REQUEST FOR PROPOSAL FOR CONSTRUCTION MANAGER-AT-RISK

THE UNIVERSITY OF TEXAS AT ARLINGTON
CONSTRUCTION OF WEST CAMPUS DINING FACILITY

RFP NUMBER: FM2017-002

RFP and HUB SUBCONTRACTING PLAN
SUBMITTAL DUE DATE: October 3, 2016

RFP ISSUE DATE: September 19, 2016

Prepared By:
Judy McKinney, Lead Contract Specialist
The University of Texas at Arlington
Office of Facilities Management
1225 W. Mitchell Street, Suite 205
Arlington, Texas 76013
Phone: (817) 272-0820
Email: Jmckinney@uta.edu
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REQUEST FOR PROPOSALS FOR
CONSTRUCTION MANAGER-AT-RISK
THE UNIVERSITY OF TEXAS AT ARLINGTON
DINING FACILITY – WEST CAMPUS
RFP No.: FM2017-002

SECTION 1 – GENERAL INFORMATION & REQUIREMENTS

1.1 GENERAL INFORMATION: The University of Texas at Arlington is soliciting proposals (“Proposals”) for selection of a Construction Manager at Risk firm for Dining Facility – West Campus (“Project”), in accordance with the terms, conditions, and requirements set forth in this Request for Proposals.

1.1.1 This Request for Proposals (“RFP”) is the second step in a two-step process for selecting a Construction Manager at Risk firm for the Project as provided by Texas Education Code §51.782(e). The Owner is soliciting RFP’s from five (5) or fewer of the most qualified respondents to the previous RFQ. The RFP provides the information necessary to prepare and submit Proposals including fee proposals and general conditions prices. The Owner will rank the Proposals in the order that they provide the “best value” for the Owner based on the published selection criteria and on the ranking evaluations.

1.1.2 In the third step of the process, Interviews, the “most” qualified respondents will be requested to attend an interview with the Owner to confirm their Proposal and answer additional questions. The Owner will then rank the remaining “most” qualified respondents in order to identify a “best value”. A site visit will not be included before the RFP submittal deadline. Respondents that are requested to attend an interview will be able to view the site on their own and site map is attached to this RFP.

Interviews will be scheduled between 8:00 AM – 3:00 PM on October 11, 2016.

1.2 PUBLIC INFORMATION: All information, documentation, and other materials submitted in response to this solicitation are considered non-confidential 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.

1.2.1 The Owner strictly complies with all statutes, court decisions, and opinions of the Texas Attorney General with respect to disclosure of RFP information.

1.3 TYPE OF CONTRACT: Any contract resulting from this solicitation will be in the form of the Owner’s Standard Construction Management at Risk Agreement, a copy of which is attached to the previously issued RFQ.

1.4 CLARIFICATIONS AND INTERPRETATIONS: Any clarifications or interpretations of this RFP that materially affect or change its requirements will be issued by the Owner as an addendum. All such addenda issued by the Owner before the Proposals are due are part of the RFP, and respondents shall acknowledge receipt of and incorporate each addendum in its Proposal.

1.4.1 Respondents shall consider only those clarifications and interpretations that the Owner issues by addenda five (5) days prior to the submittal deadline shall be considered by respondents. Interpretations or clarifications in any other form, including oral statements, will not be binding on the Owner and should not be relied on in preparing Qualifications.
1.5 SUBMISSION OF PROPOSALS:

1.5.1 DEADLINE AND LOCATION: The Owner will receive Proposals until October 3, 2016 at 3:00 PM local time at The University of Texas at Arlington, Office of Facilities Management, 1225 W. Mitchell Street, Suite 205, Arlington, Texas 76013. Proposals shall be addressed to the Point-of-Contact person identified in Section 1.6 of the previously issued RFQ.

1.5.2 Submit Seven (7) identical copies of the Proposal and one (1) PDF copy on CD, DVD or Flash drive. An original signature must be included on the form “CRITERIA NINE: RESPONDENT’S PRICING AND DELIVERY PROPOSAL”.

1.5.3 Submit one (1) original and one (1) copy of the HUB Subcontracting Plan in separate envelope from proposals.

1.5.4 Late received Proposals will be returned to the respondent unopened.

1.5.5 The Owner will not acknowledge or receive Proposals that are delivered by telephone, facsimile (fax), or electronic mail (e-mail).

1.5.6 Properly submitted Proposals will not be returned to respondents.

1.5.7 Proposal materials must be enclosed in a sealed envelope (box or container) addressed to the Point-of-Contact person: the package must clearly identify the submittal deadline, the RFP number, and the name and return address of the respondent.

   HUB Subcontracting Plan must be enclosed in a separate envelope: the envelope must clearly identify the submittal deadline, the RFP number, and the name and return address of the respondent.

1.5.8 Properly submitted Proposals will be opened publicly and the names of the respondents will be read aloud.

1.6 POINT-OF-CONTACT: Refer to the previously issued RFQ.

1.7 EVALUATION OF PROPOSAL: The evaluation of the Proposals shall be based on the Respondent’s actual Pre-Construction Phase Fee, Construction Phase Fee, General Conditions and other requirements as described in this RFP. All properly submitted Proposals will be reviewed, evaluated, and ranked by the Owner.

1.7 OWNER’S RESERVATION OF RIGHTS: The Owner may evaluate the Proposals based on the anticipated completion of all or any portion of the Project. The Owner reserves the right to divide the Project into multiple parts, to reject any and all Proposals and re-solicit for new Qualifications, or to reject any and all Proposals and temporarily or permanently abandon the Project. Owner makes no representations, written or oral, that it will enter into any form of agreement with any respondent to this RFP for any project and no such representation is intended or should be construed by the issuance of this RFP.

1.8 ACCEPTANCE OF EVALUATION METHODOLOGY: By submitting its Proposal in response to this RFP, respondent accepts the evaluation process and acknowledges and accepts that determination of the “best value” firm will require subjective judgments by the Owner.

1.9 NO REIMBURSEMENT FOR COSTS: Respondent acknowledges and accepts that any costs incurred from the respondent’s participation in this RFP shall be at the sole risk and responsibility of the respondent.
SECTION 2 – (NOT USED)

SECTION 3 – REQUIREMENTS FOR PROPOSAL

Respondents shall carefully read the information contained in the following criteria and submit a complete response to all questions in Section 3 formatted as directed in Section 4. Incomplete responses will be considered non-responsive.

3.1 CRITERIA ONE: RESPONDENT’S PRE-CONSTRUCTION PHASE SERVICES AND PROJECT EXECUTION PLAN FOR THIS PROJECT

3.1.1 Describe your Construction Management and Execution plan for providing Preconstruction Phase Services required for this Project.

3.1.2 Confirm in graphic form the proposed Project assignments, lines of authority and communication for each member and the estimated percent of time these individuals will be involved in this Project for Pre-Construction Services.

3.1.3 Provide a detailed list of all Preconstruction Services you will provide to the Owner and the Architect/Engineer (A/E) on this Project (including those outlined in Article 4.2 of the Agreement).

3.1.4 Describe what you perceive are the critical Pre-Construction issues for this Project.

3.1.5 Describe your procedures, objectives and personnel responsible for reviewing design and construction documents and for providing feedback regarding cost, schedule and constructability to the A/E and the Owner on this Project.

3.1.6 Describe your Bid/Proposal Package Strategy for completion of the Construction Documents and for procuring Cost of the Work from subcontractors, vendors, suppliers, etc.

3.1.7 Describe your plans to interface with the A/E and it’s consultants to enhance the design and planning process on this Project.

3.1.8 Describe your Constructability Program for this Project and how it will be implemented.

3.1.9 Provide examples of records, reports, monitoring systems, and information management systems you will use on this Project during Pre-Construction Services.

3.1.10 Describe your process for attracting qualified and experienced mechanical, electrical and plumbing subcontractors to submit proposals for this project.

3.2 CRITERIA TWO: RESPONDENT’S CONSTRUCTION PHASE SERVICES AND PROJECT EXECUTION PLAN FOR THIS PROJECT

3.2.1 Describe your Construction Management and Execution plan for providing Construction Phase Services required for this Project.

3.2.2 Confirm in graphic form the proposed Project assignments, lines of authority and communication for each member and the estimated percent of time these individuals will be involved in this Project for Construction Services.
3.2.3 Provide a detailed list of all Construction Services you will provide to the Owner and the Architect/Engineer (A/E) on this Project (including those outlined in Articles 4 and 8 of the Agreement).

3.2.4 Describe what you perceive are the critical Construction issues for this Project.

3.2.5 Describe your ability and desire to self-perform work on this Project, and the method for determining yourself as the “best value” through a competitive proposal process.

3.2.6 Provide examples of records, reports, monitoring systems, and information management systems you will use on this Project during Construction Services.

3.2.7 Intentionally Omitted

3.2.8 Describe your approach to containing storm water run-off and meeting the regulatory requirements of the Texas Commission on Environmental Quality’s (TCEQ) Texas Pollutant Discharge Elimination System (TPDES) General Construction Permit No. TXR150000 and The University of Texas System’s Storm Water Pollution Prevention Program for projects that will disturb land.

3.2.9 Describe your approach to coordinating inspections and approvals with the Texas Department of Licensing and Regulation regarding Texas Accessibility Standards.

3.2.10 Describe your approach to coordinating inspections and approvals with the State Fire Marshall regarding approval of life safety systems.

3.3 CRITERIA THREE: RESPONDENT’S ESTIMATING AND COST CONTROL MEASURES FOR THIS PROJECT

3.3.1 Identify the proposed cost control team for Pre-Construction and Construction Services, their duties, city(s) of residence, estimating system, and GMP cost control system for this Project.

3.3.2 Describe your project estimating system for developing the GMP Proposal and how you will monitor and track these costs on the Schedule of Values Format during the procurement and payment process.

3.3.3 Describe how the cost control team will ensure the executed Guaranteed Maximum Price (GMP) Proposal will be within the Owner’s budget on this Project.

3.3.4 If the Owner requests a GMP prior to 100% completion of the Construction Documents, describe your process for ensuring that the scope, cost and schedule assumptions will arrive at a “complete” GMP Proposal for this Project.

3.3.5 Describe the contingencies you will propose in the GMP, and how these contingencies will be managed through the completion of Construction Phase Services.

3.3.6 Describe your plans for establishing, tracking, reporting and payment of the GMP and possible future changes on this Project.

3.3.7 Describe your philosophy regarding Payment and Performance bonds required by the Owner on this project, and the bonds your firm requires of subcontractors.
3.3.8 Identify a maximum of five (5) projects from Section 3.4 or 3.5 of the previously issued RFQ with GMP contracts and the amount of savings returned to the Owner.

3.4 CRITERIA FOUR: RESPONDENT’S PROJECT PLANNING AND SCHEDULING FOR THIS PROJECT

3.4.1 Identify the specific resources (i.e. personnel, hardware, software, etc.) to be used on this Project with respect to scheduling.

3.4.2 Provide resumes, indicating the scheduling experience of all personnel responsible for establishing and updating the project schedule, and their city(s) of residence for this Project.

3.4.3 Provide a schedule for this Project using the Project Planning Schedule in the previously issued RFQ and identify specific critical process, phases, milestones, approvals, and procurements anticipated. Clearly identify the 10% Total Project Float required during the Construction Phase.

3.4.4 As the Project Scheduler, describe your philosophy regarding establishment and use of Total Project Float on this Project to achieve the Owner’s required Substantial Completion date.

3.4.5 Describe your plan for meeting or improving the Owner’s proposed schedule for design and/or construction. If you propose to improve the schedule, describe the impact on quality of services, materials or workmanship that may occur.

3.4.6 Intentionally Omitted

3.4.7 Intentionally Omitted

3.5 CRITERIA FIVE: RESPONDENT’S QUALITY CONTROL AND COMMISSIONING PROGRAM FOR THIS PROJECT

3.5.1 Identify the quality control and commissioning team, their duties, city(s) of residence and their objectives for this Project.

3.5.2 Describe how your quality control team will measure the quality of construction and commissioning performed by mechanical and electrical subcontractors, and how will you address non-conforming work.

3.5.3 Describe your implementation of a quality control process for this Project during the Design Development stage though completion of Construction Documents stage.

3.5.4 Describe how your quality control team will measure the quality of construction performed by trade contractors on this Project, and how will you address non-conforming work.

3.5.5 Describe how your quality control team will measure the quality of construction performed by mechanical and electrical subcontractors on this Project, and how will you address non-conforming work.

3.6 CRITERIA SIX: RESPONDENT’S GENERAL UNDERSTANDING OF THE U.T. SYSTEM CM-R AGREEMENT

3.6.1 Describe your interpretation of the Agreement with respect to the Owner’s responsibility for payment of the GMP line items and costs within those line items.
3.6.2 Describe your fiduciary responsibility to the Owner (as a public agency) for tracking all construction costs and contingencies on this Project.

3.6.3 Describe your philosophy for maximizing Project scope for the Owner during Preconstruction Services, minimizing risk to yourself, and identifying when savings can be returned to the Owner during construction.

3.6.4 Identify any terms of the Agreement that you will ask to change before signing The U.T. System Construction Manager at Risk Agreement.

3.6.5 Describe your methods for advertising, receiving proposals, awarding contracts and paying trade contractors on this Project, including review by the Owner.

3.7 CRITERIA SEVEN: RESPONDENT'S JOB SITE SAFETY PROGRAM FOR THIS PROJECT

3.7.1 Describe your job site safety program for this Project and specific safety policies in which employees must be in compliance.

3.7.2 Identify the Project safety team, their qualifications, duties and city(s) of residence.

3.7.3 Identify any deaths that have occurred on a project site controlled by your firm, or any subcontractor(s) (at any contractual level), that had a death on your project site? If so, describe how you have revised your program.

3.8 CRITERIA EIGHT: RESPONDENT'S WARRANTY AND SERVICE SUPPORT PROGRAM FOR THIS PROJECT

3.8.1 Describe your warranty service support philosophy and warranty service implementation plan for this Project.

3.8.2 Describe how you will measure the quality of service provided to the Owner for this Project.

3.8.3 Provide reference letters from three (3) Owners identified in Sections 3.4 or 3.5 of the previously issued RFQ that describe your response to, and performance on, warranty services AFTER substantial completion.

3.9 CRITERIA NINE: RESPONDENT'S PRICING AND DELIVERY PROPOSAL

3.9.1 Complete the attached "Pricing and Delivery Proposal" form.
CRITERIA NINE: RESPONDENT'S PRICING AND DELIVERY PROPOSAL

Proposal of: ____________________________
(Respondent’s Company Name)

To: The University of Texas at Arlington
    Office of Facilities Management
    1225 W. Mitchell Street, Suite 205
    Arlington, Texas 76013

Project Name: Dining Facility – West Campus

RFP No.: FM2017-002

Having carefully examined all the requirements of the previously issued RFQ, this RFP, the proposed form of Agreement, and any attachments to them, the undersigned proposes to furnish Construction Manager-At-Risk services as required for this Project on the following terms:

3.9.1 ESTABLISHMENT OF THE CONSTRUCTION MANAGER'S BUDGET LIMITATION: The Owner has established a Construction Manager’s Budget Limitation (CMBL) amount of $15,500,000 which includes the Pre-Construction Phase Fee and the Construction Services Guaranteed Maximum Price Proposal.

3.9.2 RESPONDENT’S PRE-CONSTRUCTION PHASE FEE: The Respondent shall identify a Pre-Construction Phase Fee, pursuant to Article 5 of the Agreement.

    Respondent’s Pre-Construction Phase Fee $________________

3.9.3 ESTABLISHMENT OF THE CONSTRUCTION COST LIMITATION: Using the CMBL and the Respondent’s Pre-Construction Phase Fee identified above, the Respondent shall identify the Construction Cost Limitation (CCL), pursuant to Article 3 of the Agreement:

    Construction Manager’s Budget Limitation $15,500,000
    Owner’s Construction Contingency (less) $775,000
    Owner’s Special Cash Allowance (less) $450,000
    Respondent’s Pre-Construction Phase Fee (as identified above) (less) $________________
    Respondent’s Construction Cost Limitation (equals) $________________

3.9.4 RESPONDENT’S CONSTRUCTION PHASE FEE: Using the CCL identified above, the Respondent shall identify a Construction Phase Fee percentage, pursuant to Article 14 of the Agreement:

    Respondent’s Construction Phase Fee Percentage (equals) _________ %
    Respondent’s Estimated Construction Phase Fee Amount (percentage times the CCL above) $________________
3.9.5  **RESPONDENT'S NOT-TO-EXCEED GENERAL CONDITIONS COSTS:** Using the Project Planning Schedule included in Section 2.5 of the previously issued RFP, the Respondent shall identify a General Conditions not-to-exceed percentage and amount as defined by Article 13 and exhibit of the Agreement, the Uniform General and Supplementary Conditions.

Respondent’s General Conditions Percentage  
\[ \text{percentage times the CCL above} \] \[ = \] \[ \% \]

Respondent’s Estimated General Conditions  
\[ \text{(percentage times the CCL above)} \] \[ = \] \[ \$ \]

Total Construction Duration  
(Notice To Proceed for Construction to Final Completion 8/1/2018 as identified in Section 2.5 of the previously issued RFP)  
\[ \text{NUMBER months} \]

3.9.5.1  Using the not-to-exceed General Conditions costs identified above, the Respondent shall identify all project management, bonds, insurance, field office and office supply costs for the Project as listed below:

<table>
<thead>
<tr>
<th>Allowable General Condition Line Item Category</th>
<th>Estimated Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>On-Site Project Management Staff</td>
<td>subtotal</td>
</tr>
<tr>
<td>Bonds and Insurance</td>
<td>subtotal</td>
</tr>
<tr>
<td>Temporary Project Utilities</td>
<td>subtotal</td>
</tr>
<tr>
<td>Field Offices &amp; Office Supplies</td>
<td>subtotal</td>
</tr>
</tbody>
</table>

**Estimated On-Site Project Management Staff and Rates**

<table>
<thead>
<tr>
<th>Position</th>
<th>Quantity</th>
<th>Months</th>
<th>Monthly Salary Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Executive</td>
<td></td>
<td></td>
<td>[ $ ]</td>
</tr>
<tr>
<td>Project Manager</td>
<td></td>
<td></td>
<td>[ $ ]</td>
</tr>
<tr>
<td>Superintendent(s)</td>
<td></td>
<td></td>
<td>[ $ ]</td>
</tr>
<tr>
<td>Assistant Superintendent(s)</td>
<td></td>
<td></td>
<td>[ $ ]</td>
</tr>
<tr>
<td>Project Engineer/Expeditor(s)</td>
<td></td>
<td></td>
<td>[ $ ]</td>
</tr>
<tr>
<td>Field/Office Engineer(s)</td>
<td></td>
<td></td>
<td>[ $ ]</td>
</tr>
<tr>
<td>Field Office Support Staff</td>
<td></td>
<td></td>
<td>[ $ ]</td>
</tr>
<tr>
<td>CPM Scheduler</td>
<td></td>
<td></td>
<td>[ $ ]</td>
</tr>
<tr>
<td>Safety</td>
<td></td>
<td></td>
<td>[ $ ]</td>
</tr>
<tr>
<td>Coordinator/Assistant(s)</td>
<td></td>
<td></td>
<td>[ $ ]</td>
</tr>
</tbody>
</table>

3.9.6  **ADDENDA:** Receipt is hereby acknowledged of the following addenda to this RFP (initial if applicable).

No. 1  No. 2  No. 3  No. 4  No. 5  No. 6

3.9.7  **AWARD OF CONTRACT AND COMMENCEMENT OF SERVICES:** The undersigned agrees to execute the Contract after notification that the Respondent has been identified by the Owner as the Respondent with the "best value" Proposal, and to commence services on or before the commencement date stated by the Owner in a Notice to Proceed. The Owner reserves the right to accept or reject and all Proposals and to waive proposal irregularities. Proposals shall be valid and not withdrawn for a period of ninety (90) days from the date of opening thereof.
3.9.8 Respectfully Submitted and Certified By:

(Respondent’s Printed Name) ____________________ (Title) ____________________

(Authorized Signature) ____________________ (Date) ____________________
SECTION 4 – FORMAT OF PROPOSALS

4.1 GENERAL INSTRUCTIONS

4.1.1 Proposals shall be prepared SIMPLY AND ECONOMICALLY, providing a straightforward, CONCISE description of the respondent's ability to meet the requirements of this RFP. Emphasis shall be on the QUALITY, completeness, clarity of content, responsiveness to the requirements, and an understanding of Owner's needs.

4.1.2 Proposals shall be a MAXIMUM OF THIRTY (30) PRINTED PAGES, printed one-side only. The cover, table of contents, divider sheets, HUB Subcontracting Plan (Section 1.13), Pricing and Delivery Proposal, and Execution of Offer do not count as printed pages.

4.1.3 Respondents shall carefully read the information contained in this RFP and submit a complete response to all requirements and questions as directed. Incomplete Proposals will be considered non-responsive and subject to rejection.

4.1.4 Proposals and any other information submitted by respondents in response to this RFP shall become the property of the Owner.

4.1.5 Proposals that are qualified with conditional clauses, alterations, items not called for in the RFP documents, or irregularities of any kind are subject to rejection by the Owner, at its option.

4.1.6 The Owner makes no representations of any kind that an award will be made as a result of this RFP. The Owner reserves the right to accept or reject any or all Proposals, waive any formalities or minor technical inconsistencies, or delete any item/requirements from this RFP when deemed to be in Owner's best interest.

4.1.7 Proposals shall consist of answers to questions identified in Section 3 of the RFP. It is not necessary to repeat the question in the Proposals; however, it is essential to reference the question number with the corresponding answer.

4.1.8 Failure to comply with all requirements contained in this Request for Proposals may result in the rejection of the Proposals.

4.2 PAGE SIZE, BINDING, DIVIDERS, AND TABS:

4.2.1 Proposals shall be printed on letter-size (8-1/2” x 11”) paper and assembled with spiral-type bindings or staples. DO NOT USE METAL-RING HARD COVER BINDERS.

4.2.2 Additional attachments shall NOT be included with the Proposals. Only the responses provided by the Respondent to the questions identified in Section 3 of this RFP will be used by the Owner for evaluation.

4.2.3 Separate and identify each criteria response to Section 3 of this RFP by use of a divider sheet with an integral tab for ready reference.
4.3 **TABLE OF CONTENTS:**

4.3.1 Submittals shall include a “Table of Contents” and give page numbers for each part the Qualifications.

4.4 **PAGINATION:**

4.4.1 Number all pages of the submittal sequentially using Arabic numerals (1, 2, 3, etc.); the Respondent is not required to number the pages of the HUB Subcontracting Plan.
UT System Administration
Historically Underutilized Subcontracting Plans (HSP)
Construction Manager @ Risk

All Texas State agencies and institutions of higher education (universities) are required to make a good faith effort to include minority and/or women owned businesses in their procurement opportunities. The State of Texas uses the term Historically Underutilized Businesses (HUB) to distinguish State certified minority and/or women owned businesses.

Agency Procurement Goal – Building Construction – 19.89%

Statement of Probability - Subcontracting Opportunities are probable in connection with this solicitation.

Responses that do not include an HSP shall be rejected as a material failure to comply with advertised specifications in accordance with the request for qualifications.

Construction Manager @ Risk alternate delivery method is a two (2) part process.

Part 1 – Pre-construction Services – Step One (if self-performing pre-con services) or Step Two (if subcontracting all or part of pre-con services).

Part 2 – Building Construction – Option Two only.

Step One – Preconstruction Services

If you are not subcontracting any portion of the pre-construction services and will be fulfilling the entire contract with your own resources, complete the following sections:

1. Section 1 - Respondent and requisition information
2. Section 2A - No. I will not be subcontracting any portion of the contract (pre-con services), and will be fulfilling the entire contract with my own resources.
3. Section 3 - Self Performing Justification – Check no and provide an explanation in the box provided.
4. Section 4 - Affirmation
5. Letter of HUB Commitment

Self-Performance – If the respondent is able to fulfill all of the potential subcontracting opportunities identified with its own equipment, supplies, materials, and/or employees (self-performance), the respondent must sign an affidavit and provide a statement (on HSP forms) explaining how the respondent intends to fulfill each subcontracting opportunity. The respondent must agree to provide the following if requested by the agency:

- Evidence of existing staffing to meet contract objectives;
- Monthly payroll records showing company staff fully engaged in the contract; on site reviews of company headquarters or work site where services are to be performed; and
- Documentation proving employment of qualified personnel holding the necessary licenses and certificates required to perform the work.

Step Two – Building Construction

If you are subcontracting with HUB vendors and Non-HUB vendors (or only Non-HUB vendors) for any or all portions of the contract, complete the following:

1. Section 1 - Respondent and Requisition Information
2. Section 2A - Yes, I will be subcontracting portions of the contract
3. Section 2B - List all the portions of work you will subcontract, and indicate the percentage of the contract you expect to award to HUB vendors and Non-HUB vendors
4. Section 2C - No
5. Section 2D - No
6. Section 4 - Affirmation
7. Good Faith Effort (Attachment B) – Complete this attachment for each subcontracting opportunity listed in Section 2B
8. Include documentation of Good Faith Effort
9. Letter of HUB Commitment

Determination of Good Faith Effort in developing an HSP for construction contracts includes but is not limited to the following:

1. Divide the contract work into reasonable lots or portions to the extent consistent with prudent industry practices.

HUB Subcontracting Rules TAC §20.14 effective 9/14/2011
2. Provide notice to a minimum of two (2) minority/women trade organizations or development centers of subcontracting opportunities to be disseminated to their membership. Notify minority/women organizations of contracting opportunities with reasonable time to disseminate information to members (no less than seven (7) working days from receipt of notice).

3. Notify five (5) or more State of Texas certified HUBs for each subcontracting opportunity in writing. Notify the HUBs of subcontracting opportunities with reasonable time to respond (no less than seven (7) working days from receipt of notice). The prime contractor must keep and provide official written documentation (i.e. fax transmittals, email, correspondence, etc. to demonstrate compliance).

4. The respondent shall use the State’s Centralized Master Bidders List (CMBL), HUB Directory, Internet resources, and/or other directories as identified by the agency when searching for HUB subcontractors. Respondents may also rely on the services of minority/women and community organizations, contractor groups, local, state and federal business assistance offices in identifying qualified HUB subcontractors. Search the CMBL at https://mycpa.cpa.state.tx.us/tpasscmblsearch/index.jsp.

5. Provide written justification of the selection process if a non HUB subcontractor is selected.

6. Encourage selected non-certified minority or woman owned business subcontractors to apply for HUB certification. If the minority or woman owned vendor is not a State certified HUB you may refer the firm to the HUB office for additional information on becoming HUB certified or the State HUB website http://www.window.state.tx.us/procurement/prog/hub/hub-certification/.

7. Provide documentation of “Good Faith Effort” with HSP.

Bid Notification - Allow a minimum of seven (7) working days for the subcontractors to respond
- Identify the scope of work and the trades that will be subcontracted
- Identify a physical location to review plans/specifications
- Provide information about bonding and insurance requirements
- Identify a contact person, phone number, email, etc.

Notification to Awarded Subcontractors
The successful respondent will provide notice as soon as practical to all subcontractors (HUBS and Non-HUBs) of their selection as a subcontractor for the awarded contract. The notice must specify at a minimum the contracting agency’s name, point of contact for the contract, contract award number, scope of work to be performed, approximate dollar value of the scope, and expected percentage of the total contract that the subcontracting opportunity represents. A copy of the notice must be provided to the HUB Coordinator for the contract no later than ten (10) working days after the contract is awarded.

Changes to the Plan
Once the HUB Plan has been submitted any changes to the HSP must be approved in writing by UT System OFPC Project Manager and HUB Coordinator prior to any work commencing by the new subcontractor. Once the contract has been awarded the HSP is considered part of the contract. Violations to the HSP may be deemed a breach of contract by UT System.

Reporting – After Award
Prime contractor payment requests shall include: the University of Texas Contract Management System Report (UTCMS) attached to the State of Texas Prime Contractor Progress Assessment Report (PAR) identifying all subcontractor payments. Training will be provided to the prime for UTCMS at no cost.

Exhibit H Documents http://www.utsystem.edu/offices/historically-underutilized-business/hub-forms
For questions or clarifications call:

Laurie Thompson, HUB Coordinator
The University of Texas at Arlington
219 W Main Street
Arlington, Texas 76010
(817) 272-2039 phone
(817) 272-2585 fax
Lauriethompson@uta.edu
HUB Process and Best Practice for UT System Office of Facilities Planning and Construction (OFPC) Managed Construction Manager @ Risk (CM@R) Projects

Part 1 RFQ & HSP submittals received

Preconference

Part 1 RFQ & Part 2 RFP received if required

Interviews if required

Best Value Contract Award

RFQ
Issued by Project Manager

Review RFQ for HSP for HUB probability and requirements

Attend Pre-conference to outline "Good Faith Effort" process

HUB Coordinators attends in an advisory capacity only, not a voting member of the committee. No additional HSP requirements at this time.

Part 2 Construction Services HSP process
- CM@R typically buys out project scopes once GMP has been established. If the CM@R bids trades prior to submission of GMP, the HSP is required at the time of the GMP submission.
- Review proposed bid packaging process for HUB opportunities.
- Monitor outreach efforts by CM@R for compliance. Does the CM@R plan to hold outreach events in conjunction with bid notice release?
- Monitor buy-out process for GFE. Does CM plan to bid-out trades prior to GMP submission?
- HSP provided for each scope of work within 30 days of procurement.
- Attend CM@R pre-bid conferences.
- Review bid package submissions for sub-tier subcontracting.
- Verify HUB certified subcontractors.
- Monitor reporting including sub-tier.
- Monitor HSP for change orders requiring HSPs and subcontractor payments not included in HSP

Part 1 HSP prevails

Part 1 Pre-construction Services

Part 2 Construction Services

GMP
Guaranteed Maximum Price
THE UNIVERSITY OF TEXAS SYSTEM ADMINISTRATION

JANUARY 1, 2016

EXHIBIT H

POLICY ON UTILIZATION

HISTORICALLY UNDERUTILIZED BUSINESSES

BUILDING CONSTRUCTION
The University of Texas System
Office of HUB Development
Policy on Utilization of Historically Underutilized Businesses (HUBs)

Contents

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- Summary of Requirements/Historically Underutilized Business (HUB) Subcontracting Plan (HSP) ..................... Pages 4-6
- Summary of Attachments Required from Respondents .......................................................... Page 7
- Letter of Transmittal .............................................................................................................. Page 8
- Letter of HUB Commitment ............................................................................................... Page 9
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  o Section 2 – Good Faith Effort Subcontractor Selection ......................................................... Page 12
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- HUB Subcontracting Opportunity Notification Form
  Minority and Trade Organizations contact information is available online at:
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Policy on Utilization of Historically Underutilized Businesses (HUBs)

Introduction

In accordance with the Texas Government Code, Sections 2161.181-182 and Title 34, Section 20.13 of the Texas Administrative Code (TAC), the Board of Regents of The University of Texas System, acting through the Office of HUB Development shall make a good faith effort to utilize Historically Underutilized Businesses (HUBs) in contracts for construction services, including professional and consulting services; and commodities contracts. The HUB Rules promulgated by the Texas Comptroller of Public Accounts (the "Texas Comptroller"), set forth in 34 TAC Sections 20.10-20.28, encourage the use of HUBs by implementing these policies through race, ethnic and gender-neutral means.

The purpose of the HUB Program is to promote full and equal business opportunities for all business in State contracting in accordance with the following goals as specified in the State of Texas Disparity Study:

- 11.2% for heavy construction other than building contracts;
- 21.1% for all building construction, including general contractors and operative builders contracts;
- 32.9% for all special trade construction contracts;
- 23.7% for professional services contracts;
- 26% for all other services contracts, and
- 21.1% for commodities contracts.

The University of Texas System shall make a good faith effort to meet or exceed the above stated goals to assist HUBs in receiving a portion of the total contract value of all contracts that UT System expects to award in a fiscal year. The University of Texas System may achieve the annual program goals by contracting directly with HUBs or indirectly through subcontracting opportunities in accordance with the Texas Government Code, chapter 2161, Subchapter F.

NOTE: The goals above are the State of Texas HUB goals. For purposes of this procurement, The University of Texas System goals listed in the Special Instructions on page 11 will apply.
SUMMARY OF REQUIREMENTS
Historically Underutilized Business (HUBs) Subcontracting Plan (HSP)

It is the policy of The University of Texas System and each of its component institutions, to promote and encourage contracting and subcontracting opportunities for Historically Underutilized Businesses (HUBs) in all contracts. Accordingly, UT System has adopted “EXHIBIT H, Policy on Utilization of Historically Underutilized Businesses”. The policy applies to all contracts with an expected value of $100,000 or more. The Board of Regents of The University of Texas System is the contracting authority.

1. In all contracts for professional services, contracting services, and/or commodities with an expected value of $100,000 or more, The University of Texas System, “UT System” or the “University” will indicate in the purchase solicitation (e.g. RFQ, RFP, or CSP) whether or not subcontracting opportunities are probable in connection with the contract. A HUB Subcontracting Plan is a required element of the architect, contractor or vendor Response to the purchase solicitation. The HUB Subcontracting Plan shall be developed and administered in accordance with the Policy. Failure to submit a required HUB Subcontracting Plan (HSP) will result in rejection of the Response.

2. If subcontracting opportunities are probable UT System will declare such probability in its invitations for bids, requests for proposals, or other purchase solicitation documents, and shall require submission of the appropriate HUB Subcontracting Plan with the Response.
   b. When subcontracting opportunities are probable, but the Respondent can perform such opportunities with its employees and resources, the Respondent’s HUB Subcontracting Plan shall include Section 3 – Self Performance Justification [34 TAC §20.14 (d) (5) (A) (B) (C) (D)].

3. If subcontracting opportunities are not probable UT System will declare such probability in its invitations or bids, requests for proposals, or other purchase solicitation documents and shall require submission of the appropriate HUB Subcontracting Plan with the Response.
   a. When subcontracting opportunities are not probable, and the Respondent proposes to perform all the work with its employees and resources, the Respondent shall submit a HUB Subcontracting Plan that includes Section 3 – Self Performance Justification.
   b. When subcontracting opportunities are not probable, but the Respondent proposes to subcontract any part of the work, the Respondent shall submit a HUB Subcontracting Plan as prescribed by the Texas Comptroller identifying subcontractors.

4. Respondents shall follow, but are not limited to, procedures listed in the Policy when developing a HUB Subcontracting Plan.

5. Competitive Sealed Proposals (CSP): Respondents shall submit a HUB Subcontracting Plan (packaged separately) twenty-four (24) hours following the Response submission date and time or as prescribed by the project manager.

6. In making a determination whether a good faith effort has been made in the development of the required HUB Subcontracting Plan, UT System shall follow the procedures listed in the Policy. If accepted by the
University, the HUB Subcontracting Plan shall become a provision of the Respondent’s contract with UT System. Revisions necessary to clarify and enhance information submitted in the original HUB subcontracting plan may be made in an effort to determine good faith effort. Any revisions after the submission of the HSP shall be approved by the HUB Coordinator.

7. **Design Build (DB) and Construction Manager @ Risk (CM@R) responses:** Respondents to a “design build” or “construction manager-at-risk” purchase solicitation shall include the Letter of HUB Commitment in their Response attesting that the Respondent has read and understands the Policy on Historically Underutilized Businesses (HUBs), and a HUB Subcontracting Plan for all preconstruction and construction services including a HUB Subcontracting Plan as prescribed by the Texas Comptroller specific to construction services identifying first, second and third tier subcontractors. Respondents proposing to perform Part 1 preconstruction services with their own resources and employees shall submit, as part of their HSP, the Self Performance Justification.

8. **DB and CM@R HUB Contract Requirements:** Contractors engaged under design-build and construction manager-at-risk contracts shall submit a HUB Subcontracting Plan for preconstruction and construction phase Services, and, must further comply with the requirements of this Policy by developing and submitting a HUB Subcontracting Plan for each bid package issued in buying out the guaranteed maximum or lump sum price of the project. The HSP shall identify first, second and third tier subcontractors.

9. The University of Texas System shall reject any Response that does not include a fully completed HSP as required. An Incomplete HUB Subcontracting Plan is considered a material failure to comply with the solicitation for proposals.

10. **Changes to the HUB Subcontracting Plan:** Once a Respondent’s HSP is accepted by UT System and becomes a provision of the contract between Respondent and UT System, the Respondent can only change that HSP if (a) the Respondent complies with 34 TAC Section 20.14; (b) the Respondent provides its proposed changes to UT System for review; (c) UT System (including UT System’s HUB Coordinator) approves Respondent’s proposed changes to its HSP; and (d) UT System and the Respondent amend their contract (in writing signed by authorized officials of both parties) in order to replace the contract’s existing HSP with a revised HSP containing the changes approved by UT System.

11. **Expansion of Work:** If, after entering into a contract with a Respondent as a result of a purchase solicitation subject to the Policy, UT System wishes to expand the scope of work that the Respondent will perform under that contract through a change order or any other contract amendment (the “additional work”), UT System will determine if the additional work contains probable subcontracting opportunities not identified in the initial purchase solicitation for that contract. If UT System determines that probable subcontracting opportunities exist for the additional work, then the Respondent must submit to UT System an amended HUB Subcontracting Plan covering those opportunities that complies with the provisions of 34 TAC Section 20.14. Such an amended HSP must be approved by UT System and the Respondent (including UT System’s HUB Coordinator) before (a) the contract may be amended by UT System and the Respondent to include the additional work and the amended HSP and (b) the Respondent performs the additional work. If a Respondent subcontracts any of the additional subcontracting opportunities identified by UT System for any additional work (i) without complying with 34 TAC Section 20.14 or (ii) before UT System and that Respondent amend their contract to include a revised HSP that authorizes such subcontracting, then the Respondent will be deemed to be in breach of its contract with UT System. As a result of such breach, UT System will be entitled to terminate its contract with the Respondent, and the Respondent will be subject to any remedial actions provided by Texas law, including those set forth in Chapter 2161, Texas Government Code, and 34 TAC Section 20.14. The University may report a Respondent’s nonperformance under a
13. The University of Texas System shall require a professional services firm, contractor or vendor to whom a contract has been awarded to report the identity and the amount paid to its subcontractors on a monthly basis using a HUB Subcontracting Plan (HSP) Prime Contractor Progress Assessment Report (PAR) as a condition for payment.

14. If the University of Texas System determines that the successful Respondent failed to implement an approved HUB Subcontracting Plan in good faith, U. T. System, in addition to any other remedies, may report nonperformance to the Texas Comptroller in accordance with 34 TAC, Section 20.14, (g)(1) related remedies of nonperformance to professional services firms, contractor, and vendor implementation of the HUB Subcontracting Plan.

15. In the event of any conflict between this “Summary of Requirements” and the remainder of the HUB Policy, the remainder of the HUB Policy will control.
# Building Construction HSP Summary of Attachments
## Required from Respondents

<table>
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<tr>
<th></th>
<th>LETTER OF TRANSMITTAL Page 8</th>
<th>LETTER OF HUB COMMITMENT Page 9</th>
<th>HUB SUBCONTRACTING Plan (HSP) Pages 11-17</th>
<th>PROGRESS ASSESSMENT REPORT (PAR) Page 18</th>
</tr>
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<tbody>
<tr>
<td>1. <strong>UT SYSTEM DETERMINES THAT SUBCONTRACTING OPPORTUNITIES ARE PROBABLE.</strong></td>
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<td>1. A. <strong>COMPETITIVE SEALED PROPOSAL (CSP) RESPONDENT PROPOSES SUBCONTRACTORS:</strong></td>
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<td>Attachments required from the Respondent for the HUB Subcontracting Plan if the solicitation states that subcontracting opportunities are probable.</td>
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<td>1. B. <strong>COMPETITIVE SEALED PROPOSAL (CSP) RESPONDENT PROPOSES SELF-PERFORMANCE:</strong></td>
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<td>Attachments required from the Respondent for the HUB Subcontracting Plan if the solicitation states that subcontracting opportunities are probable, but the Respondent can perform such opportunities with its employees and resources.</td>
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<td>2. <strong>UT SYSTEM DETERMINES THAT SUBCONTRACTING OPPORTUNITIES ARE NOT PROBABLE.</strong></td>
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<td>2. A. <strong>RESPONDENT PROPOSES SELF-PERFORMANCE:</strong></td>
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<td>Attachments required from the Respondent for the HUB Subcontracting Plan if the solicitation states that subcontracting opportunities are not probable, but the Respondent can perform such opportunities with its employees and resources.</td>
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<td>2. B. <strong>RESPONDENT PROPOSES SUBCONTRACTORS:</strong></td>
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<td>Attachments required from the Respondent for the HUB Subcontracting Plan if the solicitation states that subcontracting opportunities are not probable, but the Respondent proposes to subcontract any part of the work.</td>
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<td>3. <strong>DESIGN BUILD (DB) OR CONSTRUCTION MANAGER @ RISK (CM@R) RESPONSES:</strong></td>
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<td>3. A. <strong>Attachments required from Respondent for HUB Subcontracting Plans for Part 1, Preconstruction Phase Services.</strong></td>
<td></td>
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<td>X</td>
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<tr>
<td>3. B. <strong>Attachments required from Respondents performing Part 1 Services with their own employees and resources.</strong></td>
<td></td>
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<tr>
<td>3. C. <strong>Attachments required from Respondent for HUB Subcontracting Plans for Part 2, Construction Phase Services when the guaranteed maximum or lump sum price of the project is established and for each bid package issued in buying out the guaranteed maximum or lump sum price of the project.</strong></td>
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<td>4. <strong>CHANGES IN THE HUB SUBCONTRACTING PLAN AFTER AWARD:</strong></td>
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<td>Attachments required from the Respondent to whom a contract has been awarded if it desires to make changes to the approved HUB Subcontracting Plan.</td>
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<td>5. <strong>REPORTING:</strong></td>
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<td>Progress Assessment Report (PAR) required with all payment requests. The submittal of this attachment is a condition of payment. UTSCVIS Compliance Report shall be included as an attachment.</td>
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</table>
Ms. Laurie Thompson  
HUB Coordinator  
The University of Texas at Arlington  
1225 W. Mitchell Street, Suite 205  
Arlington, Texas 76013  

Re: Historically Underutilized Business Plan for Construction Manager at Risk  
for Construction of West Campus Dining Facility  
Project Number FM2017-002  

Dear Ms. Thompson,  

In accordance with the requirements outlined in the specification section "HUB Participation Program," I am pleased to forward this HUB Subcontracting Plan as an integral part of our response in connection with your invitation for Request for Proposals referencing the above project.  

I have read and understand The University of Texas System Policy on Utilization of Historically Underutilized Businesses (HUBs). I also understand the State of Texas Annual Procurement Goal according to 34 Texas Administrative Code Section 20.13, and the goal as stated in the Agency Special Instructions section of the HUB Subcontracting Plan, page 11.  

<table>
<thead>
<tr>
<th>Subcontractors</th>
<th># of Subcontractors</th>
<th>Total Subcontract $ Value</th>
<th>Total Estimated %</th>
<th>% Minority Owned</th>
<th>% Woman Owned</th>
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<tr>
<td>HUB</td>
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<td>Non-HUB</td>
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<td>TOTAL</td>
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I understand the above HUB percentages must represent Texas Comptroller HUB certification standards. For each of the listed HUB firms, I have attached a Texas Comptroller HUB Certification document.  

Should we discover additional subcontractors claiming Historically Underutilized Business status during the course of this contract we will notify you of the same. In addition, if for some reason a HUB is unable to fulfill its contract with us, we will notify you immediately in order to take the appropriate steps to amend this contractual obligation.  

Sincerely,  

(Project Executive)  

cc: Project Manager
Re: Historically Underutilized Business Plan for Construction Manager at Risk for Construction of West Campus Dining Facility
Project Number FM2017-002

Dear Ms. Thompson,

In accordance with the requirements outlined in the specification section “HUB Participation Program,” I am pleased to forward this HUB Subcontracting Plan as an integral part of our proposal in connection with your invitation for request for proposals, referencing Project Number FM2017-002.

I have read and understand The University of Texas System Policy on Utilization of Historically Underutilized Businesses (HUBs). Good Faith Effort will be documented by a two (2) part HUB Subcontracting Plan (HSP) process. An HSP for Part One Preconstruction Services with the appropriate sections completed per the instructions in the HSP quick checklist located on page 10 of the University of Texas Exhibit H Policy on Utilization of Historically Underutilized Businesses (HUBs) for Building Construction. Updated HSPs will be submitted at the completion of each process along with the percent of “buyout” to date for the project. Documentation of subcontracted work will be provided with each pay request.

I will submit a completed HUB Subcontracting Plan with each package. The HSP shall consist of a Letter of Transmittal (page 8) and the HUB Subcontracting Plan (pages 11-17) identifying first, second and third tier subcontractors. A final HUB Subcontracting Plan will be submitted at the substantial completion of the project.

Sincerely,

[Contractor’s Name]

cc: Project Manager
The University of Texas System Alternate Delivery Methods:

- Competitive Sealed Proposal (CSP) – Option Two is the only acceptable method
- Construction Manager @ Risk or Design Build – Two (2) Step Process
  1. Part One Pre-Construction Services – Option One (if self-performing Pre-con services) or Option Two (if subcontracting all or part of pre-con services).
  2. Part Two Building Construction – Option Two only

**Option One – Self Performance for Building Construction**
If you will not be subcontracting any portion of the contract and will be fulfilling the entire contract with your own resources, complete:

- Section 1 – Respondent and Requisition Information
- Section 2 a. – No, I will not be subcontracting any portion of the contract, and I will be fulfilling the entire contract with my own resources
- Section 3 – Self Performing Justification – please provide explanation in box (Section 3)
- Section 4 – Affirmation
- Letter of HUB Commitment

**Option Two – Building Construction**
If you will be subcontracting any portion of the contract to Texas certified HUB vendors and Non-HUB vendors (or only to Non-HUB vendors), complete the following:

- Section 1 – Respondent and Requisition Information
- Section 2 a. – Yes, I will be subcontracting portions of the contract
- Section 2 b. – List all the portions of work you will subcontract, and indicated the percentage of the contract you expect to award to Texas certified HUB vendors and Non-HUB vendors
- Section 2 c. – No
- Section 2 d. – No
- Section 4 – Affirmation
- GFE Method B (Attachment B) – Complete an Attachment B for each of the subcontracting opportunities you listed in Section 2 b. **Method B (Attachment B) is the only acceptable method** for any proposal, bid, or expression of interest for building construction.
- Attach HUB certification documents
- Letter of Transmittal
HUB Subcontracting Plan (HSP)

In accordance with Texas Gov't Code §2161.252, the contracting agency has determined that subcontracting opportunities are probable under this contract. Therefore, all respondents, including State of Texas certified Historically Underutilized Businesses (HUBs) must complete and submit this State of Texas HUB Subcontracting Plan (HSP) with their response to the bid requisition (solicitation).

NOTE: Responses that do not include a completed HSP shall be rejected pursuant to Texas Gov't Code §2161.252(b).

The HUB Program promotes equal business opportunities for economically disadvantaged persons to contract with the State of Texas in accordance with the goals specified in the 2009 State of Texas Disparity Study. The statewide HUB goals defined in 34 Texas Administrative Code (TAC) §20.13 are:

- 11.2 percent for heavy construction other than building contracts,
- 21.1 percent for all building construction, including general contractors and operative builders' contracts,
- 32.9 percent for all special trade construction contracts,
- 23.7 percent for professional services contracts,
- 26.0 percent for all other services contracts, and
- 21.1 percent for commodities contracts.

UT-Arlington Agency HUB Goals - 19.89% for Building construction, including general contractors and operative builder contracts

- Respondents submitting Construction Manager at Risk (CM@R) delivery method (two-step process) shall submit:
  1. Part One Pre-Construction Services – Option One (if self-performing all pre-con services) or Option Two (if subcontracting all or part of pre-con services).
  2. Part Two Building Construction – Option Two only

No other Good Faith methods will be accepted.

- Respondents shall submit a completed HUB Subcontracting Plan (HSP) to be considered responsive. Failure to submit a completed HJSP shall result in the bid, proposal or expression of interest to be considered NON-responsive.
- HUB Subcontracting Plan (HSP) Prime Contractor Assessment Report (PAR) shall be submitted with each request for payment. Submission of these reports is a condition of payment.
- Please note that phone logs are not accepted as documentation of Good Faith Effort. Only fax, email, certified letters and/or reports from online electronic plan rooms will be accepted.

SECTION 1 RESPONDENT AND REQUISITION INFORMATION

a. Respondent (Company) Name: ____________________________________________ State of Texas VID #: __________________________
Point of Contact: ____________________________________________________________ Phone #: __________________________
E-mail Address: ___________________________________________________________ Fax #: __________________________

b. Is your company a State of Texas certified HUB?  [ ] Yes  [ ] No

c. Requisition #: ___________________________________________________________ Bid Open Date: ______________________ (mm/dd/yyyy)

11
**SECTION-2: RESPONDENT's SUBCONTRACTING INTENTIONS**

After dividing the contract work into reasonable lots or portions to the extent consistent with prudent industry practices, and taking into consideration the scope of work to be performed under the proposed contract, including all potential subcontracting opportunities, the respondent must determine what portions of work, including contracted staffing, goods, services, transportation and delivery will be subcontracted. Note: In accordance with TAC §20.11, a “Subcontractor” means a person who contracts with a prime contractor to work, to supply commodities, or to contribute toward completing work for a governmental entity.

a. Check the appropriate box (Yes or No) that identifies your subcontracting intentions:
   - ☐ Yes, I will be subcontracting portions of the contract. (If Yes, complete Item b of this SECTION and continue to Item c of this SECTION.)
   - ☐ No, I will not be subcontracting any portion of the contract, and I will be fulfilling the entire contract with my own resources, including employees, goods, services, transportation and delivery. (If No, continue to SECTION 3 and SECTION 4.)

b. List all the portions of work (subcontracting opportunities) you will subcontract. Also, based on the total value of the contract, identify the percentages of the contract you expect to award to Texas certified HUBs, and the percentage of the contract you expect to award to vendors that are not a Texas certified HUB (i.e., Non-HUB).

<table>
<thead>
<tr>
<th>Item #</th>
<th>Subcontracting Opportunity Description</th>
<th>HUBs</th>
<th>Non-HUBs</th>
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<tbody>
<tr>
<td></td>
<td>Percentage of the contract expected to be subcontracted to HUBs with which you do not have a continuous contract in place for more than five (5) years.</td>
<td>Percentage of the contract expected to be subcontracted to HUBs with which you have a continuous contract in place for more than five (5) years.</td>
<td>Percentage of the contract expected to be subcontracted to non-HUBs.</td>
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Aggregate percentages of the contract expected to be subcontracted:

(Percentage)

(Note: If you have more than fifteen subcontracting opportunities, a continuation sheet is available online at [http://window.state.tx.us/procurement/prog/hub/hub-subcontracting-plan].)

c. Check the appropriate box (Yes or No) that indicates whether you will be using only Texas certified HUBs to perform all of the subcontracting opportunities you listed in SECTION 2, Item b.
   - ☐ Yes (If Yes, continue to SECTION 4 and complete an “HSP Good Faith Effort - Method A (Attachment A)” for each of the subcontracting opportunities you listed.)
   - ☐ No (If No, continue to Item d of this SECTION.)

d. Check the appropriate box (Yes or No) that indicates whether the aggregate expected percentage of the contract you will subcontract with Texas certified HUBs with which you do not have a continuous contract in place with for more than five (5) years, meets or exceeds the HUB goal the contracting agency identified on page 1 in the “Agency Special Instructions/Additional Requirements.”
   - ☐ Yes (If Yes, continue to SECTION 4 and complete an “HSP Good Faith Effort - Method A (Attachment A)” for each of the subcontracting opportunities you listed.)
   - ☐ No (If No, continue to SECTION 4 and complete an “HSP Good Faith Effort - Method B (Attachment B)” for each of the subcontracting opportunities you listed.)

*Continuous Contract: Any existing written agreement (including any renewals that are exercised) between a prime contractor and a HUB vendor, where the HUB vendor provides the prime contractor with goods or service, to include transportation and delivery under the same contract for a specified period of time. The frequency the HUB vendor is utilized or paid during the term of the contract is not relevant to whether the contract is considered continuous. Two or more contracts that run concurrently or overlap one another for different periods of time are considered by CPA to be individual contracts rather than renewals or extensions to the original contract. In such situations the prime contractor and HUB vendor are entering (have entered) into “new” contracts.*

---

Enter your company's name here: ____________________________ Requisition #: ____________________________
**SECTION-2 RESPONDENT's SUBCONTRACTING INTENTIONS (CONTINUATION SHEET)**

This page can be used as a continuation sheet to the HSP Form's page 2, Section 2, Item b. Continue listing the portions of work (subcontracting opportunities) you will subcontract. Also, based on the total value of the contract, identify the percentages of the contract you expect to award to Texas certified HUBs, and the percentage of the contract you expect to award to vendors that are not a Texas certified HUB (i.e., Non-HUB).

<table>
<thead>
<tr>
<th>Item #</th>
<th>Subcontracting Opportunity Description</th>
<th>HUBs</th>
<th>Non-HUBs</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Percentage of the contract expected to be subcontracted to HUBs with which you do not have a continuous contract in place for more than five (5) years.</td>
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**Aggregate percentages of the contract expected to be subcontracted:**

- HUBs
- Non-HUBs

*Continuous Contract: Any existing written agreement (including any renewals that are exercised) between a prime contractor and a HUB vendor, where the HUB vendor provides the prime contractor with goods or service, to include transportation and delivery under the same contract for a specified period of time. The frequency the HUB vendor is utilized or paid during the term of the contract is not relevant to whether the contract is considered continuous. Two or more contracts that run concurrently or overlap one another for different periods of time are considered by CPA to be individual contracts rather than renewals or extensions to the original contract. In such situations the prime contractor and HUB vendor are entering (have entered) into "new" contracts.*
**SECTION-3: SELF PERFORMING JUSTIFICATION** (If you responded ‘No’ to SECTION 2, Item a, you must complete this SECTION and continue to SECTION 4.)

If you responded ‘No’ to SECTION 2, Item a, in the space provided below explain how your company will perform the entire contract with its own employees, supplies, materials and/or equipment, to include transportation and delivery.

---

**SECTION-4: AFFIRMATION**

As evidenced by my signature below, I affirm that I am an authorized representative of the respondent listed in SECTION 1, and that the information and supporting documentation submitted with the HSP is true and correct. Respondent understands and agrees that, if awarded any portion of the requisition:

- The respondent will provide notice as soon as practical to all the subcontractors (HUBs and Non-HUBs) of their selection as a subcontractor for the awarded contract. The notice must specify at a minimum the contracting agency’s name and its point of contact for the contract, the contract award number, the subcontracting opportunity they (the subcontractor) will perform, the approximate dollar value of the subcontracting opportunity and the expected percentage of the total contract that the subcontracting opportunity represents. A copy of the notice required by this section must also be provided to the contracting agency’s point of contact for the contract no later than ten (10) working days after the contract is awarded.

- The respondent must submit monthly compliance reports (Prime Contractor Progress Assessment Report – PAR) to the contracting agency, verifying its compliance with the HSP, including the use of and expenditures made to its subcontractors (HUBs and Non-HUBs). (The PAR is available at http://www.window.state.tx.us/procurement/program/hub/hub-forms/progressassessmentrpt.xls).

- The respondent must seek approval from the contracting agency prior to making any modifications to its HSP, including the hiring of additional or different subcontractors and the termination of a subcontractor the respondent identified in its HSP. If the HSP is modified without the contracting agency’s prior approval, respondent may be subject to any and all enforcement remedies available under the contract or otherwise available by law, up to and including debarment from all state contracting.

- The respondent must, upon request, allow the contracting agency to perform on-site reviews of the company’s headquarters and/or work-site where services are being performed and must provide documentation regarding staffing and other resources.

**Reminder:**

➤ If you responded ‘Yes’ to SECTION 2, Items c or d, you must complete an “HSP Good Faith Effort - Method A (Attachment A)” for each of the subcontracting opportunities you listed in SECTION 2, Item b.

➤ If you responded ‘No’ SECTION 2, Items c and d, you must complete an “HSP Good Faith Effort - Method B (Attachment B)” for each of the subcontracting opportunities you listed in SECTION 2, Item b.
**IMPORTANT:** If you responded "No" to SECTION 2, Items c and d of the completed HSP form, you must submit a completed "HSP Good Faith Effort - Method B (Attachment B)" for each of the subcontracting opportunities you listed in SECTION 2, Item b of the completed HSP form. You may photo-copy this page or download the form at http://window.state.tx.us/procurement/prog/hub/hub-forms/hub-sbcont-plan-gfe-achm-b.pdf.

**SECTION B-1: SUBCONTRACTING OPPORTUNITY**

Enter the item number and description of the subcontracting opportunity you listed in SECTION 2, Item b, of the completed HSP form for which you are completing the attachment.

**SECTION B 2: MENTOR PROTÉGÉ PROGRAM**

If respondent is participating as a Mentor in a State of Texas Mentor Protégé Program, submitting its Protégé (Protégé must be a State of Texas certified HUB) as a subcontractor to perform the subcontracting opportunity listed in SECTION B-1, constitutes a good faith effort to subcontract with a Texas certified HUB towards that specific portion of work.

Check the appropriate box (Yes or No) that indicates whether you will be subcontracting the portion of work you listed in SECTION B-1 to your Protégé.

- **Yes** (If Yes, continue to SECTION B-4)
- **No / Not Applicable** (If No or Not Applicable, continue to SECTION B-3 and SECTION B-4.)

**SECTION B 3: NOTIFICATION OF SUBCONTRACTING OPPORTUNITY**

When completing this section you MUST comply with items a, b, c, and d, thereby demonstrating your Good Faith Effort of having notified Texas certified HUBs and trade organizations or development centers about the subcontracting opportunity you listed in SECTION B-1. Your notice should include the scope of work, including the location to review plans and specifications, bonding and insurance requirements, required qualifications, and identify a contact person.

When sending notice of your subcontracting opportunity, you are encouraged to use the attached HUB Subcontracting Opportunity Notice form, which is also available online at http://www.window.state.tx.us/procurement/prog/hub/hub-subcontracting-plan.

Retain supporting documentation (i.e., certified letter, fax, e-mail) demonstrating evidence of your good faith effort to notify the Texas certified HUBs and trade organizations or development centers. Also, be mindful that a working day is considered a normal business day of a state agency, not including weekends, federal or state holidays, or days the agency is declared closed by its executive officer. The initial day the subcontracting opportunity notice is sent/provided to the HUBs and to the trade organizations or development centers is considered to be "day zero" and does not count as one of the seven (7) working days.

**a.** Provide written notification of the subcontracting opportunity you listed in SECTION B-1, to three (3) or more Texas certified HUBs. Unless the contracting agency specified a different time period, you must allow the HUBs at least seven (7) working days to respond to the notice prior to submitting your bid response to the contracting agency. When searching for Texas certified HUBs and verifying their HUB status, ensure that you use the State of Texas' Centralized Master Bidders List (CMBL) - Historically Underutilized Business (HUB) Directory Search located at http://www.window.state.tx.us/hub/sb-contracting-plan. HUB status code 'A' signifies that the company is a Texas certified HUB.

**b.** List the three (3) Texas certified HUBs you notified regarding the subcontracting opportunity you listed in SECTION B-1. Include the company's Texas Vendor Identification (VID) Number, the date you sent notice to that company, and indicate whether it was responsive or non-responsive to your subcontracting opportunity notice.

<table>
<thead>
<tr>
<th>Company Name</th>
<th>Texas VID (Do not enter Social Security Numbers)</th>
<th>Date Notice Sent (mm/dd/yyyy)</th>
<th>Did the HUB Respond?</th>
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</table>

**c.** Provide written notification of the subcontracting opportunity you listed in SECTION B-1 to two (2) or more trade organizations or development centers in Texas to assist in identifying potential HUBs by disseminating the subcontracting opportunity to their members/participants. Unless the contracting agency specified a different time period, you must provide your subcontracting opportunity notice to trade organizations or development centers at least seven (7) working days prior to submitting your bid response to the contracting agency. A list of trade organizations and development centers that have expressed an interest in receiving notices of subcontracting opportunities is available on the Statewide HUB Program's webpage at http://www.window.state.tx.us/procurement/prog/hub/mwb-links-1/.

**d.** List two (2) trade organizations or development centers you notified regarding the subcontracting opportunity you listed in SECTION B-1. Include the date when you sent notice to it and indicate if it accepted or rejected your notice.

<table>
<thead>
<tr>
<th>Trade Organizations or Development Centers</th>
<th>Date Notice Sent (mm/dd/yyyy)</th>
<th>Was the Notice Accepted?</th>
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SECTION B-4: SUBCONTRACTOR SELECTION

Enter the item number and description of the subcontracting opportunity you listed in SECTION 2, Item b, of the completed HSP form for which you are completing the attachment.

a. Enter the item number and description of the subcontracting opportunity for which you are completing this Attachment B continuation page.

- Item Number: 
- Description: 

b. List the subcontractor(s) you selected to perform the subcontracting opportunity you listed in SECTION B-1. Also identify whether they are a Texas certified HUB and their Texas Vendor Identification (VID) Number or federal Employer Identification Number (EIN), the approximate dollar value of the work to be subcontracted, and the expected percentage of work to be subcontracted. When searching for Texas certified HUBs and verifying their HUB status, ensure that you use the State of Texas' Centralized Master Bidders List (CMBL) - Historically Underutilized Business (HUB) Directory Search located at http://mycpa.cpa.state.tx.us/tpasscmblsearch/index.jsp. HUB status code "A" signifies that the company is a Texas certified HUB.

<table>
<thead>
<tr>
<th>Company Name</th>
<th>Texas certified HUB</th>
<th>Texas VID or federal EIN</th>
<th>Approximate Dollar Amount</th>
<th>Expected Percentage of Contract</th>
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</table>

If any of the subcontractors you have selected to perform the subcontracting opportunity you listed in SECTION B-1 is not a Texas certified HUB, provide written justification for your selection process (attach additional page if necessary):

REMINDER: As specified in SECTION 4 of the completed HSP form, if you (respondent) are awarded any portion of the requisition, you are required to provide notice as soon as practical to all the subcontractors (HUBs and Non-HUBs) of their selection as a subcontractor. The notice must specify at a minimum the contracting agency's name and its point of contact for the contract, the contract award number, the subcontracting opportunity if (the subcontractor) will perform, the approximate dollar value of the subcontracting opportunity and the expected percentage of the total contract that the subcontracting opportunity represents. A copy of the notice required by this section must also be provided to the contracting agency's point of contact for the contract no later than ten (10) working days after the contract is awarded.
HUB Subcontracting Opportunity Notification Form

In accordance with Texas Govt Code, Chapter 2161, each state agency that considers entering into a contract with an expected value of $100,000 or more shall, before the agency solicits bids, proposals, offers, or other applicable expressions of interest, determine whether subcontracting opportunities are probable under the contract. The state agency I have identified below in Section B has determined that subcontracting opportunities are probable under the requisition to which my company will be responding.

34 Texas Administrative Code, §20.14 requires all respondents (prime contractors) bidding on the contract to provide notice of each of their subcontracting opportunities to at least three (3) Texas certified HUBs (who work within the respective industry applicable to the subcontracting opportunity), and allow the HUBs at least seven (7) working days to respond to the notice prior to the respondent submitting its bid response to the contracting agency. In addition, at least seven (7) working days prior to submitting its bid response to the contracting agency, the respondent must provide notice of each of its subcontracting opportunities to two (2) or more trade organizations or development centers (in Texas) that serves members of groups (i.e., Asian Pacific American, Black American, Hispanic American, Native American, Woman, Service Disabled Veteran) identified in Texas Administrative Code, §20.11(19)(C). We respectfully request that vendors interested in bidding on the subcontracting opportunity scope of work identified in Section C, Item 2, reply no later than the date and time identified in Section C, Item 1. Submit your response to the point-of-contact referenced in Section A.

SECTION: A  PRIME CONTRACTOR’S INFORMATION

Company: ___________________________ Name: ___________________________ State of Texas VID #: ___________________________
Point-of-Contact: ___________________________ Phone #: ___________________________
E-mail Address: ___________________________ Fax #: ___________________________

SECTION: B  CONTRACTING STATE AGENCY AND REQUISITION INFORMATION

Agency Name: ___________________________
Point-of-Contact: ___________________________ Phone #: ___________________________
Requisition #: ___________________________ Bid Open Date: ___________________________

SECTION: C  SUBCONTRACTING OPPORTUNITY RESPONSE DUE DATE, DESCRIPTION, REQUIREMENTS AND RELATED INFORMATION

1. Potential Subcontractor’s Bid Response Due Date:
   If you would like for our company to consider your company’s bid for the subcontracting opportunity identified below in Item 2, we must receive your bid response no later than __________on __________, Central Time.

2. Subcontracting Opportunity Scope of Work:

3. Required Qualifications: □ - Not Applicable


5. Location to review plans/specifications: □ - Not Applicable
HUB Subcontracting Plan (HSP)
Prime Contractor Progress Assessment Report

This form must be completed and submitted to the contracting agency each month to document compliance with your HSP.

Contract/Requisition Number: ____________________________ Date of Award: ____________________________ Object Code: ____________________________

Contracting Agency/University Name: ____________________________

Contractor (Company) Name: ____________________________ State of Texas VID #: ____________________________

Point of Contact: ____________________________ Phone #: ____________________________

Reporting (Month) Period: ____________________________ Total Amount Paid this Reporting Period to Contractor: ____________________________

Report HUB and Non-HUB subcontractor information

When verifying subcontractors' HUB status, ensure that you use the State of Texas' Centralized Master Bidders List (CMBL)-Historically Underutilized (HUB) Directory Search located at: http://mycpa.cpa.state.tx.us/pspasscmblsearch/index.jsp. HUB status code "A" signifies that the company is a Texas certified HUB.

<table>
<thead>
<tr>
<th>Subcontractor's Name</th>
<th>Texas certified HUB (Yes or No)</th>
<th>Texas VID or federal EIN</th>
<th>Total Contract $ Amount from HSP with Subcontractor</th>
<th>Total $ Amount Paid this Reporting Period to Subcontractor</th>
<th>Total Contract $ Amount Paid to Date to Subcontractor</th>
<th>Object Code (Agency Use Only)</th>
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Complete information at the top of this form and attach UTCMS (B2G) audit report (example on page 19). Submit both forms with any application for payment from UT System Office of Facilities Planning and Construction (OFPC). Submission of both forms is a condition of payment.

|                      |                                 |                          | $                                                   | $                                                        | $                                                    |                             |
|                      |                                 |                          | $                                                   | $                                                        | $                                                    |                             |
|                      |                                 |                          | $                                                   | $                                                        | $                                                    |                             |
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|                      |                                 |                          | $                                                   | $                                                        | $                                                    |                             |
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|                      |                                 |                          | $                                                   | $                                                        | $                                                    |                             |

TOTALS: $                                                   $                                                        $                                                    $                             

Signature: ____________________________ Title: ____________________________ Date: ________________

Print Name: ____________________________ Phone #: ____________________________