DALLAS FORT WORTH
INTERNATIONAL AIRPORT

ADDENDUM NO. 01

INDOOR AIR QUALITY HVAC IMPROVEMENTS ULTRAVIOLET LIGHT
TECHNOLOGY INSTALLATION

CONTRACT NO. 9500732

August 14, 2020

The Request for Bids for the above is hereby revised as follows:

Schedule Revisions

1. RFP Response Due (Phase 2), has been added to the schedule to be held on September 9, 2020 at 11:00 AM.
2. Committee Review dates have been changed to September 10 – 11, 2020.
3. Notification of Selected Respondent (Estimate), date has changed to September 14, 2020.
4. Estimated Limited Notice to Proceed (Equipment Procurement), has been added to the schedule for October 1, 2020.

RFP Revisions

1. An updated revision of the Request for Qualification is replaced with the attached.

Design Build Sample Agreement

1. An updated revision of the Design Build Sample Agreement is replaced with the attached. New/revised language have been added to the following sections:
   a. Section 1.4.16 – Owners Allowances
   b. Section 1.4.17 – Designer Builder’s Contingency
   c. Section 4.4.1 – Design-Builder’s Proposal, No. 02

Solicitation Questions (Q) and Answers (A)

1. N/A
DALLAS/FORT WORTH INTERNATIONAL AIRPORT

INDOOR AIR QUALITY HVAC IMPROVEMENTS ULTRAVIOLET LIGHT TECHNOLOGY INSTALLATION

REQUEST FOR QUALIFICATIONS STATEMENTS FROM DESIGN-BUILD FIRMS

CONSTRUCTION CONTRACT NO. 9500732

AUGUST 10, 2020
TABLE OF CONTENTS

1. Tab 1 – NOTICE TO DESIGN-BUILD FIRMS .................................................................3
2. Tab 2 – REQUEST FOR QUALIFICATIONS (PHASE 1) ...........................................6
3. Tab 3 – REQUEST FOR PROPOSAL (PHASE 2) .......................................................12
4. Tab 4 – PROJECT DESCRIPTION ..............................................................................21

APPENDIX .........................................................................................................................21

A. EXISTING CONDITIONS REPORT ..............................................................................21
B. BASIS OF DESIGN ........................................................................................................21
C. SPECIFICATIONS ..........................................................................................................21
D. SAMPLE CONTRACT AND EXHIBITS ......................................................................21
E. M/WBE SPECIAL CONTRACT PROVISIONS .................................................................21
Tab 1 – NOTICE TO DESIGN-BUILD FIRMS

A design-build firm under this subchapter must be a sole proprietorship, partnership, corporation, or other legal entity or team that includes an architect or engineer and a construction contractor.

The governmental entity shall also prepare the design criteria package that includes more detailed information on the project. The design criteria package must include a set of documents that provides sufficient information, including criteria for selection, to permit a design-build firm to prepare a response to the governmental entity’s request for qualifications and to provide any additional information requested. The design criteria package must specify criteria the governmental entity considers necessary to describe the project and may include, as appropriate, the legal description of the site, survey information concerning the site, interior space requirements, special material requirements, material quality standards, conceptual criteria for the project, special equipment requirements, cost or budget estimates, time schedules, quality assurance and quality control requirements, site development requirements, applicable codes and ordinances, provisions for utilities, parking requirements, and any other requirement.

DFW will conduct a two-phase process to shortlist the Best Qualified design-build firms then select the Best Value design-build firm. After evaluating the Qualification Statements, DFW will shortlist the best qualified design-build firms as part of Phase One. The selected shortlisted firms will be notified to then submit supplemental information through an RFP for the design and construction of the referenced terminal facilities demolition and rebuild. After evaluating the additional information from the shortlisted firms, DFW will select the design-build firm that offers the Best Value (Phase Two).

After selecting the Best Value design-build firm in Phase Two, DFW will first attempt to negotiate a contract with the selected Respondent. If DFW is unable to negotiate a contract with the selected Respondent, DFW will, formally and in writing, declare an impasse and end negotiations with that Respondent and proceed to the next preferred Respondent in the order of the selection ranking until a contract is reached or all proposals are rejected.

Statements of Qualification for the design and construction (design-build delivery method) of the INDOOR AIR QUALITY HVAC IMPROVEMENTS ULTRAVIOLET LIGHT TECHNOLOGY INSTALLATION Project, located at Terminal A, B, D, E and RCC at the Dallas/Fort Worth International Airport (DFW), Texas, will be received at the DFW Design, Code and Construction Offices, 3003 South Service Road, DFW Airport, Texas 75261 until 2:00 p.m. (Central Time) on September 2, 2020.

A Pre-Qualification Meeting will be held virtually via GoToMeeting at 11:00 AM on August 18, 2020. Join the meeting by calling 1-866-899-4679, Conference ID# 968474701 or clicking on the following link: https://global.gotomeeting.com/join/968474701. The deadline for questions from prospective Respondents will be 5:00 PM (Central Time) on August 20, 2020.
ADVERTISEMENT

The Dallas Fort Worth International Airport Board will receive Statement of Qualifications for the following items at the location stated below until the due date and time stated:

SOLICITATION: 9500732
PRE-QUALIFICATIONS CONFERENCE: August 18, 2020, 11:00 AM (Central Time) via GoToMeetings
STATEMENT OF QUALIFICATIONS DUE: September 2, 2020, 2:00 PM (Central Time)
MINORITY/WOMEN BUSINESS ENTERPRISE (M/WBE) Design Goal: 25%
MINORITY/WOMEN BUSINESS ENTERPRISE (M/WBE) Construction Goal: 15%
CONTACT: Contract Administrator, Monica Allen (972) 973-1709, mallen1@dfwairport.com
LOCATION: DFW International Airport Board, Design, Code and Construction Offices, 3003 South Service Road, DFW Airport, TX 75261
Additional information is available on the DFW International Airport website at www.dfwairport.com/business/solicitations

The DFW Airport, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies All bidders or offerors that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

Refer to full “REQUEST FOR QUALIFICATIONS STATEMENTS” document on the DFW Airport website noted below.

The Request for Qualifications Statements and additional information will be posted on the DFW Airport website at https://www.dfwairport.com/business/solicitations under construction contract 9500732 - INDOOR AIR QUALITY HVAC IMPROVEMENTS ULTRAVIOLET LIGHT TECHNOLOGY INSTALLATION.

For additional information contact Monica Allen, Contracts Administrator, at (972) 973-1709 or Email mallen1@dfwairport.com. The assigned contract administrator is your sole contact during for this solicitation.
# SOLICITATION SCHEDULE

<table>
<thead>
<tr>
<th>SOLICITATION SCHEDULE (All times listed are Central Time)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request for Qualifications Advertisement</td>
</tr>
<tr>
<td>Qualifications Pre-Proposal Conference Presented via GoTo Meetings <a href="https://global.gotomeeting.com/join/968474701">https://global.gotomeeting.com/join/968474701</a> Call 1-866-899-4679, Conference ID# 968474701</td>
</tr>
<tr>
<td>Deadline for RFQ Questions</td>
</tr>
<tr>
<td>Issue Addendum <em>(if needed)</em></td>
</tr>
<tr>
<td>Statement of Qualification’s Due</td>
</tr>
<tr>
<td><strong>RFP Response Due (Phase 2)</strong></td>
</tr>
<tr>
<td>Committee Review, Shortlisting/Notification, RFP Request, Proposal Submittal, Interview (Optional)</td>
</tr>
<tr>
<td>Notification of Selected Respondent (Estimate)</td>
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<tr>
<td>Airport Board Action</td>
</tr>
<tr>
<td>Estimated <strong>Limited</strong> Notice to Proceed <em>(Equipment Procurement)</em></td>
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<tr>
<td>Estimated Notice to Proceed</td>
</tr>
<tr>
<td>Estimated Substantial Completion</td>
</tr>
</tbody>
</table>

*The Pre-Qualifications Conference sign-in sheet is located at [https://bit.ly/3cyy8gH](https://bit.ly/3cyy8gH) or scan the QR Code.*

![QR Code Image]
CONFLICT OF INTEREST NOTICE

Conflict of Interest: It is the responsibility of the Respondent to fully examine and investigate their team’s current contracts and engagements with the Board. The Board is aware of the below known conflicted contracts;

a. 8500329: Program Management/Construction Management Services - Facilities  
b. 8500331: Commissioning Services  
c. 8500348: Code Inspection and Plan Review Professional Services  
d. 8500357: On-Call Airport Planning Services  
e. 8500359: Estimating, Cost Management and Scheduling Services  
f. 8500376: Master Planner and Master Architect Services

Subconsultants/Subcontractors to the above listed contracts are not conflicted from engagement in this Solicitation/Contract No. 9500732.

If awarded Contract No. 9500732, upcoming future solicitations/contracts that will preclude awardee from engaging with requested services include the ones listed below.

a. Project Management Construction Management Program Integration Office (PMCM PIO)  
b. Code Inspection and Plan Review Professional Services  
c. Quality Assurance Inspection Services  
d. Commissioning Services (currently being solicited under Solicitation No. 8500381)

Subconsultants/Subcontractors to the above listed contracts are not conflicted from engagement in this Solicitation/Contract No. 9500732.

To ensure no conflicts exist with firms contracted, teamed or otherwise engaged in the above contracts, a letter from the Prime consultant of each contract is required that confirms the following:

a. Any current contract under which proposing Prime or an Affiliate (as a prime contractor or Subcontractor/Subconsultant) provides work or services to Board or any Person doing business at the Airport; and

b. Pending contract (e.g. not finalized and executed) under which proposing Prime or an Affiliate (as a prime contractor or Subcontractor/Subconsultant) will provide work or services to Board or any Person doing business at the Airport.
Tab 2 – REQUEST FOR QUALIFICATIONS (Phase 1)

Phase One Statements of Qualification (SOQ) will include an introductory letter, business information and experience with similar project history, office locations, list of comparable projects, professional qualifications, ability to meet schedules, familiarity of applicable rules and regulations, safety record, etc.

1. SELECTION PROCEDURES

STATEMENT OF QUALIFICATIONS (PHASE ONE)

The Statement of Qualifications (SOQ) is limited to 20 pages, 10 to 12-point font. The SOQ may be submitted single or double sided, each printed side of any page will count as a numbered page. 11”x17” paper may be used for large exhibits; each printed side of an 11” x 17” page will count as 2 numbered pages. Resumes and forms (including attachments to such forms prepared by Respondent) do not count toward applicable page limits.

Submit 1 original and six (6) copies, plus one flash drive with a copy in pdf format saved to it. The SOQ must be received at the DFW Design, Code and Construction offices, 3003 South Service Road, DFW Airport, Texas 75261 no later than September 2, 2020, on 2:00 PM (Central Time).

Each SOQ shall contain the following identified tabs with the corresponding tab number and title indicated below:

1. Executive Summary – The purpose of the Executive Summary is to provide an overview of Respondent’s and its Subconsultants/Subcontractors’ qualifications to perform the Services outlined in this RFQ. At a minimum, the Executive Summary must contain the following information:
   a. Respondent’s name, address, telephone number and fax number, signed by a person authorized to act on behalf of Respondent;
   b. The name, title, address, e-mail address, telephone number and fax number of the person signing the letter and to whom all future correspondence and/or communications may be directed by Board concerning this solicitation;
   c. The type of business entity that proposes to enter into an Agreement with DFW and the identity of any other business entities that will comprise Respondent;
   d. Complete legal name of Respondent and the name of the legal entities that comprise Respondent;
   e. Respondent must provide the domicile where each entity comprising it is organized, including entity name, brief history of the entity (including services provided), managing and corporate office locations(s) (principal and joint venture firm), number of years in business (individually and joint venture with submitted firm(s)), contact name, address, phone number, email address, as well as the legal structure of the entity and a listing of major satellite offices.
f. Each firm must certify that each professional that is a member of the firm was selected based on demonstrated competence and qualifications, in the manner provided by Section 2254.004.

2. OVERALL EXPERIENCE, QUALIFICATIONS AND PERFORMANCE ON PREVIOUS PROJECTS.
   a. Provide a description of the general and specific capabilities and experience of Respondent's team members, including Subconsultants and Subcontractors, regarding executing similar design-build projects.
   b. Identify examples where team members have worked together to complete a similar project and discuss how the team was formed and how the team will function as an integrated unit in providing services to DFW.
   c. Provide a list of similar or comparable renovation projects at an airport, large municipalities or multistate type facilities with comparable requirements at commercial service airport facilities and/or renovation projects utilizing prefabrication techniques completed by the proposed team. List projects in reverse chronological order beginning with the most recent and include project description, project initial budget, project completed cost, project initial schedule, actual project duration, facility size (gross square feet), construction duration, and references with names and telephone numbers. Provide a minimum of three (3) projects that the Respondent and/or its team members have successfully completed, that best demonstrate the ability to apply innovative construction techniques and new use of materials. For each project listed, describe each team member’s specific contribution.

3. TECHNICAL QUALIFICATIONS AND EXPERIENCE OF KEY PROJECT TEAM MEMBERS.
   a. Describe the professional qualifications and experience of key personnel in executing comparable design-build projects utilizing prefabrication techniques (design firm, construction firm, project manager, superintendent).
   b. Describe the Organizational Structure/Staffing Plan. The Respondent's Organizational Structure Section of the Qualifications Statement should introduce the proposed Respondent team (including Subconsultants/Subcontractors) by:
      i. Providing Respondent's Management Organizational Chart both graphically and in narrative format. The Organizational chart and narrative should provide a description of Respondent's views on how it will organizationally provide the Services, as well as depict the relationship of its key personnel roles to that of the Principal-in-Charge and other key members of the management team.
      ii. Describing how this organizational structure will facilitate managing the Services requested and how an efficient flow of information will be realized from the organizational structure.
      iii. Describing how the organizational structure will incorporate the role of Subconsultants/Subcontractors in a well thought out approach to providing the Services.
c. Provide the names of proposed candidates for each function on the Management Organizational Chart. Indicate architects and/or engineers licensed to practice in the State of Texas.

d. Consultant Key Personnel/Resumes:
   i. Identify and provide resumes for the individuals that the Respondent (including Subconsultants/Subcontractors) will use to provide the Services for both the Design and Construction teams.
   ii. Resumes should be organized as follows:
       1. Name and Title;
       2. Professional Background;
       3. Current and Past Relevant Employment;
       4. Education;
       5. Certifications;
       6. Licenses;
       7. Relevant knowledge.

4. CAPABILITY TO PERFORM AS DEMONSTRATED BY PAST PROJECT PERFORMANCES OF SIMILAR TYPE PROJECTS INCLUDING BUDGET, TIME MANAGEMENT, AND PROJECT SIZE.
   a. Provide a description of the procedures/processes Respondent (including joint venture firms) used on previous projects to manage the overall Services and discuss budget, schedule and function. Include a description of any metrics used to measure performance regarding budget and schedule as well as to ensure quality.
   b. Provide a detailed description of Respondent’s (including joint venture firms’) ability and processes used to work with all involved parties (i.e. owner, contractor, subcontractors, stakeholders.)
   c. Provide a detailed narrative that demonstrates Respondent’s (including joint venture firms’) capacity to provide services according to applicable schedules and budgets.

5. CURRENT CAPACITY AND WORKLOAD BACKLOG:
   a. Describe the Respondent’s (including joint venture firms’) ability to meet schedules and commit resources based on current and projected workload.
   b. Describe additional resources to be utilized, in the event they are needed.

6. KNOWLEDGE OF APPLICABLE REGULATIONS, PROFESSIONAL STANDARDS, APPLICABLE REGULATIONS REGARDING AIRPORT FACILITY PROJECTS.
   a. Describe Respondent’s (including joint venture firms’) experience in understanding the issues and processes required to provide Services at airport-comparable facilities.
   b. Describe Respondent’s (including joint venture firms’) familiarity with applicable rules, regulations, professional standards, etc. regarding airport-comparable facility projects.
7. SAFETY PROGRAM/QUALITY CONTROL.
   a. Provide the Respondent’s (including joint venture firms’) approach to safety record on all previous comparable projects within the past five years and describe the team’s approach to safety.
   b. Describe the Respondent’s (including joint venture firms’) approach to Quality Control.
   c. Describe respondent’s experience in coordinating off-site inspections of ongoing prefabrication—construction elements. Include examples of off-site quality control practices, including access for Owner’s representatives and inspectors to observe and inspect these elements.

8. DIVERSITY AND INCLUSION REQUIREMENTS
   The Minority/Women Business Enterprise (M/WBE) goal for this solicitation/contract is established at fifteen percent (15%) for the construction services (subcontractors, suppliers, etc.) and the Minority/Women Business Enterprise (M/WBE) goal for this solicitation/contract is established at twenty five percent (25%) for professional services (architect, engineer, consultants, etc.).

   Response: Each Contractor must submit for all solicitations, bids or proposals/qualifications completed and signed M/WBE utilization forms as outlined below to be considered responsive. Statements of Qualifications that do not include these completed documents will not be considered (Pass/Fail Determination). All forms are included in the RFQ Appendix Section, M/WBE Special Contract Provisions.

   • **Commitment to M/WBE Participation (Design)** must be submitted at the time of Statement of Qualifications (SOQ) submission.
   • **Preliminary Schedule of Subcontractors (Design)** must be submitted at the time of SOQ submission.
   • **Certification Certificates (Design)** must be submitted at the time of SOQ for each certified subcontractor listed on the Preliminary Schedule of Subcontractors.
   • **Intent to Perform as a Subcontractor (Design)** must be submitted at the time of proposal submission for each certified subcontractor identified on the Preliminary Schedule of Subcontractors. Changes from the Preliminary Schedule of Subcontractors to the Final Schedule of Subcontractors may result in the submission of new Intent to Perform as a Subcontractor forms
   • **Commitment to M/WBE Participation (Construction)** must be submitted at the time of Statement of Qualifications (SOQ) submission.
   • **Compliance Plan (Construction)** a draft Compliance Plan must be submitted at the time of proposal submission. The final Compliance Plan shall be submitted after the conclusion of the solicitation process as a component of contract negotiations and award.
Good Faith Effort Documentation
If the Contractor fails to meet the M/WBE goal, this documentation must be submitted at the time of SOQ submission.

9. CONTRACT WITH THE AIRPORT
The sample contract documents and exhibits as the basis to contract for this project. Firms submitting a Statement of Qualification (SOQ) must confirm acceptance of the sample contract terms and conditions or provide itemized exceptions, clarifications or recommended modifications and what section of the document. References to previous executed contracts is not acceptable. If no exceptions, clarifications or recommended modifications are provided, the Airport will interpret that as the company’s unconditional acceptance of the sample contract and related documents/exhibits. No additional exceptions, clarifications or recommended modifications will be accepted or subject to negotiation if not included in the SOQ (Phase 1).

10. OTHER REQUESTED INFORMATION
(This information will not be included in the total page count)
Respondent should provide specific information concerning any of the following events that may have occurred in the last five (5) years. Respondent’s response should fully describe the circumstances surrounding any events described:

a. A detailed description of Respondent’s litigation history, including the identification of all legal claims, threatened litigation, demands, and lawsuits against Respondent (or any of Respondent’s team members, including its subcontractors and subconsultants, and/or any of their respective principals/officers/directors) and their resolution (including the determination of liability and amount of any judgment, settlement or fine/penalty) within the last 5 years.

b. A detailed description of all investigations, administrative actions or warnings taken, pursued or issued by any federal, state, or local governmental agency involving the Respondent (or any of Respondent’s team members, including its subcontractors and subconsultants, and/or any of their respective principals/officers/directors) and their resolution (including the determination of liability and amount of any judgment, settlement, or fine/penalty) within the last 5 years.

c. Whether Respondent has ever filed a petition in bankruptcy, taken any actions with respect to insolvency, reorganization, receivership, moratorium or assignment for the benefit of creditors, or otherwise sought relief from creditors.

d. Whether Respondent was subject of any order, judgment or decree not subsequently reversed, suspended or vacated by any court permanently enjoining Respondent from engaging in any type of business practice.

e. Whether Respondent was the subject of any civil or criminal proceeding in which there was a final adjudication adverse to Respondent which directly arose from activities conducted by Respondent which submitted a bid, proposal or qualifications statement for the subject project.
f. Whether Respondent has been debarred or suspended from the participation in any procurement conducted by any governmental entity or other legal entity engaged in competitive public procurements.

EVALUATION AND SELECTION (PHASE ONE)

Evaluation Factors for Phase One (Statements of Qualification) Submittals will be ranked on the following factors:

<table>
<thead>
<tr>
<th>Evaluation Criteria (Phase One)</th>
<th>Weighting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall Experience, Qualifications and Performance on Previous Projects in the following categories:</td>
<td>40%</td>
</tr>
<tr>
<td>Work at large major airport facilities. Work on the secured side/airside of airport terminal. Projects that have utilized innovative techniques to facilitate an efficient and safe construction process.</td>
<td></td>
</tr>
<tr>
<td>Technical qualifications and experience of key project team members</td>
<td>20%</td>
</tr>
<tr>
<td>Capability to perform as demonstrated by past project performances of similar type projects including budget, time management, and project resources.</td>
<td>15%</td>
</tr>
<tr>
<td>Current Capacity and Backlog – Demonstrate capacity (Current Company Backlog – start date, finish date)</td>
<td>5%</td>
</tr>
<tr>
<td>Knowledge of applicable rules, professional standards, applicable regulations specific to Airport facility projects. Willingness to contract based on sample contract terms, conditions, exhibits, appendix (number of edits and/or conditions proposed in the SOQ)</td>
<td>10%</td>
</tr>
<tr>
<td>Safety Program/Quality Control, including off-site procedures with Owner’s representatives and inspectors.</td>
<td>10%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

Following evaluation of Statements of Qualification (SOQ), DFW will rank and shortlist a maximum of five Respondents (Phase Two) for Request for Additional Information/Proposal and optional Interview (Phase Two).
Tab 3 – REQUEST FOR PROPOSAL (Phase 2)

Phase 2, Request for Proposal, is reserved for finalist firms that were shortlisted to submit a proposal and, if required, conduct interviews.

PHASE TWO ADDITIONAL INFORMATION SUBMISSION REQUIREMENTS

The governmental entity shall evaluate the additional information submitted by the offerors based on the selection criteria stated in the request for qualifications and the results of any interview.

The additional information DFW seeks from Respondents is described in each of the four (4) scoring categories below:

A. PROJECT NARRATIVE

Respondent should provide information related to the design and construction of the Project and address all critical items necessary to successfully deliver the project from award through completion, including the following:

1) DFW has established an estimated design-build cost of approximately $4.7 Million Dollars. Describe the feasibility of designing to budget.

2) Discuss approach to design, permitting, equipment purchasing and construction to maximize the number of UV-C equipment installations prior to commencement of the Thanksgiving blackout period on November 19, 2020 and to achieve substantial completion within 90 consecutive calendar days following receipt of notice-to-proceed.

3) Describe anticipated risks/challenges to achieving substantial completion within 90 days and recommended strategies to mitigate associated impacts.

2) Discuss staging of equipment and materials and coordination with adherence to limited work hours and ensuring completion and departure within work hours to allow airport operations to commence every day as scheduled.

3) Provide written observations, based upon previous experiences in similar projects, addressing any anticipated problems and propose solutions.

5) Describe its quality control plan for the Project and how it meets or surpasses DFW’s quality control specifications.

4) Discuss the phasing approach and anticipated coordination and detail how at no time during construction impacts to tug road and adjacent gates will affect ongoing operations.

B. INNOVATION

The current baseline schedule is 90 consecutive calendar days from receipt of notice-to-proceed to substantial completion because DFW desires to deliver this Project by mid-January 2021. The
Respondent’s schedule should detail an approach to best balance DFW’s objectives with respect to schedule, quality and cost effectiveness. This should include any alternative approaches including equipment procurement (Design Builder vs. Owner), project phasing, etc.

Respondent should provide the following information and incorporate innovative solutions where possible for each item:

1) A proposed Project schedule in updated Primavera P6.xer file, which shall be transmitted electronically in a format compatible with the current version of primavera, demonstrating a sufficient level of understanding of technical aspects of the project, material availability and lead time, and material availability and lead time, and illustrating relevant phases and critical path tasks demonstrating how of the Project and how Respondent will successfully complete each phase and task to achieve substantial completion. Provided a bulleted summary of assumptions/DFW actions with associated durations required to achieve the proposed schedule, the proposed deadline.

2) Provide detailed plan to install operational units by Thanksgiving 2020 assuming an Limited NTP of October 1, 2020. This should include how Respondent will deliver this in the proposed timeline and the number of units that are achievable within this timeline.

3) Address the various phases of design and construction and the number of days following notice-to-proceed the Project would be substantially complete. The current baseline schedule is consecutive calendar days from notice to proceed a substantial completion because the Owner desires to deliver this Project before middle of January 2021. Describe any challenges to meet the 90 days. The schedule should detail an approach to best balance and achieve DFW Airport objectives by meeting schedule, quality and cost effectiveness. This should include any alternative approaches including equipment procurement (Design Builder vs. Owner), project phasing, etc. This should include any alternative approaches including equipment procurement (Design Builder vs. Owner), project phasing, etc. This should include any alternative approaches including equipment procurement (Design Builder vs. Owner), project phasing, etc.

4) Approach using methods for schedule recovery, and its philosophy regarding establishment and use of total float on the Project to achieve the desired substantial completion date.

5) Approach to design and construction phasing needed to provide anticipated early delivery or fast-tracked design and construction packages.

6) As part of the schedule, include solution for DFW review and approval durations and milestones for those packages.

7) Design Builder to Discuss approach to measure and validate effectiveness of the indoor air quality improvements and effectiveness.
C. COSTING METHODOLOGY

1) Respondent should provide its “costing methodology,” addressing the following:
   a) policies on subcontractor markup;
   b) definition of general conditions;
   c) range of cost for general conditions;
   d) policies on design and construction contingencies;
   e) expected staffing for administrative duties.

_The term “costing methodology” does not include a guaranteed maximum price or bid for overall design or construction._

2) Respondent should provide proof of its financial ability to perform and execute the Project if selected, including proof of available bonding capacity, and audited financial statements for the past two years.

D. DIVERSITY AND INCLUSION

1) Respondent shall provide a narrative in its Additional Information document describing the following:

   a) Description of Commitment: How will the Respondent manage expectations and commitment to firms that have been identified in the Additional Information that will be utilized to fulfill Respondent’s M/WBE requirements? In addition, explain the selection of Respondent's team composition, including diversity within the team and any opportunities given to team members that may be new to Respondent's team and why they were selected.

   b) Description of Business Development, Technical Assistance, and/or Capacity Building Initiatives: Description of Respondent’s commitment to programs, assistance or support to enhance the capacity or facilitate the participation of M/WBEs, including outreach and a proposed mentoring program. —Provide examples of M/WBE participation on past/current/private/and or corporate projects to include a matrix, graphs, or charts.

   c) Private Sector Participation: Describe Respondent’s ability to demonstrate M/WBE participation on private sector work or on contracts that require no goals. How is the overall effectiveness of Respondent’s diversity and inclusion initiatives measured? Is it tied to a goal or metric? If so, what is the goal/metric and how has Respondent performed in relation to the goal historically?

   d) Assurance: What steps will Respondent take to ensure it meets the M/WBE participation goal and does Respondent have a dispute resolution/mediation plan in place for modification, elimination or termination of a M/WBE? In addition, who will oversee Respondent’s M/WBE program and at what level are they within Respondent’s organization? Also describe this
individual's commitment to M/WBE programs, assistance or support to enhance the capacity or facilitate the participation of M/WBE firms under the Agreement and any Delivery Orders issued pursuant to it. What systems does Respondent have in place to reach its M/WBE participation and is Respondent familiar with Board's B2GNOW system and, if not, what steps will Respondent take to learn the system?

e) For the M/WBE (Design) goal of 25%, provide a completed Preliminary Schedule of Subcontractors, including submitting appropriate, currently valid, Certification Certificates for all proposed MWBE firms.

f) For the MWBE (Construction) goal of 15%, provide a completed Compliance Plan.

**PHASE TWO EVALUATION CRITERIA AND PROCESS**

Following submission of the additional information requested, it may be required to interview for final selection. The additional information submitted, and subsequent interview if required, will be evaluated utilizing the following weighted evaluation criteria:

<table>
<thead>
<tr>
<th>Evaluation Criteria (Phase Two)</th>
<th>Weighting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Statement of Qualifications</td>
<td>30%</td>
</tr>
<tr>
<td>Project Narrative</td>
<td>25%</td>
</tr>
<tr>
<td>Innovation</td>
<td>20%</td>
</tr>
<tr>
<td>Costing Methodology</td>
<td>5%</td>
</tr>
<tr>
<td>Diversity and Inclusion</td>
<td>20%</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

Following evaluation of the additional information and interview (if required), DFW will rank and select the Respondent that offers the Best Value. DFW will attempt to negotiate with the selected Respondent a lump sum contract inclusive of all design services and construction work to complete the project. If DFW is unable to negotiate a contract with the selected Respondent, DFW will, formally and in writing, end negotiations with that Respondent and proceed to the next Respondent in the order of the selection ranking until a contract is reached or all submittals are rejected.

**PHASE TWO INTERVIEW FORMAT**

Following submission of the additional information requested, should DFW require to interview for final selection, the interview format and requirements are described below. Respondent may provide additional information in the interview at their discretion, provided the below requirements are also addressed.

**Media:** GoToMeeting invitation link will be sent to respondent.

**Duration:** One-hour total. Consisting of a 40 minutes presentation with 20 minutes questions and answers period. *(subject to change at DFW's discretion)*
Interview Outline:

i) Introductions

ii) Project team,

   (a) Any changes since the Qualifications Package submittal.

iii) Project approach and innovation

   (a) Describe your understanding of the overall project.
   (b) Discuss your understanding of Airport security requirements and their impact to project logistics.
   (c) Describe the overall phasing approach proposed to be followed for the project in order to fulfill operational requirements.

iv) Schedule

   (a) Design
   (b) Permit
   (c) Materials Ordering / Delivery
   (d) Construction – Identify any potential advantages or challenges presented in meeting the project schedule
   (e) Closeout

Questions and Answers

1) Has there been any changes to the Project Team since the Qualifications Package submittal and what is your approach to diversity and inclusion?

2) How do you incorporate security in your approach for the overall project?

3) What is the anticipated Design Schedule?

4) What is the anticipated date the Design will be delivered for Permit Review?

5) What materials are anticipated to be long lead items and what is the strategy to order materials including anticipated delivery time and where materials would be stored?

6) What are the potential advantages or challenges presented in meeting the project schedule or reducing adjacent operational closure duration?

Phase Two will request Additional Information Request for Proposal (RFP) to be submitted for consideration during the selection phase.

REQUEST FOR ADDITIONAL INFORMATION/PROPOSAL AND INTERVIEW (PHASE TWO)

Shortlisted Respondents will be invited to submit additional information (Request for Proposal - RFP) and may be required to interview for final selection. The additional information will be evaluated for a potential final award determination for Construction Contract Number: 9500732, INDOOR AIR QUALITY HVAC IMPROVEMENTS ULTRAVIOLET LIGHT TECHNOLOGY INSTALLATION (the “Project”). Additional information documents will be addressed to Procurement and Materials Management Department, Attention: Contract Administrator: Monica Allen at a date and time stated in the RFP, at DFW Design, Code and Construction Offices, 3303 South Service Road, DFW Airport, Texas 75261.
Respondent is not required to include architectural or engineering designs as part of the additional information. Respondent is encouraged to provide any additional information it deems relevant for consideration, including any qualifications that it believes are relevant to the Project that have not been disclosed previously. Additional information will be limited to twenty (20) pages with 10 to 12-point font. This may be submitted single or double sided, each printed side of any page will count as a numbered page. 11”x17” paper may be used for large exhibits; each printed side of an 11”x17” page will count as 2 numbered pages. Resumes and forms (including attachments to such forms prepared by Respondent) do not count toward applicable page limits.

Submit one (1) original plus one flash drive copy and five (5) exact copies on flash drive. All flash drives shall be in PDF format. Please note that the copies will be distributed to the evaluation team scoring the SOQ and any proposals, so it is important that these copies be complete to the original.

Additional information will contain the following identified tabs with the corresponding tab number and title indicated below.

1) Project Narrative
2) Innovation
3) Costing Methodology
4) Diversity and Inclusion

Respondent will not be reimbursed for costs related to the preparation of Additional Information or Interview/Presentation. DFW reserves the right to, if it chooses, to interview the Respondents.
SELECTION OF DESIGN-BUILD FIRM

(a) The governmental entity shall select the design-build firm that submits the proposal offering the best value for the governmental entity on the basis of the published selection criteria and on its ranking evaluations.

(b) The governmental entity shall first attempt to negotiate a contract with the selected firm.

(c) If the governmental entity is unable to negotiate a satisfactory contract with the selected firm, the governmental entity shall, formally and in writing, end all negotiations with that firm and proceed to negotiate with the next firm in the order of the selection ranking until a contract is reached or negotiations with all ranked firms end.
Tab 4 – PROJECT DESCRIPTION

The project will include planning, programming, design and construction of Indoor Air Quality HVAC Improvements Ultraviolet Light Technology Installation. The estimated design-build cost is at approximately $4.7 Million Dollars. This is an estimate for informational purposes only and includes but not limited to the following: All cost for all costs; all costs; design, construction, ACM, abatement, sensors calibration, testing and balancing eat then HVAC AHU only, and commissioning coordination. This is an estimate for informational purposes only. No assumptions should be made that the final amount will be at or approximate to this amount. The project will include planning, programming, design and construction of the Implementation of HVAC Improvements to purify air at Terminal Building, connectors and RCC. The design/build Contractor will provide:

- A documented engineering based conditional assessment to include inspections, discussions, and implementation of improvements in air quality.
- Professional design services to install air purification equipment ultraviolet (UV-C) with the Power supply and required interface with DFW Building Automation System (BAS).
- Perform Testing and Balancing on the HVAC equipment that will be utilizing the UV-C as means to purify air and mitigate airborne pollutants.
- Installation of air purification equipment at each air handling unit (AHU).

2. PROJECT DESCRIPTION/ SCOPE OF WORK/DESIGN CRITERIA

The Dallas/Fort Worth International Airport (DFW) is seeking for a design/build Contractor to provide:

- A documented engineering based conditional assessment to include inspections, discussions, and implementation of improvements in air quality.
- Professional design services
- Furnishing and installation of a UV-C lamp array in each AHU equal to the cooling coil face area using high intensity UV-C lamps designed and installed with a minimum of 15 to 20 lamp watts per square foot.
- Professional design, furnishing and installing the required power air purification equipment ultraviolet (UV-C) with the Power supply, associated electric circuits, rough-ins and required interface with DFW Building Automation System (BAS).
- Perform sensors calibration and Testing and Balancing on the HVAC AHU only that will be utilizing the UV-C as means to purify air and mitigate airborne pollutants.
- Installation of air purification equipment at each air handling unit (AHU).
- Furnishing and installation of a UV-C lamp array in each AHU equal to the cooling coil face area using high intensity UV-C lamps designed and installed with a minimum of 15 to 20 lamp watts per square foot.
- Equipment that will be utilizing the UV-C as means to purify air and mitigate airborne pollutants.
- Installation of all associated electric circuits and rough-ins air purification equipment at each air handling unit (AHU).
Alternate 1: contractors to provide proposal to implement BPI in addition to the UV-C air purification equipment at the prioritized AHUs identified as phase 1 below. Bi-Polar Ionization (BPI) is presently undergoing third party evaluation of the effectiveness of BPI regarding air purification.

DFW requests to include HVAC improvements at Terminal Buildings (A, B, D, E and E Satellite, 5 Terminal Connectors,) and Rental Car Center (RCC) HVAC systems. The HVAC Improvements shall be prioritized to provide the HVAC improvements first in congested areas where large congregation assemblies occur.

A) Phase 1 – Prioritization Areas, the typical spaces identified where congested areas occur include:
- Security Checkpoints
- Ticket Counters (typically adjacent to Security Checkpoints)
- Custom and Border Patrol (CBP) Hall at Terminal D

The following are estimated quantities of AHUs (5,000 cfm and greater) serving spaces identified where social distancing is difficult (Design Build contractor to verify exact quantities in coordination with DFW):

Quantity estimates. Design Build contractor to field verify exact quantities in coordination with DFW

| Terminal A: | 6 AHUs |
| Terminal B: | 6 AHUs |
| Terminal D: | 10 AHUs | (6 for serving Security Checkpoints plus and 4 AHUs for serving the INS Hall) |
| Terminal E: | 6 AHUs |
| Terminal E Satellite: | None |
| 5 Connectors: | None |
| RCC: | None |

B) Phase 2 - The other spaces where HVAC improvements are desired include but are not limited to:
- Gate Hold Rooms
- Baggage Claim Areas
- Restrooms
- Service Counter Queues
- Food Courts
- Passenger Boarding Bridges (PBBs)
- Terminal Connecting Walkways
- Airline Clubs
- Customs Areas
- Office Spaces
- Lounges/Breakrooms
- Skylink Stations and Platforms
• TSA and Baggage Handling Spaces
• Service and Support Spaces
• Locker Rooms
• Others

The following are estimated quantities of AHUs (5,000 cfm and greater) serving other identified spaces (not including Terminal Connecting Walkways and PBBs):

Quantity Estimates – {Design Build Contractor to field verify exact quantities in coordination with DFW.}

Terminal A: ______ 42 AHUs plus 8 AHUs serving Skylink Stations
Terminal B: ______ 24 AHUs plus 8 AHUs serving Skylink Stations
Terminal D: ______ 73 AHUs plus 4 AHUs serving Skylink Stations
Terminal E: ______ 24 AHUs plus 8 AHUs serving Skylink Stations
Terminal E Satellite: RCC: 6-10 AHUs
5 Connectors: (6-15) AHUs – Contractor to verify in the field
RCC: 6 AHUs
RCC: 6 AHUs

The services shall include review of the existing HVAC air handling units, review of operation and maintenance protocols, and provide recommendation for filtration and air quality improvement including design services and installation of available technologies such as UV-C. The project shall also confirm ventilation air flow rates at the HVAC systems as currently operating compared to design conditions and current ASHRAE 62.1 guidelines. The project and any coordination are to be managed by the DFW Owner Authorized Representative (OAR) and Selected Design/Build Team Project Manager.

ENGINEERING SERVICES

A. Scope

The Design/Build Team shall perform assessment, reporting tasks, and design and installation of HVAC systems at Terminals A, B, D, E, E Satellite, 5 terminal connectors and E and RCC as outlined in this scope of work. The design/build team will work with the DFW PM to coordinate and schedule all onsite field activity to determine: 1) Present condition HVAC systems to identify known or hidden deficiencies; 2) any impending failures; 3) Recommended upgrades to improve air quality to ASHRAE standards and with other standards or codes, where appropriate and 4) implementation of HVAC air quality improvements and installation of air purification equipment.

Tasks shall include but not limited to the following:

• Review DFW existing drawings, design schedules, and O&M materials and previous assessments as necessary. Review maintenance records for existing HVAC Systems.

• Conduct on-site verification of specific HVAC systems within Terminal Buildings and other spaces identified in this scope of services.
• Design-Builder to recommend technology to measure and validate effectiveness of the indoor air quality improvements and effectiveness.

• Interview DFW ETAM contract coordinators and maintenance providers regarding operations and maintenance protocols for existing HVAC equipment. The consultant shall review preventative maintenance requirements.

• Prepare a report noting present condition of HVAC Systems to identify any current condition and protocol related to operation along with any known deficiencies with descriptions and photos.

• Design/Build Team shall include review of the existing HVAC air handling units, review of operation and maintenance protocols, perform prescriptive based calculations of the installed systems, and provide recommendation for filtration and air quality improvement. The calculations will identify the required ventilation volumes for each the HVAC system in accordance with ASHRAE 62.1. Design Builder shall confirm the following:
  o Ventilation rates
  o Demand control measuring devices
  o Review Media Filtration and Maintenance Practices
  o O/A intakes

• DFW maintenance provider, under a separate contract, will perform the repair work identified during the performance of this scope.

• Conduct progress meetings related to development the project. Attend project update and coordination meetings as necessary.

• Design/Build Team shall perform measurement and verification (onsite TAB Readings) to obtain minimum and maximum ventilation rates and corresponding supply air flow readings for AHU serving areas identified in this scope of work. TAB work shall include verification that control devices are installed and operating properly, confirm accuracy and reporting to the BAS of all sensors associated with the demand control ventilation sequences at the AHU level including CO2 sensors and air flow measurement stations, verify that outside air and return air dampers are operating in appropriate balance and providing at least the minimum outside air as designed or calculated, verify proper operation of variable frequency drives serving the AHU fan, and identify the maximum amount of outside air achievable for each AHU at design conditions as limited by the capacity of the heating or cooling coils. The ability of the HVAC equipment to provide a higher space air change rate (air changes per hour) shall also be evaluated and described for implementation through a controls strategy change as necessary.

• Provide recommendations related to how the equipment is operated and associated supporting apparatuses; conduct an engineering-based assessment in accordance with appropriate standards, codes, and technical specifications with the overall major objective of implementation of HVAC improvements including the use of technologies UV-C
- Provide design services and installation of air purification technologies ultra high intensity UV-C at each AHU including electric circuits, and interface to the existing Building Automation Systems (BAS). The design and installation will also include necessary programming and graphics for adding this equipment to the BAS.

IMPLEMENTATION PLAN

- The prioritized spaces AHUs shall receive analysis, test and balance, verification and implementation of UV-C systems. An alternate bid shall be provided to implement BPI at the prioritized AHUs. Bi-Polar Ionization (BPI) is presently undergoing third party evaluation of the effectiveness of BPI regarding air purification.
- The AHUs for the other identified spaces shall receive analysis, test and balance, verification and implementation of UV-C systems.
- Additional prioritization for implementation shall be given to passenger traffic per Terminal beginning with implementation first in high occupancy areas with challenging social distancing areas, Terminal A (presently busiest), then Terminal B, then Terminal E, then Terminal D, then the RCC. Contractor to provide construction schedule and phasing plan to DFW AOR for review and approval.

OWNER FURNISHED ITEMS

1. Existing documentation (drawings, design schedules, O&M materials, and test and balance Reports) related to inventories of HVAC equipment.

2. Existing AHU / HVAC maintenance records.


The Dallas/Fort Worth International Airport (DFW) is seeking design-build services necessary to implement conditional assessment (testing and balancing), design and installation of the HVAC Improvements.

Services shall include all that are required for the complete design, installation and commissioning of HVAC improvements in operating terminals inclusive but not limited to; mechanical, electrical, HVAC, plumbing, sustainability, site conditions assessment, cost estimating, project scheduling and phasing, construction quality control and materials testing.

As part of the environmental work, the Design-Build firm will be responsible for coordinating all hazardous and environmentally harmful material testing and remediation requirements with the Airport for any environmental aspects. DFW EAD will provide ACM survey reports.

The successful Design-Build firm will be responsible for coordinating this scope of services with those of other renovation and expansion projects that may have on-going construction in areas adjacent to the portal locations.
All bidders Respondents must be fully aware that all work will be performed in a fully operational terminal. All work will be phased and performed at hours to be defined by DFW Airport, based on the flight schedule. The timing and availability of work areas will be subject to coordination with airport operations.

The Design-Build firm shall be responsible for performing full site verification of the existing spaces.

The Design-Build firm shall be responsible for coordinating with DFW Airport for a list of special procedures to be followed for the completion of construction projects at the Airport. This includes coordination of items such as:

- Construction projects at the airport will be reviewed prior to the start of work to establish the parameters within which the work can be performed.
- Construction projects within the Security Identification Display Area (SIDA)AOA require that personnel obtain and display appropriate Airport Access Identification Badges.
- Prior to the beginning of the project, the Design-Build contractor must submit a security plan that describes how the contractor intends to provide for the security of the construction site, construction staging area, and property throughout the duration of the project.
- Contractor shall comply with all scheduling requests established by OAR, both prior to commencing work and during construction. Contractor shall provide a detailed schedule of work to be performed. This schedule shall be submitted with the bid and if accepted will be used to track work status.
- Work should be scheduled not to interfere, disrupt or cease the day-to-day operations within the facility. Operations vary by area and should be given careful consideration in relation to the schedule.
- Other considerations include:
  - All workers and contractors must take their temperature at their residence. If a worker has a temperature above 99.6 degrees Fahrenheit, then they are prohibited from going to work and must remain at their residence.
  - COVID-19 safety monitor designation
  - Practice social distancing (6-foot distance)
  - Hand washing and sanitizing
- Time:
  - The project should not impact a customer or employee’s typical walk time to their destination.
  - Supplies/materials to complete the project should be readily available with minimum lead time to ensure it does not alter timeline.
• Knowledge:
  – DFW requires that changes to timeline or project execution in the location be communicated within a certain time from the changes will be enacted. This allows the Airport to partner with others to convey delays.

Additionally, the Design-Build contractor shall be responsible for coordinating the following procedures with DFW Airport to ensure that all security and access requirements are followed:

• Laydown area and general requirements for equipment access and material delivery
• Storage of materials, equipment and tools
• Employee access and vehicle parking
• Black-out dates that may impact the construction schedule. A waiver may be requested to meet the schedule deadline.
• Work that will After-hours work may be required to avoid impact the Airport and Airline operations has to be performed after hours.
• Utility impairment requirements
• Security requirements – note that during construction SIDA wall will be breached and 24-hr DPS presence will be required
• Safety requirements
• AOA access requirements

As part of the overall Quality Control program, the Design-Build Firm will engage DFW code and construction inspectors to satisfy DF compatible requirements to attend Prefab fabrication of assembly facility visits to observe and report on product quality and building code compliance before delivery of completed elements to the project site for installation. Attention needs to be focused on strategies for code compliance inspections during installation of prefabricated elements so that all required inspections can occur prior to and during installation to avoid covering of construction prior to review and approval by DFW inspectors. When considering Prefab fabrication facilities, the Design-Build Firm needs to consider facilities that are convenient for access for quality inspections by all required entities.

In appendix the bidders will find general design criteria manual and specifications for reference only.

3. DESIGN REQUIREMENTS

The Design-Build firm shall follow the milestones indicated below:

• NTP for 100% Design and Cost Estimate inclusive of agreed upon design milestones
• Submission of 100% Design and Cost Estimate
• DFW Review and Cost Validation
• Negotiate with DFW to agree on Guaranteed Maximum Price (GMP)
• Proceed with remaining design and construction. NOTE: construction can only commence after obtaining a permit. This requires a prior design submission for DFW review, followed by incorporation of comments and development of a permit design package.
The list of qualifications must include three projects that exhibit experience in the following categories:

1. Work in an active, operational airport environment:
   a. Work should include major renovation work in existing operating airport terminal facilities that are open for business in medium to large hubs, where passengers may be present, during the construction period.
   b. Work should exhibit knowledge of phasing in an active airport, maintaining the ongoing operations within a terminal facility as well as active curbside roadway. Work should also demonstrate evidence of how a positive passenger/stakeholder experience was maintained.

2. Work on the secured side/airside of airport terminal:
   a. Familiar with airport security requirements and ramp procedures
   b. Work that demonstrates understanding of airport security standards and coordination with DPS and additional DFW stakeholders.
   c. Ability to work with adjacent contractor performing construction on other projects.

Refer to DFW Specifications for more information regarding items 1 and 2 on the above list.
APPENDIX

A. Existing Conditions Report
Exhibit A: Area Site Map

Exhibit B: Existing As-Builts
https://www.dropbox.com/sh/vmev5fx6nnmu34n/AACd7ITDNvF-i6Z6WaQRWola?dl=0

Exhibit C: Test and Balance Reports
https://www.dropbox.com/sh/dxzzfh02u3ftlr/AAAD7BoHNEs5QCRE3ylZe6rfVa?dl=0

B. Basis of Design (For Reference Only)
Design Criteria Manual:

Other Resources:
https://dfwairport.com/development/index.php

C. Specifications (For Reference Only)
Latest Standard Specification Book:

D. Sample Contract and Exhibits
https://drive.google.com/drive/folders/1SDPHxekvVmfDP0HAdx_sefF9trO1dGqB?usp=sharing

E. M/WBE Special Contract Provisions
https://drive.google.com/drive/folders/1aUREm6ApzNHnlzmMp9PT4ZOSE0ulMWUw?usp=sharing
AGREEMENT made as of the 1ST day of October in the year 2020.

BETWEEN the Owner:

Dallas Fort Worth International Airport
PO Box Drawer 612008
DFW Airport, Texas 75261-2008

and the Design-Builder:
(Name, legal status, address and other information)

The Owner and Design-Builder agree as follows.

ADDITIONS AND DELETIONS:
The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An Additions and Deletions Report that notes added information as well as revisions to the standard form text is available from the author and should be reviewed.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification. Consultation with an attorney is also encouraged with respect to professional licensing requirements in the jurisdiction where the Project is located.

ELECTRONIC COPYING of any portion of this AIA® Document to another electronic file is prohibited and constitutes a violation of copyright laws as set forth in the footer of this document.
§ 1.4.10 Architect. The Architect is a person or entity providing design services for the Design-Build for all or a portion of the Work, and is lawfully licensed to practice architecture in the applicable jurisdiction. The Architect is referred to throughout the Design-Build Documents as if singular in number.

§ 1.4.11 Contractor. A Contractor is a person or entity performing all or a portion of the construction, required in connection with the Work, for the Design-Build. The Contractor shall be authorized to do business in the state where the Project is located and shall be lawfully licensed, if required in the jurisdiction where the Project is located. The Contractor is referred to throughout the Design-Build Documents as if singular in number and means a Contractor or an authorized representative of the Contractor.

§ 1.4.12 Confidential Information. Confidential Information is defined in Section 15.6.

§ 1.4.13 Contract Time. Unless otherwise provided, Contract Time is the period of time, including authorized adjustments, as set forth in the Design-Build Amendment for Substantial Completion of the Work.

§ 1.4.14 Day. The term “day” as used in the Design-Build Documents shall mean calendar day unless otherwise specifically defined.

§ 1.4.15 Contract Sum. The Contract Sum is the amount to be paid to the Design-Build for performance of the Work after execution of the Design-Build Amendment, as identified in Article A.1 of the Design-Build Amendment.

§ 1.4.16 Owner’s Allowance. The Owner’s Allowance is a sum of money set aside for the exclusive use of the Owner for costs related to the Project that the Owner solely determines should be paid using the Owner’s Allowance. The use of the Owner’s Allowance is entirely within Owner’s discretion, is intended to be used for the Owner’s changes to the Project’s scope, and, accordingly, is not intended to pay costs for which the Design-Build is responsible, e.g., Cost of the Work or the Design-Build’s Contingency. The Owner may establish one or more Owner Allowances for the Project and may include them in any Design-Build Document it deems appropriate. Where the Owner Allowance is shown in the Design-Build Amendment, it will not be part of the Stipulated Sum, the Cost of the Work, or the Guaranteed Maximum Price (or component Guaranteed Maximum Price [CGMP]). For example, a Design-Build Amendment executed by the Owner and the Design-Build for a project that contains a $300,000 Design-Build’s Contingency and a $200,000 Owner’s Allowance may be shown as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guaranteed Maximum Price</td>
<td>$11,800,000 (this includes the Design-Build’s Contingency, e.g., $300,000)</td>
</tr>
<tr>
<td>Owner’s Allowance</td>
<td>$200,000</td>
</tr>
<tr>
<td>Total Dollar Amount of Design-Build Amendment</td>
<td>$12,000,000</td>
</tr>
</tbody>
</table>

§ 1.4.17 Design-Build’s Contingency. The Design-Build’s Contingency:

.1 is an amount included in the Contract Sum that is not allocated to any item of the Cost of the Work that is established for the Design-Build’s use and may be required: (a) for costs incurred in the Work from unforeseen causes or details that should have been anticipated by the Design-Build at the time of Owner’s approval of the Contract Sum, or (b) to cover any excess of the amount bid by a Subconsultant/Subcontractor over the amount for that Work in the Contract Sum;

.2 shall be provided by the Design-Build and shall be included in the Design-Build Amendment;

.3 is specifically intended to cover contingencies that may arise because of a Design-Build Amendment provided by Design-Build and accepted by Owner when the Design-Build Documents for the applicable Work were not at 100% or address other potential contingencies described in this Section 1.4.16 even when the Contract Sum was based on 100% Construction Documents;

.4 is intended to fund increases in the Cost of the Work (and no other elements of compensation under the Design-Build Documents) identified through the refinement, development and completion of the applicable Construction Documents or procurement of the applicable Work;

.5 will be negotiated between the parties and must reflect the risk inherent in the state of completion of the applicable Construction Documents at the time the Design-Build’s Proposal is submitted;

.6 is specifically not to be used for Design-Build/Architect/Consultant/Contractor rework, cost
increases caused by lack of coordination or communication with the Owner, to correct errors or omissions in the Design-Build Documents, any breach or failure to perform by Design-Build/Architect/Consultant/Contractor, or similar matters;

shall not exceed, in the aggregate, the total of the Design-Builder’s Contingency component of the Contract Sum.

The Design-Build must maintain detailed documentation concerning its use of contingency monies and must track that use accordingly to line items in the Cost of the Work to which contingency monies were transferred. The Owner may, at any time, request access to the Design-Builder’s contingency file/records to determine if the Design-Build has been using contingency monies appropriately under the Design-Build Documents. If the Owner determines that contingency monies have been misused, it will be entitled to deduct them from future progress payments, redeposit them into the applicable contingency or transfer them to any Owner Allowance.

ARTICLE 2 COMPENSATION AND PROGRESS PAYMENTS

§ 2.1 Compensation for Work Performed Prior To Execution of Design-Build Amendment

§ 2.1.1 Unless otherwise agreed, payments for Work performed prior to Execution of the Design-Build Amendment shall be made monthly. For the Design-Builders’ performance of Work prior to the execution of the Design-Build Amendment, the owner shall compensate the Design-Builders as follows:

(Insert amount of, or basis for, compensation, including compensation for any Sustainability Services, or indicate the exhibit in which the information is provided. If there will be a limit on the total amount of compensation for Work performed prior to the execution of the Design-Build Amendment, state the amount of the limit.)

« Refer to Exhibit _ »

§ 2.1.2 Unless a shorter time period is provided for in this Agreement, the Design-Builders shall pay all Contractors, Consultants, and similar persons no later than the period provided by the Texas Prompt Pay Act (Texas Government Code Chapter 2251).

§ 2.1.3 Reserved

§ 2.1.4 Payments to the Design-Builders Prior To Execution of Design-Build Amendment

§ 2.1.4.1 Payments for undisputed amounts are due and payable within forty-five (45) days of the owner’s receipt of the Design-Builders’ invoice that is submitted in accordance with the Contract and any other written instructions given to Design-Builders by Owner prior to submission of such invoice. Amounts unpaid forty-six (46) days after the Owner’s receipt of the invoice shall bear interest at the rate set forth in Texas Government Code § 2251.025.

§ 2.1.4.2 Records of Reimbursable Expenses and services performed on the basis of hourly rates shall be available to the Owner on request for a period of four years following the date of final payment by the Owner to the Design-Builders.

§ 2.2 Contract Sum and Payment for Work Performed After Execution of Design-Build Amendment

For the Design-Builders’ proper performance of the Work in accordance with the Contract after execution of the Design-Build Amendment, the Owner shall pay to the Design-Builders the Contract Sum in current funds as agreed in the Design-Build Amendment.

ARTICLE 3 GENERAL REQUIREMENTS OF THE WORK OF THE DESIGN-BUILD CONTRACT

§ 3.1 General

§ 3.1.1 The Design-Builders shall comply with any applicable licensing requirements in the jurisdiction where the Project is located.

§ 3.1.2 The Design-Builders shall designate in writing a representative who is authorized to act on the Design-Builders’ behalf with respect to the Project.

§ 3.1.2.1 Quality Management. The Design-Builders shall employ a full time Supervisor of Quality Management. The Owner may require that this function shall have no other responsibility than Quality Management. Personnel assigned to this task must be experienced and reliable. The Design-Builders shall provide the Owner with a description of the proposed qualification of the proposed Supervisor of Quality Management.
If at any time the Design-Builders estimate of the Cost of the Work exceeds the Owners budget for the Cost of the Work, the Design-Builders shall make appropriate recommendations to the Owner to adjust the Projects size, quality, or budget for the Cost of the Work.

§ 4.2.3 The Owner shall review the Design-Builders written report and, if acceptable, provide the Design-Builders with written consent to proceed to the development of the Preliminary Design as described in Section 4.3. The consent to proceed shall not be understood to modify the Owners Criteria unless the Owner and Design-Builders execute a Modification.

§ 4.3 Preliminary Design

§ 4.3.1 Upon the Owners issuance of a written consent to proceed under Section 4.2.3, the Design-Builders shall prepare and submit a (3 sets, one copy on the Owners requested electronic media) Preliminary Design to the Owner. The Preliminary Design shall include a report identifying any deviations from the Owners Criteria, and shall include the following:

1. Confirmation of the allocations of program functions;
2. Site plan for use in TDLR/TAS review.
3. Building plans, sections and elevations;
4. Structural system;
5. Selections of major building systems, including but not limited to mechanical, electrical and plumbing systems (including fire protection);
6. Outline specifications or sufficient drawing notes describing construction materials;
7. An updated cost estimate; and
8. Any other documents necessary to define and fix the quality, quantity, size, cost, and intent of the Project.

The Preliminary Design may include some combination of physical study models, perspective sketches, or digital modeling.

If at any time the Design-Builders estimate of the Cost of the Work exceeds the Owners budget for the Cost of the Work, the Design-Builders shall make appropriate recommendations to the Owner to adjust the Projects size, quality, or budget for the Cost of the Work.

§ 4.3.2 The Owner shall review the Preliminary Design and, if acceptable, provide the Design-Builders with written consent to proceed to development of the Design-Builders Proposal. The Preliminary Design shall not modify the Owners Criteria unless the Owner and Design-Builders execute a Modification.

§ 4.4 Design-Builders Proposal

§ 4.4.1 Upon the Owners issuance of a written consent to proceed under Section 4.3.2, the Design-Builders shall prepare and submit the Design-Builders Proposal to the Owner. The Design-Builders Proposal shall include the following:

1. A list of the Preliminary Design documents, an updated cost estimate, and other information, including the Design-Builders clarifications, assumptions and deviations from the Owners Criteria, upon which the Design-Builders Proposal is based;
2. The proposed Contract Sum, including the compensation method and, if based upon the Stipulated Sum, a written statement of estimated cost organized by trade categories, allowances, contingencies (including the Design-Builders Contingency), Design-Builders Fee, and other items that comprise the Contract Sum;
3. The proposed date the Design-Builders shall achieve Substantial Completion;
4. An enumeration of any qualifications and exclusions, if applicable;
5. A list of the Design-Builders key personnel, Contractors and suppliers; and
6. The date on which the Design-Builders Proposal expires.

§ 4.4.2 Submission of the Design-Builders Proposal shall constitute a representation by the Design-Builders that it has carefully examined all information provided by the Owner or any other person in connection with the Project, visited the site and become familiar with local conditions under which the Work is to be completed and correlated personal observations with the requirements of the Design-Build Documents, and informed itself of all matters that may affect the Work. The proposed Contract Sum shall not exceed the Owners budget limitations unless agreed