



Request for Qualifications
Construction Manager at Risk
RFQ# 909-15030RW

Austin Community College District

ACC Highland Campus, Phase 2

QUALIFICATION STATEMENTS ARE DUE ON OR BEFORE 2:00 P.M., JUNE 17, 2015
Qualifications received after the date and time specified will be retained by ACC.

Addressed to:
Attn.: Rodney Wheeler – RFQ#909-15030RW
Purchasing Department
9101 Tuscany Way
Austin TX 78754

Key Event Dates:

20 May 2015	RFQ Issue Date
20 May and 27 May 2015	Advertise RFQ
2 June 2015; 9am-12pm	Optional Pre-Submittal Conference
5 June 2015 NOON	Deadline for questions or comments
10 June 2015 (NLT)	Addenda (including Final) if necessary
17 June 2015 2:00 PM CDT	Deadline for submissions of qualifications

I. General Information & Requirements

- A. Declaration - The Board of Trustees of Austin Community College District has delegated to the Administration the following responsibilities with respect to the selection of service providers for the design and construction of this project:
1. work with an external advisory committee and a college committee of faculty, staff, and students to identify instructional programs, support services, and other space needs;
 2. serve as primary/first contact with all external professionals who may be hired for this project;
 3. develop and publicize scope of project and evaluation criteria for selection of Architectural and construction services (to be reviewed by and subject to Board approval);
 4. submit rankings of respondents to the Board of Trustees for final selection and approval;
 5. arrange for professional respondents' (finalists) presentations to the Board;

- 6. serve as contact and in oversight role throughout the planning and construction phases;
 - 7. regularly update the President and Board of Trustees.
- B. Selection Process – This Request for Qualifications is the first step in a two-step process for selecting an Architect/Engineer firm or team for the following renovation project:

ACC Highland Campus, Phase 2

The steps in the selection processes are as follows:

- 1. Step 1 – Request for Qualifications
 - 2. Step 2 – Request for Proposals.
- C. Eligibility - Any General Contractor or Construction Manager project team is invited to submit a statement of qualifications for consideration as a candidate for this project. Each firm must present a statement of qualifications in order to be considered as a candidate, and an authorized representative of the firm must sign the statement of qualifications.
- D. Licensure – All respondents must have legally required licensure so that all services required from them may be delivered in accordance with applicable law. Although proof of licensure is not required as a part of this response, team members are encouraged to submit photocopies of relevant current licenses.
- E. Inquiries and Points of Contact – ACC will try to answer written inquiries concerning this RFQ, but shall not be obligated to do so. If a firm believes the scope of work to contain an error or is unclear, then the firm shall make a written inquiry of ACC. The foregoing shall not limit ACC's right to issue addenda to the scope of work prior to opening or to delay the date and time of opening in order to ensure that all firms are aware of and have had sufficient time to consider the addenda. From the issued date of this RFQ until contract award is made, respondents are allowed to communicate about the subject of this RFQ ONLY with the ACC staff listed below. Written inquiries should be addressed to:

Rodney Wheeler Construction Buyer RFQ#909-15030RW ACC Purchasing 9101 Tuscany Way Austin, TX 78754 Fax: (512) 223-1902 rwheeler@austincc.edu (Primary Contact)	OR	Rosemary Ledesma Purchasing Manager RFQ#909-15030RW ACC Purchasing 9101 Tuscany Way Austin, TX 78754 Fax: (512) 223-1902 rledesma@austincc.edu (Secondary Contact)
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- F. Public Information – ACC is a public institution and subject to the Texas Public Information Act. Any information submitted to ACC is presumed to be public information and available to the public. Any information or materials submitted to ACC that is considered confidential must be clearly marked "CONFIDENTIAL". If an outside individual or entity requests review or copies of the information marked Confidential, ACC will advise the Supplier of the request. If requested by the Supplier, ACC will request an Open Records Decision from the Attorney General's

Office asserting appropriate exceptions to disclosure. The Supplier shall be responsible for substantiating the confidentiality of the information or materials requested.

- G. Small Business Development Program – Pursuant to ACC’s Board Policy G-2, Sections D through F, ACC is committed to maximize the vitality and robustness of the economy of the College’s service area through enhanced opportunities for the utilization of Small Local Business Enterprises as defined within that Small Business Development Program. The vendor is required to use its best efforts to assist the ACC in achieving this objective through providing maximum opportunities for Small Local Business Enterprises to participate on its team, and by using its best efforts to encourage the maximum use of Small and Local Business Enterprises and Emerging Small and Local Business Enterprises (SLBE/ESLBE) by other vendors, suppliers, professionals, subcontractors and sub-vendors when possible. Vendors are required to provide a plan describing the Vendor’s actions to encourage and utilize SLBE/ESLBEs in all phases of the contract. Vendors may contact the Small Business Development (“SBD”) Office for assistance or clarification with issues specifically related to ACC’s policy, the completion of SLBE/ESLBE forms and related reports as specified by the SBD Office, by the terms of the contract, and / or by ACC Board Policy G-2 Section E. **See Exhibit A. Forms link Exhibit B.**
- Vendors plan will be reviewed for strength of proposed SLBE and ESLBE participation on Respondent’s team and plan to ensure compliance with Small Business Development Program by other firms performing on this project under Respondent’s supervision.
- H. Waiver of Formalities - Austin Community College District reserves the right to reschedule or extend the date for submission prior to the submission deadline and to cancel or terminate this request for qualifications at any time. ACC may waive irregularities and informalities in the RFQ process and may consider submissions not made in compliance with this request for qualifications if it elects to do so, in a manner consistent with applicable law, although the District will have no obligation for such consideration.
- I. Construction Contract. The selected Respondent will be required to enter into a construction contract with ACC substantially in the form of ACC’s standard contract for Construction Manager at Risk, with associated general conditions and attachments, which may be obtained from the ACC Purchasing Office website advertising this solicitation, without lengthy negotiations or extensive modifications to the terms. The Construction Contract documents set out the insurance, prevailing wage rate, payment and performance bond, and other requirements for the project.
- J. Exceptions – Firms should read and understand all terms and conditions contained herein. Exceptions to the requirements of this RFQ or any Purchase terms and conditions MUST be taken at the time that the Qualifications are submitted, NOT during the Contract Award process.
- K. No Reimbursement for Costs – Respondent acknowledges and accepts that any costs incurred from the respondent’s participation in this RFQ shall be at the sole risk and responsibility of the respondent.

- L. Submission of Qualifications – The Owner will receive Qualification Statements at the time and location described below:

**QUALIFICATIONS MUST BE RECEIVED ON OR BEFORE
2:00 P.M. JUNE 17, 2015 P.M. CENTRAL DAYLIGHT TIME.**

Qualifications must be submitted in a sealed package and labeled with:

Purchasing Department
Attn: RFQ#909-15030RW
Austin Community College District
9101 Tuscany Way
Austin, TX 78754

Qualifications received after the date and time specified will be retained by ACC.

Pre-submittal Conference – There will be a pre-submittal conference at 9:00 AM on June 2, 2015, conducted at Highland Mall, Room 1390 (Lower Level across from the former Men’s Dillards). ATTENDANCE AT THE PRE-SUBMITTAL CONFERENCES BY A REPRESENTATIVE OF ANY FIRM WHICH WILL RESPOND TO THE RFQ IS **OPTIONAL**. Attendance by firms is encouraged.

- M. **Evaluation Methodology** - Under the provisions of the Texas Government Code Section 2267.056(b) the Board of Trustees has selected the following criteria for evaluating construction management services as part of the overall contracting process provided in the Texas Education Code Section 44.031 to contract for the renovations for the Highland Campus, Phase 2.

1. Two-Step Selection Process - Step 1: During the first step of this process, ACC will review submissions and select five or fewer Respondents to provide proposals to ACC for the Project. Step 2: The selected Respondents will be asked for proposals on their pre-construction and construction phase fees, the cost of general conditions for the Project and any other information required under the Request for Proposals. Respondents submitting proposals may be requested to make presentations to the Board. The Board will have the final decision in the selection of the Construction Manager at Risk for this project.
2. Criteria for Evaluation, Step 1 - Under the provisions of the Texas Government Code Section 2267.056(b) the Board of Trustees has selected the following criteria for evaluating construction management services as part of the overall contracting process provided in the Texas Education Code Section 44.031 to contract for the renovations for the Highland Campus, Phase 2.
 - a) Experience
 - i) Demonstrable recent experience of key personnel in the construction of higher education facilities of similar size and complexity. (10 points)
 - ii) Demonstrable recent team experience in design and construction of higher educational facilities of similar size and complexity. (10 points)
 - iii) Demonstrable recent individual and team experience in providing services by the delivery method selected by the Board. (10 points)

- iv) Demonstrable individual and team experience working in this jurisdiction. (10 points)
- b) Project Approach
 - i) Workplan. (5 points)
 - ii) Schedule. (5 points)
 - iii) Economic Inclusion. Past project compliance (as supported by references and other documentation) with economic inclusion provisions including compliance with commercial non-discrimination policies and compliance with participation requirements for including all segments of the business community, including, but not limited to, Disadvantaged Business Enterprises (“DBEs”), Minority and Women Business Enterprises (“M/WBEs”), Historically Underutilized Businesses (“HUBs”), Small Business Enterprises (“SBEs”), and Small Local Business Enterprises (“SLBEs”). (10 points)
 - iv) Demonstrable individual and team experience in the application of sustainable design principles. (10 points)
 - v) Quality control in pre-construction, construction and post-construction services. (5 points)
 - vi) Stakeholder participation. (5 points)
- c) Safety Record. (10 points)
- d) Financial stability of Prime Contractor. (5 points)
- e) Summary. (5 points)

3. Acceptance of Evaluation Methodology – By submitting Qualifications in response to the RFQ, respondent accepts the evaluation process and acknowledges and accepts that determination of the “most qualified” firms/respondants will require subjective judgments by the Owner. BY SUBMITTING A RESPONSE TO THIS REQUEST FOR QUALIFICATIONS, THE RESPONDENT AGREES THAT IT WAIVES ANY CLAIMS IT HAS OR MAY HAVE AGAINST ACC, ACC’S EMPLOYEES, OFFICERS, AGENTS, REPRESENTATIVES AND MEMBERS OF ACC’S GOVERNING BODY, IN CONNECTION WITH OR ARISING OUT OF THIS RFQ, INCLUDING THE ADMINISTRATION OF THE RFQ, THE BASIS FOR SELECTION, THE EVALUATION OF THE RESPONSES, THE METHOD USED FOR SELECTION, AND ANY DISCLOSURE OF INFORMATION REGARDING THE RESPONSES OR EVALUATIONS. THE SUBMISSION OF QUALIFICATIONS CONSTITUTES THE ACCEPTANCE BY THE RESPONDENT OF THE EVALUATION TECHNIQUE DESCRIBED IN THIS RFQ.

N. Scope of Services – ACC requests that the selected Construction Manager provide a full range of Pre-Construction, Construction, and Post-Construction services for this project including (but not limited to) cost estimating, schedule assessment, constructability review, compliance with Small Business Development Program requirements for SLBE and Emerging SLBE solicitation, monitoring, utilization,

and other Program requirements, bidding of subcontracts, site improvements and stormwater management, extension of utilities to the site, building construction, landscaping. Delivery of close-out documents and training of Owner's maintenance and operations personnel is required. Corrective work during warranty period is required. All work performed by the Construction Manager must be in compliance with existing federal, state, and local codes, statutes, and requirements. LEED Silver certification is expected for all major renovation projects; assistance in meeting this goal is required.

O. Award Protest

Pursuant to the Purchasing Customer Handbook governs award protest. The Purchasing Customer Handbook is available on the ACC Purchasing Website at:

http://www.austincc.edu/purchase/docs/handbook_revision311.pdf

1. Rights.

Any bidder who is aggrieved in connection with this procurement may protest to the Director of Purchasing.

2. Notification.

The protest shall be submitted in writing and received in the office of the Director of Procurement and Materials Management within ten (10) calendar days after the aggrieved knows or should have known the facts giving rise thereto.

3. Resolution.

The Director of Purchasing shall review and determine validity. If a mutual resolution is not made, then the protest shall be submitted to the Executive Vice President of Finance and Administration.

4. Authority.

The college President or his designee shall have the final authority for determination and to take any action to resolve a protest appeal.

II. Project Description -

- A. Background – Austin Community College District has acquired all of Highland Mall and has completed the conversion of one of the former anchor stores into Phase 1 of the Highland Campus. In time, the District intends to convert the remainder of the mall buildings and to redevelop a portion of the remaining site to expand this campus. The completed Highland Campus will anchor a walkable urban center, with mixed use facilities to be developed by a private sector developer on the remainder of the site.
- B. General – Phase 2 of the Highland Campus will include the conversion of approximately 415,000 GSF of the mall space for educational purposes. As a separate project, the District intends to complete a central chiller plant with thermal storage and

a chilled water distribution system to serve the first two phases of the campus. The construction of the new central plant will include relocation of the existing chillers and cooling towers which currently serve Phase 1 of the campus, after the new plant is operational, and before construction of Phase 2 is completed.

The District intends Phase 2 of the Highland Campus to provide facilities for the following:

- Classrooms and laboratories;
- Culinary Arts and Hospitality Management;
- Regional Workforce Development Center (including Electronics);
- Health Sciences Regional Simulation Center;
- Creative Digital Media Center (Fine Arts, Performing Arts and Digital Arts);
- Jewelry;
- CAD and GIS;
- Instruction and office space for Continuing Education and Adult Education;
- Offices for Faculty and Staff;
- Food Court;
- Building support and service spaces as needed to support the larger campus.

The District anticipates that the renovation effort will completely remodel the entire portion of the mall building between the former JCPenney and Dillards stores, including modifications to the external shell of the building. Phase 1 of the Highland Campus will continue to operate, and the District will occupy the remainder of the mall building east of the portion to be converted for Phase 2. The four story former Dillards store might be occupied during the conversion of space for Phase 2.

The District anticipates completing a detailed Architectural program for Phase 2 prior to selection by Trustees of the Architect/Engineer for the project.

The District intends to complete the abatement of any hazardous materials which remain inside the building. This abatement will probably be in progress by the time the Trustees select the Architect/Engineer for this project. The abatement is expected to last until early 2016; the building will be in containment during that period.

- C. Site – The District owns the site on which the building exists. This work is intended to include a renovation of the existing structure and sitework adjacent to the building, but which will result in minimal revision to the rest of the site.
- D. Budget – The Construction Cost Limit for the contract for general construction for the project is estimated to be approximately \$82,500,000.
- E. Schedule - ACC intends to select a Construction Manager in about September, 2015. This construction schedule must accommodate the schedules of the abatement

process, as well as the construction of a new central chiller plant to serve Phases 1 and 2. The District needs to take beneficial occupancy by February, 2019, at the latest, in order to be prepared for classes in the Summer Semester of 2019 at the latest.

- F. Utilities – In cooperation with RedLeaf, the District is upgrading the utilities and internal streets on the mall site. The Construction Manager for this project will coordinate with that process and utilize utilities which will be available at the time of construction.
- G. Environmental Issues – The District has conducted an Environmental Site Assessment before completing the acquisition of the property.
- H. Stakeholder Group – The District will identify Stakeholder Groups for this project.
- I. Pre-submittal Conference – There will be an optional pre-submittal conference at Highland Mall, Room 1390 on June 2, 2015 at 9:00am. Attendance is encouraged but not mandatory.

III. Step 1 Submittal Requirements Vol. I (initial submittal)

A. Section I - Background

1. Provide a Cover Sheet showing the RFQ number, RFQ title, the name, principal business address and principal Texas business address if it is not the same, and telephone and fax numbers (e-mail optional) of the Prime Firm. The sheet must also include the name of the individual representing the firm. Finally, the cover sheet must have a statement that the response and all attachments are being submitted to Austin Community College District as a statement of qualifications and request for consideration of the firm as a candidate to provide Construction Management at Risk services for the Renovations for Highland Campus, Phase 2, and it must be dated and signed by the authorized representative.
2. Provide a statement of interest for the project including a brief narrative describing the Prime Firm's and Project Team's unique qualifications as they pertain to this particular project.
3. Provide a statement of availability and commitment of the Prime Firm and its principal(s) and assigned professionals to undertake the project.
4. Provide a brief history of the Prime Firm(s) proposed for the project.
5. Provide an organization chart of the project team, identifying the Prime Firm and any other contractors or consultants proposed for the project and clearly identifying the primary points of contact.
6. Provide a completed Standard Form 330 for the Prime Firm and or any other firm or consultant proposed. Note: These forms do not count within the Qualification Statement Limit of 20 pages.

B. Section II – Project Experience

1. Identification of Key Personnel
 - a) Identify key project personnel proposed for this project and include resumes.
 - b) Define roles of key personnel proposed for this project.
 - c) Demonstrate availability of key personnel to work on this project.

- d) Provide an organizational chart showing lines of authority and responsibilities of key personnel.
2. Experience of Key Personnel in Similar Projects
- a) Provide a brief description of the experience of key personnel on Higher Education Projects of similar size, scope, complexity, or cost.
 - b) Provide the following information on three of the projects described in 2a) above.
 - i) Location of the project;
 - ii) Approximate size of the project in square feet, number of buildings, if more than one, and number of stories in each building;
 - iii) Approximate construction cost of the project;
 - iv) Owner of the project at the time of construction, including owner's contact information;
 - v) Firm role in the project and specific person from the firm that had principal responsibility for that project;
 - vi) Aspects of that project that are similar to this project.
 - c) Describe the roles of key personnel in the projects listed in 2a) above.
3. Firm Experience in Similar Projects
- a) Provide a brief description of the experience of the Prime Firm on three Higher Education Projects of similar size, scope, complexity, or cost.
 - b) Provide the following information on the projects described in 3a) above.
 - i) Location of the project;
 - ii) Approximate size of the project in square feet, number of buildings, if more than one, and number of stories in each building;
 - iii) Approximate construction cost of the project;
 - iv) Firm role in the project and specific person from the firm that had principal responsibility for that project;
 - v) Aspects of the project that are similar to this project.
 - c) Provide client references for each of the three projects listed above including:
 - i) Owner of the project at the time of construction, including owner's contact information;
 - ii) The reference listed must have direct knowledge of the firm's work on the project and be able to speak about the project's budget, schedule, completion, and quality of workmanship.
 - d) Past project compliance (as supported by references and other documentation) with economic inclusion provisions including compliance with commercial non-discrimination policies and compliance with participation requirements for including all segments of the business community, including, but not limited to, Disadvantaged Business Enterprises ("DBEs), Minority and Women Business

Enterprises (“M/WBEs”), Historically Underutilized Businesses (“HUBs”), Small Business Enterprises (“SBEs”), and Small Local Business Enterprises (“SLBEs”).

C. ***Section III – Project Approach***

1. Workplan

- a) Provide a narrative workplan describing the team’s approach and methodology for construction of this project.
- b) Identify the capabilities that the team brings to resolving the challenges which are expected to be encountered in this project.

2. Schedule

- a) Provide a conceptual schedule that responds to the Owner’s schedule stated in *II.E.* above.

1. SLBE/ESLBE Participation

- a) Provide a detailed plan describing the firm’s plans and actions to encourage bidding and utilization of Small and Local Business Enterprises and/or Emerging Small and Local Business Enterprises in providing construction services in all phases for this project. **Provide a detailed plan describing the firm’s plans for incorporating proposed SLBE and ESLBE participation on Respondent’s team and plan to ensure compliance with Small Business Development Program by other firms performing on this project under Respondent’s supervision**

4. Sustainability

- a) Provide a description of the team’s experience in constructing sustainable buildings, and what approaches which the team considers most feasible for this project.
- b) The description should include participation in the LEED certification process and the presence of LEED trained or certified personnel on the project team.

5. Quality Control

- a) Describe the team’s approach to quality control for the project.
- b) Describe the experience of key personnel responsible for maintaining quality control.

6. Stakeholder Participation

- a) Provide a well-defined plan for stakeholder participation in the project.
- b) Describe experience of key personnel with internal and external stakeholder participation.

D. **Section IV – Safety Program**

1. Briefly describe the firm’s approach for anticipating, recognizing and controlling safety risks and note the safety resources that the firm provides for each project’s Safety program.

2. Describe the level of importance for Enforcement and Support of Project Safety that the firm includes in performance evaluations for Superintendents and Project Managers.
3. Describe the Safety and Insurance/Claims History information and weighting that the firm includes in the submission and award process for “best value” Subcontracts.
4. For all projects that the firm has managed (or co-managed) in the past five (5) years, list and describe all events or incidents that have reached any of the following levels of severity:
 - Any occupational illness or injury that resulted in death or total and permanent disability
 - Any occupational illnesses or injuries that resulted in hospital admittances
 - Explosion, fire or water damage that claimed 5% of the project’s construction value
 - Failure, collapse, or overturning of a scaffold, excavation, crane or motorized mobile equipment when workers were present at the project.
5. Does the firm or any other company within the same holding group of companies self perform any work beyond General Conditions?
6. Identify the firm’s Experience Modification Rate (EMR) for the three (3) most recent annual insurance-year ratings.
7. Identify the firm’s annual OSHA Recordable Incident Rates (RIR) for all work performed during the past three (3) calendar years.
8. Identify the firm’s annual OSHA Lost Workday Case Incident Rates (LWCIR) for all work performed during the past three (3) calendar years.
9. Discuss the method to ensure that all contractor and subcontractor supervisors have completed an appropriate OSHA 30 hour class prior to working on this project.
10. Discuss the method to ensure that all employees on the job have completed an appropriate OSHA 10 hour class prior to working on this project.
11. Describe the methods planned to segregate the work area from the existing campus to include traffic management of deliveries, laydown yard, parking, sanitation facilities, and excluding entry by workers into the existing campus.

E. Financial Stability

1. Provide the following:
 - a) No more than two bank references for Prime Firm including the name and title of the bank officer for each bank and telephone contact information;
 - b) No more than two references from other types of businesses including the name and title of the individual to contact at that business and that person’s telephone number;
 - c) Evidence of the ability to provide a payment or performance bond for the ACC Highland Campus, Phase 2 project;

d) Any other financial statements or information that would substantiate the financial stability of the Prime Firm.

F. Criminal History

Provide a notice of criminal history as provided by the Texas Education Code Section 44.034 is required for each key personnel. (Failure to provide this information will be grounds for disqualification of any team). **Exhibit C.**

G. Commercial Nondiscrimination – Provide a summary of any charges filed against Respondent or any of Respondent’s team members (and resulting disposition, if any) alleging discrimination in the solicitation, selection, and / or treatment of suppliers, subcontractors, vendors, or commercial customers on the basis of race, gender, national origin, sexual orientation, or any otherwise unlawful use of firm owner characteristics.

H. Summary

1. Provide one half page or shorter summary of why your team should be selected to construct Highland Campus, Phase 2 for Austin Community College District.

IV. Qualifications Statement Format (each submittal Volume)

- A. Statements of Qualifications shall be prepared SIMPLY AND ECONOMICALLY, providing a straightforward, CONCISE description of the respondent's ability to meet the requirements of this RFQ. Emphasis shall be on the QUALITY, completeness, clarity of content, responsiveness to the requirements, and an understanding of Owner's needs.
- B. Respondents shall carefully read the information contained in this RFQ and submit a complete response to all requirements and questions as directed. Incomplete Statements of Qualifications will be considered non-responsive and subject to rejection.
- C. Failure to comply with all requirements contained in this Request for Qualifications may result in the rejection of the Statement of Qualifications.
- D. Page Size Binding, Dividers, and Tabs
 - 1. Qualifications shall be printed on letter-size (8-1/2” x 11”) paper and assembled with glue and tape, plastic comb binding, spiral- type bindings or staples.
DO NOT USE METAL-RING HARD COVER BINDERS.
 - 2. Additional attachments shall NOT be included with the Statements of Qualifications. Only the responses provided by the respondent to the questions identified in Sections III & IV of this RFQ will be used by the Owner for evaluation.
 - 3. Responses to subject areas identified in sections III and IV of this RFQ must be identified by a separate tab and section containing the response.

- E. Qualification Statements shall be a **MAXIMUM OF TWENTY (20) PRINTED PAGES** (SF 330 do not count toward this maximum). Print on front and back count as one (1) page.
- F. One (1) original and nine (9) copies of the submission must be provided, along with an electronic version on CD, DVD or USB flash drive. **NO JEWEL CASES**. Paper or plastic sleeve only. Hard copy original **must** be marked on the cover page as “ORIGINAL”. The electronic file **MUST** be attached to the back of the cover page of the original hard copy submittal.

END

EXHIBIT A

Pursuant with ACC Board Policy, G-2 Purchasing (adopted December 1, 2014)

ACC Small Business Development (SBD) Program

Purpose:

The purpose of this Small Business division is to provide a race- and gender-neutral procurement tool for the Austin Community College District to use in its efforts to ensure that all segments of its local business community have a reasonable and significant opportunity to participate in District contracts for construction, architectural & engineering services, professional services, non-professional services, and commodities.

The Small Business Development (“SBD”) Program also furthers the District’s public interest to foster effective broad-based competition from all segments of the vendor community, including, but not limited to, small business enterprises and local business enterprises. This policy is, in part, intended to further the District’s compelling interest in ensuring that it is neither an active nor passive participant in private sector marketplace discrimination, and in promoting equal opportunity for all segments of the contracting community to participate in District contracts. Moreover, the SBD Program provides additional avenues for the development of new capacity and new sources of competition for District contracts from the growing pool of small and locally based businesses.

Definitions:

Small Local Business Enterprise (“SLBE”). An independently owned firm that is not dominant in its industry, and that satisfies all requirements of being both a “Small Business Enterprise” and a “Local Business Enterprise.”

Emerging SLBE (“ESLBE”). An emerging firm that meets all of the qualifications of a Small Local Business Enterprise, and:

- Has been in existence for at least one (1) year but is less than five (5) years old;
- Has no more than five (5) full-time and part-time employees;
- Annual gross sales as averaged over the life of the firm are less than \$1 million.

Joint Venture (“JV”). An association of two or more persons or businesses carrying out a single business enterprise for which purpose they combine their capital, efforts, skills, knowledge and/or property. Joint ventures must be established by written agreement. Joint ventures must be certified on a bid-by-bid basis. The joint venture shall not be subject to the average gross receipts limits imposed by this section. However, each individual business participating in the joint venture must be certified by the SLBD Program as an SBE. This definition is subsumed within the definition of Small Local Business Enterprises.

Section G-2 Purchasing. For the purpose of this program, a firm will be certified as a Small and Local Business Enterprise (SLBE) or Emerging SLBE (ESLBE) with the SBD Program, upon its submission of a completed certification form (SLBE/ESLBE), supporting documentation, and a signed and notarized affidavit affirming that it meets all of the SLBE/ESLBE eligibility criteria as set forth below:

1. An independently owned and operated for-profit business concern that ;
 - a. Is headquartered or otherwise located at a fixed, established commercial address located in the Austin-Round Rock-San Marcos MSA; and maintains a significant employee presence (currently 25% of total employee count)
 - b. Has been in operations for at least one (1) year;
 - c. Is not a subsidiary of another business;
 - d. Is not dominant in its field of operation;
 - e. Whose owners are actively involved in day-to-day management and control of the business; and
 - f. Is performing a commercially useful function.

2. It meets the size standard eligibility requirements for Small Business Enterprises as defined below:

Construction and specialty trade firms have not employed more than 50 full-time and part-time persons at any time during the last three (3) years, and that gross annual revenues of the business for its largest primary NAICS code have not exceeded an average of \$9.125 million in its most recently completed three (3) fiscal years. If a business has not existed for three (3) years, the employment and gross revenue limits described above shall be applied based upon the annual averages not to exceed three (3) years.

Once the gross annual revenues of a business exceed the three-year (3) average gross annual revenue limits, it should no longer be eligible to benefit as an SLBE firm and should be permanently graduated from the Program. The size standards in annual gross revenue dollars should be reviewed annually and adjusted periodically to meet changes in market conditions.

Joint ventures must be certified on a bid-by-bid basis. The joint venture itself shall not be subject to the size standard limitations imposed by this section. However, each individual business participating in the joint venture must be certified by the SBD Program as an SLBE in order for the joint venture to receive the benefits of the SBD Program. This definition is subsumed within the definition of Small Local Business Enterprises.

Eligibility Requirements by Category:

CERTIFICATION CATEGORIES	CERTIFICATION CRITERIA	ANNUAL GROSS REVENUE (AGR) LIMITS:
<p>Small Local Business Enterprise (SLBE)</p>	<ul style="list-style-type: none"> ○ Located in Austin-Round Rock-San Marcos MSA (Travis, Williamson, Hays, Caldwell and Bastrop) ○ For profit, independently owned and operated ○ Not a subsidiary of another business ○ One year in business ○ No more than fifty (50) full-time employees ○ Significant employee presence in the MSA (25% of total employee headcount) ○ Documentation of three years average annual gross revenues 	<ul style="list-style-type: none"> ○ \$9.125 million for Construction & Specialty Trade firms ○ \$3.750 million for Architectural & Engineering firms ○ \$1.875 million for Landscaping and other professional services firms ○ \$1.875 million for Goods & Services
<p>Emerging SLBE (ESLBE)</p>	<p>All of the above for SLBE plus:</p> <ul style="list-style-type: none"> ○ One year in business ○ No more than five (5) full-time employees ○ Significant employee presence in the MSA (25% of total employee headcount) ○ Documentation of three year average annual gross revenues ○ No more than five years 	<ul style="list-style-type: none"> ○ \$1 million for Construction & Specialty Trade firms ○ \$1 million for Architectural & Engineering firms ○ \$1 million for Landscaping and other professional services firms ○ \$1 million for Goods & Services

	in operation	
Joint Venture (JV)	<ul style="list-style-type: none"> ○ Certified on a bid-by- bid basis 	<ul style="list-style-type: none"> ○ Not subject to annual gross revenues and employee limits; however, each individual business participating in the joint venture must be certified by the SBDP Office as an SLBE.

EXHIBIT B

ACC SBDP Forms Link:

The SBDP forms may be downloaded and printed by accessing this link:

http://www.austincc.edu/purchase/documents/SBDP_Forms.R150410.pdf

EXHIBIT C

BIDDER'S DISCLAIMER STATEMENT

The undersigned Bidder, by signing and executing this bid, certifies and represents to the Austin Community College that Bidder has not offered, conferred or agreed to confer any pecuniary benefit, as defined by section 36.01 (3) of the Texas Penal Code, or anything of value, as consideration for the receipt of information or any special treatment or advantage relating to this bid; the Bidder also certifies and represents that Bidder has not offered, conferred or agreed to confer any pecuniary benefit or other thing of value as consideration for the recipient's decision, opinion, recommendation, vote or other exercise of discretion concerning this bid; the Bidder certifies and represents that Bidder has neither coerced nor attempted to influence the exercise of discretion by any officer, trustee, agent or employee of the Austin Community College concerning this bid on the basis of any consideration not authorized by law; the Bidder also certifies and represents that Bidder has not received any information not available to other bidders and so further certifies and represents that Bidder has not violated any state, federal, or local law, regulation or ordinance relating to bribery, improper influence, collusion or the like and that Bidder will not in the future offer, confer, or agree to confer anything of pecuniary benefit or any other thing of value to any officer, trustee, agent or employee of the Austin Community College in return for the person having exercised the person's official discretion, power or duty with respect to this bid; the Bidder certifies and represents that it has not now and will not in the future, offer, confer, or agree to confer a pecuniary benefit or other thing of value to any officer, trustee, agent or employee of the Austin Community College in connection with information regarding this bid, the submission of this bid, the award of this bid or the delivery or sale pursuant to this bid.

FELONY CONVICTION NOTIFICATION

State of Texas Education Code, Section 44.034, Notification of Criminal History, Subsection (a), states "a person or business entity that enters into a contract with a school district must give advance notice to the district if the person or an owner or operator of the business entity has been convicted of a felony. The notice must include a general description of the conduct resulting in the conviction of a felony."

Subsection (b) states, "a school district may terminate a contract with a person or business entity if the district determines that the person or business entity failed to give notice as required by Subsection (a) or misrepresented the conduct resulting in the conviction. The district must compensate the person or business entity for services performed before the termination of the contract."

THIS NOTICE IS NOT REQUIRED OF A PUBLICLY-HELD CORPORATION

I, the undersigned agent for the firm named below, certify that the information concerning notification of felony convictions has been reviewed by me and the following information furnished is true to the best of my knowledge.

COMPANY NAME: _____

ADDRESS: _____

CITY, STATE, ZIP: _____ **PHONE:** _____

SIGNATURE OF COMPANY OFFICIAL: _____

PRINT NAME/TITLE: _____ **DATE:** _____

- My firm is a publicly held corporation; therefore, this reporting requirement is not applicable. OR
- My firm is not owned nor operated by anyone who has been convicted of a felony. OR
- My firm is owned or operated by the following individual(s) who has/have been convicted of a felony:

Name of Felon(s): _____

Details of Conviction(s): _____

Are you a certified Historically Underutilized Business (HUB)?

Yes No

If yes, with whom are you certified? _____

Enter 5-digit certification number: _____

MUST BE RETURNED WITH BID

Please check corresponding box:

- | | | |
|---|-------------------------------|---------------------------------|
| <input type="checkbox"/> Hispanic American | <input type="checkbox"/> Male | <input type="checkbox"/> Female |
| <input type="checkbox"/> Black American | <input type="checkbox"/> Male | <input type="checkbox"/> Female |
| <input type="checkbox"/> Asian Pacific American | <input type="checkbox"/> Male | <input type="checkbox"/> Female |
| <input type="checkbox"/> Native American (Indian) | <input type="checkbox"/> Male | <input type="checkbox"/> Female |
| <input type="checkbox"/> Woman (of any ethnicity) | <input type="checkbox"/> Male | <input type="checkbox"/> Female |