



Texas State Technical College Waco

Tax Exempt # 74-1646989

Procurement Office

3801 Campus Dr.

Waco, TX 76705

(254) 867-3757 phone

(254) 867-3792 fax

INVITATION FOR COMPETITIVE SEALED PROPOSALS

Title:

TSTC Culinary Storage 2014

Proposal # RFP 041714

Posted Date: 04/23/2014

All forms must be completed and returned for consideration.

Proposal Closing Date/Time: May 8th, 2014 at 2:00 PM Central Daylight Time

Mail Proposals to:

Texas State Technical College
Attn: Melissa Warren, Director
Procurement Services
3801 Campus Drive
Waco, Texas 76705

Hand Deliver Proposals to:

Texas State Technical College
Procurement Services
Attn: Melissa Warren, Director
Patterson Hall, 2nd Floor
103 10th Street (on-campus address)
Waco, Texas 76705

Please note that the on-campus address is located on the TSTC Waco campus. There is a similar address in the downtown area of the city of Waco, Texas.

All bids MUST be delivered to the address listed on the TSTC campus
by the time and date listed above.

Faxed Proposals will not be accepted.

Emailed Proposals will not be accepted.

Late Proposals will not be accepted.

1. GENERAL INFORMATION

- 1.1. **Information about Texas State Technical College System --** Texas State Technical College, (herein referred to as "TSTC"), is a state-supported, technical college system that services students throughout the state of Texas. The TSTC system includes four colleges: TSTC Harlingen, TSTC Marshall, TSTC Waco, and TSTC West Texas (which has campuses in Abilene, Breckenridge, Brownwood, and Sweetwater).
- 1.2. **Historically Underutilized Business (HUB) Firms --** TSTC endeavors to promote full and equal opportunity for businesses to supply TSTC with goods and/or Services that are necessary to support TSTC's educational mission. In this regard, TSTC commits to select Proposers in accordance with (i) needs, (ii) resources, (iii) HUB goals and guidelines established by the Texas Legislature and the Texas Building and Procurement Commission, and (iv) policies and procedures for contracting with Historically Underutilized Businesses.
- 1.3. **Request for Proposals --** By means of this Request for Proposals, (hereinafter referred to as "RFP"), TSTC invites all qualified Proposers to submit Proposals in accordance with the requirements outlined in this RFP. TSTC anticipates that, based on its review and evaluation of the Proposals received pursuant to this RFP, it will select a Proposer and execute a contract whereby the Proposer renders Services to TSTC, in accordance with terms and conditions set forth in the contract.
- 1.4. **Purpose of the Request for Proposals --** TSTC Waco is requesting Competitive Sealed Proposals for constructing a 21' X 21' foot metal storage building with slab and electrical and gas. The purpose of this Request for Proposals (RFP) is to engage a Proposer to furnish materials, labor, and equipment required to complete this project in accordance with the plans and specifications developed by TSTC Physical Plant.
- 1.5. **Documents Attached to this RFP --** Documents included in this RFP that pertain to making a proposal for this project are listed as follows:
 - 1.5.1. TSTC's Uniform General Conditions
 - 1.5.2. Agreement between Owner and Contractor (Only filled out in the event of contract award)
 - 1.5.3. Scope of Work
 - 1.5.4. Bid Proposal Form
 - 1.5.5. HUB Subcontracting Plan Worksheet
 - 1.5.6. TSTC's HUB Policy

1.5.7. Plans and specifications detailing the construction of the project have been attached to this RFP.

2. PROPOSAL REQUIREMENTS

- 2.1. Proposals must be received in a sealed envelope by the date and time shown above for consideration. Please indicate the RFP #, RFP Title, and RFP Closing Date and Time on the sealed envelope and either hand deliver or mail to the address on page 1.
- 2.2. Open records requests, after award is made, may be requested by contacting Jerry Sorrells via email at: jerry.sorrells@tstc.edu
- 2.3. **Requirements for Submission --** The Respondent must submit one original signed Proposal. The Proposal and accompanying documentation are the property of TSTC and will not be returned.
- 2.4. **Required Documents for the Proposal --** All proposals must include the following documents:
- 2.4.1. Completed Proposal Form
 - 2.4.2. Completed HUB Subcontracting Plan Worksheet

3. RFP PROCEDURES

- 3.1. **Receipt of Proposals --** Proposals will be date/time stamped upon arrival. The date/time stamp used will be the official clock for proposal opening time. TSTC will not provide delivery receipt for mail delivered proposals.
- 3.1.1. TSTC will not provide proof of delivery of bid/proposals which are delivered by hand or courier. No proof of delivery shall be necessary.
 - 3.1.2. Any Proposal received AFTER the DATE AND TIME specified will be IMMEDIATELY disqualified from consideration, and will be RETURNED unopened to the proposer.
- 3.2. **Proposal Opening --** Proposals will be opened after the deadline indicated in this RFP. The proposal opening process is open to the public. Upon submittal, all proposals become the property of TSTC and will not be returned.
- 3.3. **Evaluation of Proposals**

Evaluation criteria will be that of Best Value to TSTC as TSTC deems necessary. The evaluation criteria will be as follows:

Category	Criteria	Score
Price	Proposal sum.	56 points
Time	Proposed construction contract time.	8 points

Supervision	Proposer's assigned Supervisor and abilities.	10 Points
Reputation	Reputation of proposer.	10 Points
Business	Proposer's and subcontractors' financial background and stability, including past claims and suits.	4 points
Change Orders/Fairness	Change Order record of fairness	4 points
HUB	HUB participation.	8 points
Total		<u>100 points</u>

3.4. Award of Contract -- After the evaluation process of the proposals, an award will be made in the form of an executed contract between TSTC and the selected vendor of award. TSTC reserves the right to the method of evaluation and award, and reserves the right to reject any or all proposals, or waive irregularities it deems necessary. TSTC intends to negotiate and award an agreement with the vendor submitting the proposal TSTC determines best meets TSTC's requirements and is considered to be the best value overall.

3.5. Pre-Proposal Conference

A pre-proposal conference will be held at the Physical Plant Conference Room located at 1200 Greenway, on the TSTC Waco campus, **Wednesday, April 30th**, 2014 at 10:00 AM Central time. Owner's representative will be present to discuss this project. Only details of the project and clarification will be discussed at this time. Although not required it is highly recommended that you attend.

4. RFP Conditions

4.1. Exhibits -- Anything related to this RFP shall comply with the documents listed below:

- 4.1.1. Agreement between Owner and Contractor
- 4.1.2. 2012 Uniform General and Supplementary General Conditions for Texas State Technical College Building Construction Contracts
- 4.1.3. TSTC's HUB Policy
- 4.1.4. HUB Subcontracting Plan
- 4.1.5. Scope of Work
- 4.1.6. **Bid Proposal Form**

4.2. Right to Reject -- This RFP does not commit TSTC to select a Proposer or to award a Contract to any Proposer. TSTC reserves the right to accept or reject, in whole or in part, any Proposal it receives pursuant to this RFP.

4.3. Right to Modify, Rescind, or Revoke RFP -- TSTC reserves the rights to modify, rescind, or revoke this RFP, in whole or in part, at any time prior to the date on which the authorized representative of TSTC executes a Contract with the Selected Proposer.

- 4.4. **Compliance with RFP Requirements** -- By submission of a Proposal, a Proposer agrees to be bound by the requirements set forth in this RFP. TSTC, at its sole discretion, may disqualify a Proposal from consideration, if TSTC determines a Proposal is non-responsive and/or non-compliant, in whole or in part, with the requirements set forth in this RFP.
- 4.5. **Binding Effect of Proposal** -- Unless otherwise agreed in writing and signed by an authorized agent of TSTC, each Proposer agrees to and shall be bound by the information and documentation provided with the Proposal, including prices quoted for Services.
- 4.6. **Signature, Certification of Proposer** -- The Proposal must be signed and dated by a representative of the Proposer who is authorized to bind the Proposer to the terms and conditions contained in this RFP and to compliance with the information submitted in the Proposal. Each Proposer submitting a Proposal certifies to both (a) the completeness, veracity, and accuracy of the information provided in the Proposal and (b) the authority of the individual whose signature appears on the Proposal to bind the Proposer to the terms and conditions set forth in this RFP. Proposals submitted without the required signature shall be automatically disqualified.
- 4.7. **Risk of Loss, Damage, Delay** -- Proposer acknowledges and agrees to release and hold harmless the TSTC System, its campus components, Board of Regents, officers, employees, agents, and personnel, from and against any and all claims, liability, damages, and costs, including court costs and attorneys' fees, arising out of or pursuant to delivery of the Proposal or failure to deliver the Proposal to the Purchasing Office at TSTC, as designated in this RFP.
- 4.8. **Ownership of Proposals** -- All Proposals become the physical property of TSTC upon receipt.
- 4.9. **Use, Disclosure of Information** -- Proposer acknowledges that TSTC is an agency of the State of Texas, and is therefore required to comply with the Texas Public Information Act, Tex. Government Code Ch. 552. If a Proposal includes proprietary data, trade secrets, or information the Proposer wishes to except from public disclosure, then the Proposer must specifically label such data, secrets, or information as follows: "**PRIVILEGED AND CONFIDENTIAL -- PROPRIETARY INFORMATION.**" To the extent permitted by law, information labeled by the Proposer as proprietary will be used by TSTC only for purposes related to or arising out of the (a) evaluation of Proposals, (b) selection of a Proposer pursuant to the RFP process, and (c) negotiation and execution of a Contract, if any, with the Proposer selected.
- 4.10. **Public Disclosure** -- All information, documentation, and other materials submitted in response to this solicitation are considered and/or non-proprietary and are subject to public disclosure under the Texas Public Information Act (Texas Government Code, Chapter 552.001, et seq.) after the solicitation is completed.

Please contact Jerry Sorrells by email at Jerry.Sorrells@systems.tstc.edu for requests.

- 4.11. **Costs of Participation --** TSTC specifically disclaims responsibility, and/or liability, for all costs, expenses, or claims related to or arising out of the Proposers participation in this RFP process, including but not limited to costs incurred as a result of preparing, copying, shipping, presenting, and/or clarifying the Proposal and the information relevant to the Proposal.
- 4.12. **Compliance with Applicable Laws, Regulations, Ordinances, Board of Regents Policies, University Policies and Procedures --** By submitting a Proposal, the Proposer agrees to, and shall comply with all applicable local, state and federal laws and regulations, as well as with all applicable policies and procedures of the Texas State Technical College System. System policies and procedures may be accessed at the following Internet address: <http://www.tstc.edu>
- 4.13. **Rescission of Proposal --** A Proposal can be withdrawn from consideration at any time prior to expiration of the deadline for proposals, as stated in this RFP, pursuant to a written request sent to the Procurement Office Attn: Melissa Warren.
- 4.14. **Request for Electronic Copy --** A Proposer may request an electronic copy of the RFP from TSTC, pursuant to a written request sent to the Procurement Office Attn: Melissa Warren.
- 4.15. **Request for Clarification by TSTC --** TSTC reserves the right to request clarification of any information contained in a Proposal.
- 4.16. **Safety --** Contractor must comply with all applicable safety regulations, including but not limited to, the TSTC Waco, College Operating Procedure (9.16) Contractor Safety. The "COP" may be downloaded or viewed at this electronic link: <http://iam.tstc.edu/users/cop/COP9.16-01-13-03.pdf>
- 4.17. **Contract Award --** A response to the solicitation is an offer to contract with Texas State Technical College based on the terms and conditions contained therein. RFP's do not become contracts and are not binding until a written contract, signed by authorized College administrator and authorized personnel of the awarded vendor pursuant to this RFP.
- 4.18. **Submitted Responsive Documents --** The RFP and submitted responsive documents, or portions of each, and at the College's sole discretion, may become incorporated by reference and a part of the written contract and will be binding on both the College and the Proposer after execution of the contract by both parties.
- 4.19. **Compliance with Laws --** The services provided and all representations in the RFP response must be such that they are or would be in conformity with all federal, state, county and local laws, regulations, rules, and orders. Upon request, the Proposer shall furnish to TSTC certificates of compliance with all such laws.
- 4.20. **Taxes --** TSTC is tax exempt as a governmental subdivision of the State of Texas under Texas Tax Code Section 151.

- 4.21. **Ethics Conduct** -- Any direct, or indirect, actions taken to unduly influence competitive purposes, to circumvent equal consideration for competitive bidders, or to disregard ethical and legal trade practices will disqualify vendors and contractors from current and future consideration for participation in TSTC orders and contracts.

Bond Requirements -- Article 5. Bonds and Insurance

5.1 **Construction Bonds**. Contractor is required to tender to Owner, prior to commencing the Work, performance and payment bonds, as required by Tex. Gov't. Code, Chapter 2253. On Construction Manager-at-Risk and Design-Build Projects, the Owner shall require a security bond, as described in Subsection 5.1.2 below.

5.1.1 **Bond Requirements**. Each bond shall be executed by a corporate surety or sureties authorized to do business in the State of Texas and acceptable to Owner, on Owner's form, and in compliance with the relevant provisions of the Texas Insurance Code. If any bond is for more than ten (10) percent of the surety's capital and surplus, Owner may require certification that the company has reinsured the excess portion with one or more reinsurers authorized to do business in the State. A reinsurer may not reinsure for more than ten (10) percent of its capital and surplus. If a surety upon a bond loses its authority to do business in the State, Contractor shall, within thirty (30) days after such loss, furnish a replacement bond at no added cost to Owner.

5.1.1.1 A performance bond is required if the Contract Sum is in excess of One Hundred Thousand Dollars (\$100,000.00). The performance bond is solely for the protection of Owner. The performance bond is to be for the Contract Sum to guarantee the faithful performance of the Work in accordance with the Contract Documents. The form of the bond shall be approved by the Office of the Attorney General of Texas. The performance bond shall be effective through Contractor's warranty period.

5.1.1.2 A payment bond is required if the Contract price is in excess of Twenty-Five Thousand Dollars (\$25,000.00). The payment bond is to be for the Contract Sum and is payable to Owner solely for the protection and use of payment bond beneficiaries. The form of the bond shall be approved by the Office of the Attorney General of Texas.

5.1.2 **Security Bond**. The security bond provides protection to Owner is Contractor presents an acceptable guaranteed maximum price ("GMP") to Owner but is unable to deliver the required payment and performance bonds within the time period stated below.

5.1.3 **When Bonds Are Due**.

5.1.3.1 Security bonds are due before execution of a Construction Manager-at-Risk or Design-Build Contract.

5.1.3.2 Payment and performance bonds are due before execution of a contract on competitively bid or competitively sealed proposal projects or before execution of a GMP proposal on Construction Manager-at-Risk projects or Design-Build projects.

FOR MORE INFORMATION ON BONDS see Texas State Technical College Universal and Supplementary General Conditions 2011
