder, and that the contents of this RFQ as to terms and conditions of said RFQ have not been communicated by the undersigned nor by the employee or agent to any other person engaged in this type of business prior to the official opening of this RFQ
- 10.2** Conflict of Interest: Conflict of Interest Questionnaire (Form CIQ) is required to be submitted by any vendor or other person doing business with a local government entity in accordance with Chapter 176, Local Government Code. Please acknowledge there are no conflicts of interest with any local government officer.
- 10.3** Certificate of Interested Parties: If the procurement and the resulting contract either (1) requires an action or vote by the governing body of the entity or agency before the contract may be signed or (2) has a value of at least \$1 million, then the successful awarded design-build contractor/team will be required to complete

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Form 1295 – Certificate of Interested Parties. The disclosure requirement applies to a contract entered into on or after January 1, 2016.

- 10.4** Criminal History: The successful awarded design-build contractor/team shall certify to the District that any representatives and employees who will be performing services on campuses or will have direct contact with students shall be subject to a criminal history check and shall not have a criminal history which is objectionable to the District. Design-build contractor/team shall submit appropriate information to Owner in compliance with section 22.081 et.seq., Texas Education Code regarding criminal history of its employees who will have contact with students.
- 10.5** District does not assume, and hereby specifically disclaims, any responsibility or obligation of any nature, to any of the persons or entities responding to this RFQ and will make no payment or reimbursement of any cost, fee, or other expenditure whatsoever associated with the preparation or submission of a Qualification Submission.
- 10.6** The contracts awarded will be governed by the laws of the State of Texas, and is (are) deemed payable and performable in [Karnes County, Texas. The venue for all disputes shall lie in Karnes County, Texas.
- 10.7** Each Respondent's attention is called to Chapter 2258 – Prevailing Wage Rates of the Texas Government Code. This law provides that it shall be mandatory upon the Design-Builder and upon any subcontractor under him to pay not less than the prevailing rates of per diem wages in the locality at the time of construction to all laborers, workmen, and mechanics employed by them in the execution of the Contract. It is also mandatory for the Design-Build Team and its subcontractors to maintain certified payrolls as part of its compliance with the prevailing wage rate statutes.

In accordance therewith, the District has adopted the most current prevailing wage scales established by the US Department of Labor in accordance with the Davis-Bacon Act for the county where the project is located and not less than this established scale must be paid on the Project. Any workers not included in the schedule shall be properly classified and paid not less than the rate of wages prevailing in the locality of the Work at the time of construction.

### **Section 11 – Miscellaneous**

- 11.1** To the extent not covered heretofore in these specifications, responses will be evaluated for compliance with the contract requirements of Texas law, including, but not limited to, those set out in Chapter 2269 of the Texas Government Code.



## KCISD Softball Complex – RFQ Design-Build Services

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- 11.2** In addition to all rights provided by law, the District:
- a. reserves the right to reject any or all Submissions;
  - b. reserves the right to reject any Finalist after interviews are completed;
  - c. may, at its sole discretion, waive technical mistakes, informalities, or irregularities in any Submissions received; and
  - d. reserves the right to select the Finalist which, in its discretion, is determined to provide the best value to the District and which it believes to serve its best interests in accordance with all applicable laws, including but not limited to Texas Government Code Section 2269.
- 11.3** Neither this document, nor the advertisement of the Notice of the RFQ is an offer. The exhibits attached hereto are incorporated herein for all purposes.
- 11.4** Respondents shall, as a part of the selection process, address and identify how they intend to comply with all existing laws, rules or applicable local ordinances, state and federal laws, specifically related to construction of similar facilities.
- 11.5** It is the expressed intent of the District that each Submission and Interview be:
- a. comprehensive,
  - b. prepared in good faith,
  - c. present a reasonable likelihood to be developed,
  - d. built and become fully operational in a reasonable length of time,
  - e. and its development, design and construction be in full compliance with all applicable laws, rules, regulations, standards and ordinances.

**Selection and acceptance of Finalist is expressly conditioned upon actual closing and funding of the Project after approval of all documents by counsel for the District. Acceptance of any Submission and following interview is not acquiescence or agreement with any term or condition set forth in the submitted documents included in, or referenced by, the Submission or follow-up Interview.**

### DESIGN CRITERIA PACKAGE

#### General Scope:

- Work with the Owner to develop spatial needs based on budget and the determined use of spaces
- Prepare complete construction documents.
- Comply with all required codes, regulations and laws. All buildings, fields, dugouts, courts, and spectator areas shall provide access for individuals with disabilities by way of walkways, ramps, or other acceptable means in accordance with criteria established by law.
- Secure all required building permits.
- Complete the work within the time frame established in this RFQ.