



**REQUEST FOR STATEMENTS OF QUALIFICATIONS
FOR
ARCHITECTURAL/ENGINEERING DESIGN AND
CONSTRUCTION ADMINISTRATION SERVICES**

SOLICITATION # 20-001C

ISSUED BY:

KARNES CITY INDEPENDENT SCHOOL DISTRICT

**Closing Date:
2:00PM
January 6, 2021**

Statements of Qualification must be submitted in sealed opaque envelopes plainly marked:
“RFQ- Karnes City Independent School District 2020 Bond – Architectural/Engineering Design
and Construction Administration” and shall bear the name and address of the Respondent.

Article I. GENERAL INFORMATION.

1.1 Request for Statements of Qualifications. The Karnes City Independent School District (“District”) is soliciting qualification statements from qualified architectural firms (“Firms”) for lead architectural/engineering design and construction administration for the District’s 2020 Bond Program, as approved, in accordance with the instructions, specifications, terms and conditions, contained in this Solicitation. On Nov 3, 2020, voters approved \$22,050.00 in Bonds to fulfill district needs and construction projects. The planned projects approved by the voters include construction of a new elementary school and a new Career Technical Education (CTE) facility. The District is seeking qualifications statements only for the principal Architect/Engineer at this time. Other engineering services such as, Geotechnical Engineering, Food Service, Acoustical, etc. may be solicited in the future on an as needed basis.

1.2 The delivery method for the Projects or individual projects has not yet been established, but is expected to be either Competitive Sealed Proposals or Construction Manager-At-Risk (CMAR). The District may choose to issue separate design and construction packages for the Elementary School and the Technical Education Facility. Respondents may submit qualifications related to either, or both projects and will state in the response which project is of interest or that the respondent wishes to be considered for both projects.

1.3 Point-of-Contact/Restriction on Communication. The District designates the following person as its representative and Point-of-Contact for this RFQ (Owner’s Representative):

Brett Flint
Program Manager, AG|CM
bflint@agcm.com
361-946-0763

Respondents shall direct all questions regarding this RFQ, in writing, solely to the District’s Representative specified above. No phone inquiries will be entertained. Do not contact members of the Board of Trustees or 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.**

Article II. SCOPE OF SERVICES

2.1 It is the District’s objective to enter into a contract or contracts with the most qualified architect(s) or architectural firm(s) to act as the lead architect for the subject project(s), providing project consultation, preparation of design documents (including cost estimation) construction administration and project close out. The Architect’s services are not being sought for pre-bond or facilities planning.

2.2 During the conceptual stage of each of the Bond Projects, the firm will attend preliminary design meetings with District representatives to understand and confirm the Project objectives, Project timelines, a schedule for project deliverables and a preliminary Probable Cost of Work for the Projects.

2.3 Additional information regarding the Scope of Services is contained in the Proposed Form of Contract Documents. AIA Document B101-2017, *Standard form of Agreement Between Owner and Architect*, as amended by the Owner for the Project and AIA Document A201 (2017), *General Conditions of the Contract for Construction*, as amended by the Owner for the Project, copies of which are attached hereto as **RFQ Attachments “1” and “2”** respectively, for your reference.

2.4 Consultant Services of the Structural Engineer, Civil Engineer, Technology Consultant, Mechanical Engineer and Electrical Engineer are essential services, and the Architect will provide these services and coordinate the work of these professionals as part of his Basic Service.

2.5 The Owner may see advantages in hiring other consulting engineering consultants directly, and if so the Owner would discuss the relationship of these Owner’s Consultants as well as the firms the Architect chooses as part of their Basic Services, with the successful Architect in further detail. However, the Architect will have responsibility for the overall management of both the Architect’s Consultants and the Owner’s Design Consultants throughout the term of the Architect’s contract to enable him or her to discharge his or her responsibility for coordinating the design and related matters.

2.6 The Architect will consult with the Owner or Owner’ Representative regarding services of other specialist consultants which may be recommended to advise on particular aspects of use or function of a range of building conditions. These services might include advice in such fields as, energy management, acoustics, child nutrition, or instruction, etc. The District will either contract directly for these services or the Architect will be authorized to contract with them directly and be reimbursed by the District, without markup.

Article III. QUALIFICATIONS.

3.1 **Required Qualifications.** Firms submitting statements of qualifications must be represented by a professional Architect licensed to practice in the State of Texas and able to provide a professional Architect to attend meetings of any official nature concerning the Project, including but not limited to, Scope Meetings, Review Meetings and other meetings as may be required for the Project administration through final acceptance of the completed Project.

3.2 **Selection Criteria and Weights.** Evaluation will be based on the Respondent’s Qualifications Statement provided in response to this RFQ. Within Sixty (60) days after the deadline for proposal submissions, the District will evaluate the submitted Qualifications Statements and will qualify and rank each response submitted based on the following evaluation criteria and weights:

1.	Qualifications, Experience and Reputation of the Firm. Demonstrated firm experience in functional design of high quality and cost-effective new construction and design experience for Independent School Districts and similar projects, including specific design experience in Career Technology Education (CTE) Facilities, strong background in construction administration, cost estimation, obtaining necessary permits, coordination with local agencies/authorities and public involvement.	30 Points
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2.	Qualifications, Experience and Reputation of Key Personnel. Qualifications and experience of each Key team member who would handle any of the requested services for the District. Include the team member’s name, title, and education, a brief overview of professional experience and licensure information, as applicable. State, in percentages, the amount of time each identified key person will be committed to the project.	30 Points
2.	Commitment to the Projects, Success of the District’s Program and Availability. The firm’s overall plan for allocating personnel resources to the Projects, including lead personnel and team to see the projects through to completion. Demonstrated availability of time to devote to the District’s Projects, given current commitments of the firm.	20 Points
3.	Project Approach and Resources. Strong team work ethic and cooperation both within the firm and outside of the firm with contractors, consultants, and Owner or Owners Representative. A proven firm and/or team capable of providing creative, functional, flexible, and technologically sound design solutions with an economy of means and capability to design the projects within the allocated budget. Capability of the firm in the areas of support personnel, technical staff and the spectrum of services to be offered to the District. The firm’s overall plan for meeting the District’s needs and requirements, management ability and demonstrated ability to effectively serve its clients on prior projects.	20 Points

Article IV. FORM AND SUBMISSION OF QUALIFICATIONS STATEMENT.

4.1. Statements of Qualification must be submitted in sealed opaque envelopes plainly marked: “**RFQ - Karnes City Independent School District 2020 Bond Architectural/ Engineering Design and Construction Administration**” and shall bear the name and address of the Respondent. Responses must be received at the:

**Karnes City ISD Purchasing Office
404 N. Hwy 123
Karnes City, TX 78118**

NO LATER THAN 2:00 P.M., WEDNESDAY, January 6, 2021.

Qualifications Statements submitted prior to the above time and date may be modified provided such modifications are sealed and received at the designated location, prior to the time and date set for submission of proposals. Qualification Statements received after the deadline will NOT be accepted and will be returned unopened to the Respondent.

4.2. To achieve a uniform review process and obtain the maximum degree of comparability, it is required that proposals be organized in the manner specified. One Original and one Copy of the Qualification Statement should be submitted in hard copy (on paper), and one electronic copy of the Qualifications Statement should be submitted on a Flash Drive. The Original hard copy Qualifications Statement should be labeled “ORIGINAL” and contain the original signatures, in blue ink. The additional hard copy (on Paper) should be labeled “COPY”. Qualifications

Statements shall be prepared simply and economically, providing a straightforward, concise description of the respondent's ability to meet the requirements of this RFQ. Emphasis shall be on quality, completeness, clarity of content, responsiveness to the requirements, and understanding of the District's needs

4.3. Respondents are expected to examine this RFQ carefully (including the attached Contract Documents) and understand the terms and conditions for providing the services listed herein and respond completely. FAILURE TO COMPLETE AND PROVIDE ANY OF THE ITEMS REQUIRED HEREIN MAY RESULT IN THE RESPONDENT'S QUALIFICATIONS STATEMENT BEING DEEMED NON-RESPONSIVE AND THEREFORE DISQUALIFIED FROM CONSIDERATION.

4.4 The Qualifications Statement shall contain the following information and be submitted in the order below. Each section behind the Cover Letter should be separated by a divider tab to indicate the response to the individual request for information:

4.4.1 **COVER LETTER** Submit a cover letter, prepared on the letterhead of the Respondent, which provides: the Legal Name of the Firm, brief statement of interest, which Project(s) the firm is interested in, availability, intent to perform services, general qualifications for selection, and the name of the principal contact person authorized to commit the Respondent to a contractual agreement (including that person's address, telephone number, email address, and signature).

4.4.2 **ARCHITECTS QUALIFICATIONS STATEMENT**

A. Provide a completed copy of Architect's Qualifications Statement, AIA Document B305-1993 Edition.

a. Section 4 should list the names and qualifications of consultants proposed for the Project.

b. Section 5.1 should list:

i. All educational facilities on which Architect performed design services in the last five (5) years and the name and phone number of the owner's representative, and

ii. All projects of any type currently in progress and the name and phone number of the owner's representative.

c. Section 8 should list Architect's bank(s) including name of bank(s), individual point of contact and title, address, and phone number.

4.4.3 **QUALIFICATIONS, EXPERIENCE, and REPUTATION [30 Points]**

A. Provide the capabilities, experience, and qualifications of the firm

B. Provide qualifications information for sub-consultants you propose to be used on the Projects, including the location of their offices, capabilities, experience, qualifications of the firm management and team member(s) who will work directly on the Project including name, title, and education, a brief overview of professional experience and licensure information.

C. Describe your firm's experience working with an Owner's Representative or other consultant during projects of a similar size and scope, and how you utilized their expertise and approached coordination of administration duties, including pay requests, payment monitoring for subcontractor and material suppliers to avoid disputes and collection issues during the Project's execution.

D. Provide information regarding three (3) **school projects** of similar size and scope to the ones for which services are requested herein, that your firm acted as the design architect and provided project administration, on which you are currently working or have completed in the last five (5) years. For each, provide the following: Project name and location, Services provided, Date of completion or project status, Original Budget and Actual Project Costs for the Project – provide any relevant information regarding a discrepancy, Whether the Project was completed on schedule (if not, what were the issues), Client name, address and telephone number(s) for contact persons that may provide information regarding the quality of your service on the Project and your qualifications.

4.4.4 Qualifications, Experience and Reputation of Key Personnel. [30 Points]

A. Provide an organizational chart and summary resumes of not more than one page per person on the capabilities, experience, management of each team member who would handle any of the requested services for the District. Biographies should include the team member's name, title, and education, a brief overview of professional experience and licensure information, as applicable.

B. Identify key principal(s) and professionals to be assigned to undertake the project, describe their respective roles and the location of the office out of which the work will be primarily handled. Include an estimate of the percentage of each key person's time that will be devoted to this project.

C. Provide a statement of commitment that key personnel will remain assigned to the project. Any substitutions of key personnel to be approved in writing by the Owner.

4.4.5 COMMITMENT AND AVAILABILITY. [20 Points]

A. Provide a summary of the relevant characteristics that distinguish the Respondent in its ability to provide the services requested by the District.

B. Provide a statement on the availability and commitment of the firm to the Project, including attendance and active participation in required Project meetings through design, and periodic project meetings through construction.

C. Provide a list of all projects on which Respondent is currently engaged and the impact those projects may have on the staffing required on the District's Projects.

D. Describe the reporting responsibilities of the team members and how the firm will interface with District Staff and Owner's Representative.

4.4.6 PROJECT APPROACH AND RESOURCES [20 Points]

- A. Provide a description of your firm's overall approach to project administration, how you view your firm's role in protecting the interests of the District, and explain how this approach will benefit the District.
- B. Describe your firm's approach to working with an Owner and/or Owner's Representative during projects of a similar size and scope, and what you believe would be the best use of an Owner's expertise in administering this project, to compliment your own.
- C. List resources of the firm that would be made available to the District that would distinguish your firm as most qualified to perform the design, administration and closeout of the Projects.
- D. Proposed schedule and summary report reflecting the respondents approach and factors to be considered designing these projects. Description of planned effort to provide quality work and work within an agreed upon budget for construction.

4.4.7 THE FORM OF CONTRACT. The form of Architect Agreement utilized for this Project shall be the *Standard Form of Agreement Between Owner and Architect (AIA Document B101-2017)* as amended by Owner, a copy of the Form of Agreement is attached hereto as **RFQ Attachment "A"**. The Architect will be required to provide administration of the Contract between the Owner and the Contractor as set forth below, and in *AIA Document A201™–2017, General Conditions of the Contract for Construction*, as amended by Owner. A copy of these General Conditions, including Owner's amendments, is attached hereto as **RFQ Attachment "A-1"**. As part of your Response, please provide, **as an attachment to the Cover Letter**, a written document providing any requested changes, if any, and include an explanation for the requested change, **otherwise Respondent will be deemed to have accepted the form of the contract by submission of its Statement of Qualifications, without exceptions noted.** If you have no objections please so indicate in your Cover Letter. The final contract is subject to review and approval of the District's legal counsel.

4.4.8 CONFLICT OF INTEREST QUESTIONNAIRE. 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 (CIQ) with the District. The Conflict of Interest Questionnaire required by Chapter 176 of the Texas Local Government Code is attached hereto as **RFQ Exhibit "A"** and must be completed and submitted as part of Respondent's response to this RFQ. Please consult your own legal advisor if you have questions regarding the statute or form.

4.4.9 NON-COLLUSION AFFIDAVIT. Complete, sign and submit the Non-Collusion Affidavit, **RFQ Exhibit "B"**.

4.4.10 DISCLOSURE OF INTERESTED PARTIES – FORM 1295. Texas Government Code, Section 2252.908 requires the Disclosure of Interested Parties, by a Contractor, using the form and procedure established by the Texas Ethics Commission, at the same time it

submits the signed Contract, if the Contract award requires action or a vote by the Board of Trustees or the value of the Contract awarded as a result of the solicitation is at least One Million Dollars (\$1,000,000.00). The form requires disclosure of any "interested party" to the contract of which the contracting business entity is aware, and must be signed by an authorized agent of the contracting business entity acknowledging that disclosure is made under oath and under penalty of perjury. A copy of Form 1295 and further information about the process required is attached hereto as **RFQ Exhibit "C"**. By submission of its Response to the RFQ, Respondent agrees that upon Contract award and notification by the District of the applicability of this requirement, it will timely comply with the filing requirements set forth by the Commission and required by Section 2252.908 of the Texas Government Code. **Note:** The form attached as **RFQ Exhibit "C"** may only be filed electronically and is attached to this RFQ for reference only. Please consult your own legal advisor if you have questions regarding the statute or form.

4.4.11 ACKNOWLEDGEMENT OF ADDENDA. Complete, sign and submit the Acknowledgement of Addenda Form, **RFQ Exhibit "D"**. **This form is required ONLY if Addenda were issued in connection with this RFQ.**

4.4.12 SIGNATURE PAGE. Complete, sign and submit Signature Page, **RFQ Exhibit "E"**. The Signature Page must be signed by a person, or persons, authorized to bind the entity, or entities, submitting the proposal. Responses signed by a person other than an officer of the company or partner of the firm shall be accompanied by evidence of authority.

4.5 Qualification Statements may be withdrawn by written request received by the District prior to the time fixed for opening. Two (2) signed copies of any such withdrawal should be forwarded immediately to District in a sealed opaque envelope properly marked to identify the contents. No Qualification Statements, or modification to a Qualification Statement, shall be made orally or by telephone, e-mail, or by facsimile transmission ("fax").

4.6 The District reserves the right to request supplemental information of any and all Respondents to aid the Owner in the evaluation process. 4.7 The District plans to hold public interviews for a selected short list of Respondents at the regularly scheduled Board Meeting on January 11, 2021. The time for the interviews and the amount of time allotted to each Respondent will be provided prior to the Board Meeting. Selection of the apparent successful Respondent may be made in executive session following the interviews.

4.8 Time is of the essence, and the qualification process and subsequent advertising and award of the contract to the successful Respondent is expressly conditioned upon (i) the Respondent's execution and delivery of the contract and evidence of insurance, within ten (10) calendar days after the successful Respondent is notified of the acceptance of its post-selection price proposal, and (ii) the Respondent's timely fulfillment of any and all other preconditions expressly set forth in the Contract. Should the qualified Respondent fail to timely execute and deliver the contract, evidence of insurance, or fail to timely fulfill any other such preconditions, the Owner may, at its option and sole discretion rescind the invitation and thereafter negotiate with and award the contract to the next ranked Respondent, or may reject all Statements of Qualification.

4.9 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.

4.10 **Note: Texas Public Information Act:** During the course of the selection process, the Qualifications Statements submitted by Respondents 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 are deemed privileged or confidential by statute, 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 the 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 regarding that the proposal or parts thereof are not subject to disclosure under the Act.

4.10 By submitting its Response to this RFQ, Respondent certifies that it does not and will not refuse to deal with, terminate business activities with, or otherwise take any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, unless the action is taken for ordinary business purposes.

Article V. AWARD OF CONTRACT.

5.1. The District reserves the right to reject any or all Qualifications Statements. There will be no contractual obligations 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 and the contract is unconditionally executed and delivered by all parties, and all conditions to be fulfilled by the Respondent have either been so fulfilled by the Respondent or waived in writing by the District.

5.2 The process followed for evaluation and award of the contract shall be substantially as follows:

5.2.1 **Step 1 of Evaluation - Qualifications Statements.** Within a reasonable time, not to exceed sixty (60) days after the deadline for submission of responses, a committee of District representatives to whom the task has been delegated by the Board, will evaluate each Statement of Qualifications submitted in relation to the criteria set out in above.

5.2.2 **Step 2 of Evaluation – Interviews/Presentations.** Following the Evaluation Committee's ranking of the Qualifications Statements, the Evaluation Committee may

elect to interview or have the Board interview, two or more of the Respondents ranking highest during its initial evaluation of the responses. The quality of the interview is not an evaluation criteria, but the Interview will serve as a continuation of the evaluation, considering the criteria and weights published herein. Following the interviews, if any, the Evaluation Committee will finalize their scores and rank each of the finalist respondents in order of qualifications.

5.2.3 At the next regular or special called Board Meeting the Owner's Representative will present the rankings to the Board of Trustees for approval.

5.2.4 **Step 3 – Pricing Negotiation.** Utilizing the ranking approved by the Board, the Owner's Representative or his designee will attempt to negotiate an agreement for a fair and reasonable price with the first ranked Respondent. If the District representative is unable to negotiate a contract for a reasonable price with the first selected Respondent, the District representative will, formally and in writing, end negotiations with that Respondent and proceed to the next ranked Respondent in the order of the selection ranking until a contract is reached or all Qualifications Statements are rejected.

5.2.5 Upon reaching an agreement as to the terms of the Contract with the selected Respondent, the Board's delegate, will notify the Respondent that its firm has been selected to enter into a Contract and within ten (10) days after notice of its selection, Respondent will execute the negotiated contract with the District and shall furnish the insurance certificates required by the Contract in forms acceptable to the District.

RFQ EXHIBIT A

CONFLICT OF INTEREST QUESTIONNAIRE For vendor doing business with local governmental entity		FORM CIQ
<p>This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.</p> <p>This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).</p> <p>By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.</p> <p>A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.</p>	OFFICE USE ONLY Date Received	
<p>1 Name of vendor who has a business relationship with local governmental entity.</p>		
<p>2 <input type="checkbox"/> Check this box if you are filing an update to a previously filed questionnaire.</p> <p style="text-align: center;">(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)</p>		
<p>3 Name of local government officer about whom the information in this section is being disclosed.</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">Name of Officer</p> <p>This section (item 3 including subparts A, B, C, & D) must be completed for each officer with whom the vendor has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.</p> <p>A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the vendor?</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section AND the taxable income is not received from the local governmental entity?</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more?</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>D. Describe each employment or business and family relationship with the local government officer named in this section.</p>		
<p>4</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">Signature of vendor doing business with the governmental entity</p> <p style="text-align: right; margin-right: 150px;">_____</p> <p style="text-align: right; margin-right: 150px;">Date</p>		

Adopted 8/7/2015

RFQ EXHIBIT B
NON-COLLUSION STATEMENT

_____, being first duly sworn, deposes and says this:

(1) He/She is _____ of _____
(a partner or officer) (the firm of, etc.)

the Respondent who has submitted the attached Statement of Qualifications.

(2) He/She is fully informed respecting the preparation and contents of the attached Statement of Qualifications and of all pertinent circumstances respecting such Statement of Qualifications.

(3) That Statement of Qualifications is genuine and is not a collusive or sham response.

(4) Neither the said Respondent nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, has in any way colluded, conspired, connived or agreed, directly or indirectly, with another Respondent, firm or person, to submit a collusive or sham. Response in connection with the Contract for which the attached Statement of Qualifications has been submitted or to refrain from proposing in connection with such Contract, or has in any manner, directly or indirectly, sought by agreement or collusion, or communication or conferences, with any other Respondent, firm or person to secure through any collusion, conspiracy, connivance or unlawful agreement any advantage against the Karnes City Independent School District or any person interested in the proposed contract; and,

(5) The price or prices which will be offered if selected as the successful Respondent in connection with this Request for Qualifications will be fair and proper and will not be tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the Respondent or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

(Respondent's Business Name): _____

(Respondent's Representative Signature) _____

(Respondent's Representative Title) _____

Subscribed and sworn to before me on this _____ day of _____, 2020.

NOTARY PUBLIC, STATE OF TEXAS

RFQ EXHIBIT C

DISCLOSURE OF INTERESTED PARTIES

Under certain circumstances, the District is required to comply with Texas Government Code, Section 2252.908, Disclosure of Interested Parties. If the District is entering into a contract with a “business entity” (defined below) which requires action by the Board of Trustees or which has a value of the contract is at least \$1 million, Section 2252.908, requires the District obtain a Disclosure of Interested Parties Form 1295 from the contracting business entity that, at the time the contract is signed binding the parties. The form requires disclosure of each “interested party” to the contract of which the contracting business entity is aware, and must be signed by an authorized agent of the contracting business entity acknowledging that disclosure is made under oath and under penalty of perjury.

Since the Respondent qualifies as a “business entity” and the contract to be entered for this solicitation is for a value greater than \$1 Million or requires action or a vote by the Board of Trustees the selected Respondent will be required complete and submit Form 1295. **THE FORM MAY ONLY BE FILED ELECTRONICALLY.**

Form 1295 must be submitted on the form promulgated by the Texas Ethics Commission and in compliance with the Commission’s rules, at the time the business entity submits the signed contract to the District. The form must be completed electronically and the process for doing so can be found at the Texas Ethics Commission website at: https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm. The filing process will include:

1. **Completing Form 1295 electronically** with the Texas Ethics Commission using the online filing application. The portal for completion of Form 1295, instructions for completion and answers to Frequently Asked Questions can be found at the Texas Ethics Commission website: https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm
2. **Printing a copy of the completed form** (make sure that it has a computer-generated certification number in the “Office Use Only” box)
3. Having an authorized agent of the business entity **sign the form before a notary public.**
4. **Submitting** the completed, signed and notarized Form 1295, showing the certification of filing with your signed contract.

The District will then acknowledge the receipt of the filed Form 1295 by notifying the Texas Ethics Commission of the receipt of the filed Form 1295 no later than the 30th day after the date the contract is executed by the District, binding all parties to the Contract. Within seven (7) business days after receiving acknowledgement from the District the Texas Ethics Commission will post the completed Form 1295 to its website.

A copy of the current Form 1295 is attached hereto for your reference. You are encouraged to contact your own legal counsel with any questions you may have about the process.

The following **definitions** apply:

1. **“Business Entity”** means an entity recognized by law through which business is conducted, including a sole proprietorship, partnership, or corporation. TEX. GOV’T CODE §2252.908(1).
2. **“Interested Party”** means a person:
 - a) who has a *controlling interest* in a Business Entity with whom the District contracts; or
 - b) who actively participates in facilitating the contract or negotiating the terms of the contract, including a broker, intermediary, adviser, or attorney for the Business Entity. TEX. GOV’T CODE § 2252.908(3).
3. **“Controlling interest”** means:
 - a) an ownership interest or participating interest in a business entity by virtue of units, percentage, shares, stock, or otherwise that exceeds 10 percent;
 - b) membership on the board of trustees or other governing body of a business entity of which the board or other governing body is composed of not more than 10 members; or
 - c) service as an officer of a business entity that has four or fewer officers, or service as one of the four officers most highly compensated by a business entity that has more than four officers.
4. **“Intermediary”** means a person who actively participates in the facilitation of the contract or negotiating the contract, including a broker, adviser, attorney, or representative of or agent for the business entity who:
 - a) receives compensation from the business entity for the person’s participation;
 - b) communicates directly with the governmental entity or state agency on behalf of the business entity regarding the contract; and
 - c) is not an employee of the business entity. TEX. ETHICS COMM. RULE 46.3(e).

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

Complete Nos. 1 - 4 and 6 if there are interested parties. Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.	OFFICE USE ONLY
1 Name of business entity filing form, and the city, state and country of the business entity's place of business.	
2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.	

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

4 Name of Interested Party	City, State, Country (place of business)	Nature of Interest (check applicable)	
		Controlling	Intermediary

5 Check only if there is NO Interested Party.

6 AFFIDAVIT I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.

Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said _____, this the _____ day of _____, 20____, to certify which, witness my hand and seal of office.

Signature of officer administering oath Printed name of officer administering oath Title of officer administering oath

ADD ADDITIONAL PAGES AS NECESSARY

**RFQ EXHIBIT D
ACKNOWLEDGEMENT OF ADDENDA**

I, _____, acknowledge receipt of the following Addendums to the Request for Qualifications for Architectural Services issued by the Karnes City Independent School District, on behalf of the Respondent listed below:

Addendum No.____. Dated: _____ Entitled: _____

Addendum No.____. Dated: _____ Entitled: _____

Addendum No.____. Dated: _____ Entitled: _____

Respondent's Business Name: _____

Respondent's Representative Signature: _____

Respondent's Representative Title: _____

Date: _____

RFQ EXHIBIT E
SIGNATURE PAGE AND DECLARATION OF COMPLIANCE

Check (✓) the box that indicates business structure of Respondent.

Individual/Sole Proprietorship Partnership or Joint Venture Corporation Other Entity (State Type) _____

The undersigned certifies that (s)he is _____ (title) of the Respondent entity named below; that (s)he is authorized to sign this Statement of Qualifications (if a Corporation then by resolution with Certified Copy of resolution attached) for and on behalf of the entity, if any, named below, and that (s)he is authorized to execute same for and on behalf of and bind said entity to the terms and conditions provided for in the Proposal as required by this RFQ, and has the requisite authority to execute an Agreement on behalf of Respondent, if awarded, and that the 11-digit Comptroller's Taxpayer Number for the entity, if any, is:

11-digit Comptroller's Taxpayer Number

Employer Identification No.

Respondent Organization Name

By: _____

Printed Name: _____

Title: _____

By: _____

(If Respondent is a Joint Venture, an authorized signature from a representative of each party is required.)

Printed Name: _____

Title: _____

By signing this Signature Page and Declaration of Compliance, I do hereby declare that I have read the Request for Qualifications, on which our Qualifications Statement is submitted with full knowledge of the requirements, and do hereby agree to furnish all services in full accordance with the requirements outlined in the Request for Qualifications.

By signing and executing this Qualifications Statement, I further certify on behalf of my organization and represent to the Karnes City Independent School District that Respondent has not offered, conferred or agreed to confer any pecuniary benefit, as defined by **TEXAS PENAL CODE ANN. § 218**, or any other thing of value, as consideration for the receipt of information or any special treatment or advantage relating to this Qualifications Statement; the Respondent also certifies and represents that Respondent has not offered, conferred or agreed to confer a pecuniary benefit or other things of value as consideration for the recipients decision, opinion, recommendation, vote or other exercise of discretion concerning this proposal; the Respondent certifies and represents that Respondent has neither coerced nor attempted to influence the exercise of discretion by any officer, trustee, agent or employee of the Karnes City Independent School District concerning this Qualifications Statement on the basis of any consideration not authorized by law; the Respondent also certifies and represents that Respondent has not received any information not available to other Respondent so as to give the undersigned a preferential advantage with respect to this proposal; the Respondent further certifies and represents that Respondent has not violated any state, federal or local law, regulation or ordinance relating to bribery, improper influence, collusion or the like and that Respondent will not in the future offer, confer, or agree to confer a pecuniary benefit or other thing of value to any officer, trustee, agent or employee of the Karnes City Independent School District in return for the person having exercised the person's official discretion, power or duty with respect to this Qualifications Statement; the Respondent certifies and represents that it has not nor and will not in the future offer, confer, or agree to confer a pecuniary benefit or other thing of value to any officer, trustee, agent or employee of the Karnes City Independent School District in connection with information regarding this Proposal, the submission of this Qualifications Statement, the award or performance of a contract in connection with this RFQ.

RFQ ATTACHMENT 1

Standard Form of Agreement Between Owner and Architect (AIA Document B101-2017) as amended by Owner

RFQ ATTACHMENT 2

AIA Document A201™–2017, *General Conditions of the Contract for Construction*,
as amended by Owner