

REQUEST FOR QUALIFICATIONS FOR  
**PROFESSIONAL OR CONSULTING SERVICES FOR CONCEPTUAL MASTER  
PLANNING FOR DEVELOPMENT OF  
THE BRACKENRIDGE TRACT**

**for the Board of Regents of The University of Texas System**

**RFQ No. REO 02-05-2008 BOR**

**RESPONSES TO THIS RFQ ARE DUE BY 5:00 P.M. CENTRAL TIME  
February 5, 2008**

**Pre-submittal conference and guided tour of the Brackenridge Tract  
will be held January 15, 2008, at 10:00 a.m. Central Time**



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The Board of Regents of The University of Texas System invites submission of qualifications for comprehensive planning services related to the development of *Conceptual Master Plans for Development of the Brackenridge Tract* in Austin, Texas

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## **SECTION 1 – INTRODUCTION AND OVERVIEW**

1.1 **PURPOSE:** The Board of Regents of The University of Texas System (“Owner”) is seeking statements of qualifications (“Qualifications”) for selection of a master planner for the creation of a minimum of two conceptual master plans for the development of approximately 346-acres along Lady Bird Lake in Austin, Texas. The Owner hopes to attract consideration of this request for qualifications by nationally recognized planners who also possess outstanding communication skills and who are sensitive to and understand the challenges confronting public universities. The Owner’s ultimate goal is the development of conceptual master plans for the Brackenridge Tract that present world class planning visions for the tract and that establish The University of Texas at Austin (the “University”) and the City of Austin as leaders in the strategic use of a university asset. The Owner has no pre-identified uses of the Brackenridge Tract, although the tract presents some development challenges, which will be more fully discussed elsewhere in this request.

1.1.1 The Board of Regents of The University of Texas System, for the use and benefit of The University of Texas at Austin, is responsible for the stewardship of approximately 345 acres in Austin, Travis County, Texas, fronting on either side of Lake Austin Boulevard, with frontage of approximately 156 acres on Lady Bird Lake. The property is the remainder of a larger tract that was given as a gift to benefit the educational mission of The University of Texas at Austin by Colonel George Brackenridge in 1910. To be included with the 345 acres in the master planning process are two additional contiguous tracts held by the Owner for the benefit of the University that were not a part of Colonel Brackenridge’s gift and that total approximately 1.265 acres (for ease of reference, all of these properties are referred to as the “tract” or the “Brackenridge Tract” in this RFQ).

1.1.2 The Brackenridge Tract Task Force, appointed by Chairman James Huffines on behalf of the Board of Regents, recommended in its October 2007 report that the Owner engage a qualified firm to prepare a comprehensive analysis of the Brackenridge Tract resulting in conceptual master planning documents that identify the possibilities and constraints of the tract and that can serve as a guide for the near term and long term use of the tract. Consequently, the Owner is issuing this Request for Qualifications for a qualified firm to undertake the analysis and prepare a minimum of two conceptual master plans for development of the Brackenridge Tract. A copy of the Task Force report is attached as Attachment 7.1. A map of the tract is attached as Attachment 7.2.

1.1.3 The Owner seeks Qualifications from firms that have completed master plans for developments of comparable size and complexity and with comparable characteristics.

1.2 **NECESSITY OF CONSULTING SERVICES:** Mark G. Yudof, Chancellor of The University of Texas System, has determined that it is necessary to engage outside consulting services in order to implement the recommendation of the Brackenridge Tract Task Force and to carry out the decision of the Owner to conduct a

comprehensive analysis of potential development options for the Brackenridge Tract. These consulting services are necessary because there is a substantial need for specialized land planning and development expertise and The University of Texas System cannot adequately perform the services with its own personnel or obtain the consulting services through a contract with a state government entity.

1.3 REQUEST FOR QUALIFICATIONS PROCESS: This Request for Qualifications (“RFQ”) is the first step in a two-step process for selecting a master planner. Interested respondents will prepare and submit Qualifications in accordance with the RFQ requirements for consideration and initial ranking by the Owner. Based on a review and evaluation of all properly submitted responses (see Section 5.8), the Owner may select up to three (3) of the respondents to attend interviews with the Owner in the second step of the process to confirm the Qualifications submittal and answer additional questions. The Owner will then rank the remaining respondents in order to determine a most qualified respondent.

1.4 OBJECTIVES IN SEEKING CONCEPTUAL MASTER PLANS: In pursuing the development of conceptual master plans, the Owner has the following objectives:

1.4.1 The Owner seeks to meet its fiduciary and legal obligations under the terms of the gift deed from Colonel Brackenridge: to use the tract in the best interests and for the maximum benefit of the University. The Task Force observed that “the pressing financial needs of [the University] . . . , the increases in population and changes in land use in the City, and the tremendous increase in the value of the land compel a new vision for the tract that will provide greater financial benefits to [the University] in support of its educational mission.”

1.4.2 Because of the perpetual nature of the University, truly long term future needs cannot be determined. Consequently, the Owner seeks to achieve redevelopment of the tract in a manner that will not require the Owner to sell portions of the tract, absent a compelling reason to do so.

1.4.3 The Owner intends for the master planning process to provide opportunities for members of the University community, members of the Austin community, neighborhood, civic and governmental leaders, other stakeholders, and the general public to give input with respect to development options and strategies for the tract.

1.5 CURRENT USES OF THE BRACKENRIDGE TRACT

1.5.1 There are currently a mixture of uses on the tract, encompassing University uses, commercial and retail uses, governmental uses, and civic and recreational uses. Those uses are more specifically described below and are reflected on the attached map:

### University Uses

- Brackenridge Apartments: 315 University-owned student apartments on 53.28 acres
- Colorado Apartments: 200 University-owned student apartments on 20.96 acres
- Brackenridge Field Laboratory: University field research laboratory on 81.97 acres
- The University of Texas at Austin Rowing Center: Home to the University's women's rowing team; located on the east side of the Colorado Apartments site
- Lake Austin Centre: a multi-story office building and parking facility on 1.11 acres used for various University purposes

### Commercial and Retail Uses

- 7-Eleven, Inc. – Ground lease for a convenience store on 0.558 of an acre; latest lease expiration date: 2013
- CVS Pharmacy, Inc. – Ground lease for pharmacy on 1.936 acres; latest lease expiration date: 2036
- Gables NW Texas LP – Multi-family residential rental project on a ground lease of 12 acres; latest lease expiration date: 2044
- Heidi's German Bakery Pastry Shop, Etc., Inc. – Lease of delicatessen and bakery on 0.154 acre; latest lease expiration date: 2011
- Oyster Boat Town Landing, Ltd. – Mixed-use restaurant and retail development on ground lease of 2.58 acres; latest lease expiration date: 2032
- Safeway, Inc. – Ground lease for grocery store on 2.64 acres; latest lease expiration date: 2016

### Governmental Uses

- Lower Colorado River Authority – Ground lease for headquarters and parking facility for state entity on 13.21 acres; latest lease expiration date: 2056

### Civic and Recreational Uses

- City of Austin – Ground lease to the city for a public golf course on 141.38 acres; primary term expires in 2019; lease expiration date is coterminous with expiration of Brackenridge Development Agreement (described in the following section)
- West Austin Youth Association – Ground lease to a youth sports association for sports and related facilities on 14.57 acres; primary term expires in 2019; lease expiration date is coterminous with expiration of Brackenridge Development Agreement

1.6 CURRENT DEVELOPMENT REGULATIONS: The Brackenridge Development Agreement (“BDA”) is an intergovernmental agreement entered into between the City of Austin and the Board of Regents of The University of Texas System on May 25, 1989. It is recorded in Volume 10968, Pages 0386 through 0562-B of the Real Property Records of Travis County, Texas. The BDA establishes development

regulations for the *non-university development* of portions of the Brackenridge Tract, as described below. The regulations are in lieu of the City of Austin's Land Development Code and are in effect for an initial 30-year term that expires in May 2019. The BDA also provides for three five-year extensions of the term, but either party may terminate the agreement at the end of the initial term or any extension term by giving notice as specified in the agreement.

- 1.6.1 The BDA establishes height restrictions, use restrictions, floor to area ratios, pervious and impervious cover requirements, mechanisms for reviewing site plans and construction plans, mechanisms for the provision of utility services to the parcels, and a variety of other matters pertaining to the non-university development of parcels of land that are subject to the BDA. The Executive Summary (included as Attachment 7.3) provides a synopsis of the development regulations.

The BDA governs non-university development of approximately 279 acres out of the original 503 acres gifted by Colonel Brackenridge. The 279 acres consist of several parcels, which are referred to in the BDA (and depicted on the attached map) as:

- Boat Town Tract – 2.58 acres (leased to Oyster Boat Town Landing, Ltd. as noted above)
- Deep Eddy Tract – 14.49 acres (leased to 7-Eleven, Inc., CVS Pharmacy, Inc., and Gables NW Texas LP as noted above)
- Park Street Tract – 13.21 acres (leased to Lower Colorado River Authority as noted above)
- Safeway Tract – 2.64 acres (leased to Safeway, Inc. as noted above)
- Stratford Tract – 88.604 acres (sold for residential development and not a part of the remaining 345 acres)
- Town Lake Tract – 156.21 acres (uses are summarized in the following paragraph)

The Town Lake Tract consists of three contiguous subparts that front on Lady Bird Lake: (1) the Brackenridge Apartments site (53 acres), which is closest to Red Bud Trail; (2) the Brackenridge Field Laboratory site (82 acres), which is the middle parcel; and (3) the Colorado Apartments site (21 acres), which is the parcel closest to Loop 1. Under the BDA, the Colorado Apartments site became eligible for non-university development in 1999, the Brackenridge Apartments site becomes eligible for non-university development in 2009, and the Brackenridge Field Laboratory site is not to be developed for non-university purposes while the BDA is in effect. All three parcels are currently used by the University for its purposes.

The BDA does not govern development of the Brackenridge Tract for University purposes, nor does it address development of the 141 acres leased to the City of Austin for a golf course or the 14 acres leased to the West Austin Youth

Association for youth sports activities. Both leases are coextensive with the term of the BDA.

## 1.7 PHYSICAL CHARACTERISTICS OF THE BRACKENRIDGE TRACT

- 1.7.1 A portion of the tract is subject to the “Capitol view corridor” requirements established by Chapter 3151 of the *Texas Government Code*. The Red Bud Trail Corridor described in *Texas Government Code* § 3151.002(19) cuts across the tract, as shown on the Capitol view corridors map attached as Attachment 7.4. The Capitol view corridor requirements contain a formula that restricts heights of buildings within the identified corridor so that the buildings do not obstruct views of the Texas State Capitol Building.
- 1.7.2 The following is the current status of major utilities for the site:
- Wastewater - 24” and 15” concrete wastewater lines on the southwest edge of tract;
  - Water - 8” cast iron line on northeast edge of tract;
  - Electricity - 138 KV on northeast edge of tract. A substation is located south of Lady Bird Lake; and
  - Storm sewer – The Brackenridge Tract slopes briskly southwest towards Lady Bird Lake and there are therefore no significant storm sewer lines in existence. There is a very short section of curb and gutter along Lake Austin Boulevard, which drains to an open channel ditch alongside the boulevard.
- 1.7.3 The boundary line of the portion of the tract with frontage along Lady Bird Lake is the water line, as it changes from time to time. Portions of the tract are likely within the 100-year flood plain, but no current survey of the tract exists.

## **SECTION 2 – SCOPE OF WORK**

- 2.1 **COMPREHENSIVE SERVICES:** The conceptual master plans for development of the Brackenridge Tract must be integrated planning documents that consider building sites, streets, parking and land uses; utility infrastructure and capacity; transportation within the tract and between the tract, the surrounding neighborhood, and arterials; recreational and open space, community services, and landscaping; way-finding/graphics; design guidelines, including building heights; compatibility with surrounding neighborhoods; sustainability and stewardship of resources; environmental and endangered species issues; and other relevant components. The focus of the conceptual plans should be the strategic use of the Brackenridge Tract to support the educational mission of the University. Specific tasks that are a part of the scope of work include, but are not limited to, the following:
- 2.2 **SITE ANALYSES:** The site analyses should result in a report of the most pressing issues and constraints that may affect redevelopment. Work to be undertaken in the site analyses include:

- 2.2.1 Inventory existing Brackenridge Tract facilities and building sites and analyze their use and potential for redevelopment. Develop appropriate graphical and tabular summaries of inventory data.
- 2.2.2 Inventory existing streets; parking; utility infrastructure, capacity, and extension of services; environmental characteristics; topography; and flood plain. Analyze their impact on future development of the tract. Obtain a traffic impact analysis covering the appropriate geographic area beyond the tract, as determined by the master planner and the traffic engineer. Obtain a survey of the tract by a qualified surveyor. Develop appropriate graphical and tabular summaries of data and analyses.
- 2.2.3 Analyze characteristics of the surrounding neighborhoods and identify a reasonable scale for development immediately adjacent to residential neighborhoods.
- 2.2.4 Consider the extent and the most beneficial type(s) of recreational, community, and open space for inclusion in the redevelopment of the tract.
- 2.2.5 Identify and analyze academic, social, community, and other impacts of development of the Brackenridge Tract that should be considered and addressed in the development of conceptual master plans for the tract.

2.3 THE UNIVERSITY OF TEXAS AT AUSTIN COLLABORATIVE PLANNING AND ANALYSES: As noted above, there are existing University uses on portions of the tract. Issues pertaining to these existing uses must be addressed as a part of the master planning process. The University uses of the Brackenridge Tract will require that the master planner work directly with the University to undertake joint analyses as the planning process moves forward:

- 2.3.1 In collaboration with the University, document current demands placed upon existing graduate student housing facilities on the tract, forecast future growth and space needs through 2030, and analyze and evaluate the current location and acreage of the student housing on the tract and its impact on and role in redevelopment of the tract. If appropriate, based on strategic decisions by the University and the Owner, evaluate incorporation of new student housing in the redevelopment of the tract, price alternative sites, estimate construction costs, and identify and estimate other costs attendant to student housing in the redevelopment of the tract.
- 2.3.2 In collaboration with the University, analyze and evaluate the current location and acreage of the Brackenridge Field Laboratory and its impact on or role in redevelopment of the tract. If appropriate, based on strategic decisions by the University and the Owner, evaluate a reconfiguration of the field laboratory in the redevelopment of the tract, price alternative sites, estimate construction costs, and identify and estimate other costs attendant to the field laboratory in the redevelopment of the tract.

## 2.4 REGULATORY ANALYSES

- 2.4.1 Identify all land use, planning, development, and environmental laws and regulations that will affect how the tract can be developed, including the Central West Austin Neighborhood Plan and other neighborhood planning documents; zoning, subdivision, site plan, tree protection, water quality, and sediment and erosion control regulations; and state laws that will impact or be relevant to the Owner's ability to redevelop the tract. Prepare a report that summarizes those laws and regulations, highlights the most significant constraints in complying with the laws and regulations, and identifies options for compliance.
- 2.4.2 Compare City of Austin development regulations to the development regulations in the Brackenridge Development Agreement. Evaluate whether the development and implementation of a comprehensive set of new development standards would better enable innovation in redevelopment of the site as a key urban infill site. As noted above, the Brackenridge Development Agreement governs non-University development of portions of the tract. The Task Force recognized that the agreement will have an impact on near term development of the tract, but observed that the master planner should be allowed to propose future planning visions for the tract that are not restricted by the BDA.
- 2.4.3 Develop a schedule of regulatory approvals that will be required for redevelopment of the tract and an estimated, realistic timeline for obtaining those approvals.

## 2.5 FINANCIAL AND MARKET ANALYSES

- 2.5.1 Explore, analyze and recommend future development options for the Brackenridge Tract that will maximize income from the redevelopment of the Brackenridge Tract, using sound planning principles, to support the educational mission of the University while contributing positively to the community.
- 2.5.2 With respect to possible residential uses on the tract, explore, analyze and recommend whether and how different price levels could be accommodated on the tract while supporting the educational mission of the University.
- 2.5.3 Conduct a market analysis to identify trends that will have the most significant impact on the redevelopment of the tract. If focus groups are necessary to test the marketability of potential uses, organize and conduct such meetings.
- 2.5.4 Prepare an absorption forecast that identifies the absorption potential for the proposed uses.
- 2.5.5 Prepare a cost analysis, to include estimated expenses that would be incurred in the removal or relocation of existing uses and in the development of needed infrastructure and transportation/mobility enhancements, both on-site and off-site,

and the income ranges that the Owner could reasonably expect from the tract's redevelopment.

- 2.5.6 Identify sources of federal, state and local funding options for site development costs.

## 2.6 STAKEHOLDER INPUT AND COMMUNICATION

- 2.6.1 Plan, schedule, and conduct (1) opportunities for input by members of the University community, members of the Austin community, neighborhood, civic and governmental leaders, other stakeholders, and the general public into planning and design, including, but not limited to, a minimum of two charrette workshops to stimulate ideas and involve interested individuals in the planning process, (2) public outreach and education about the importance of redevelopment of the site, and (3) consultation with local and state decision makers. The master planner will be responsible for organizing, advertising, attending and leading all meetings and workshops and for keeping the Owner advised of all planned events and communications.

## 2.7 CONCEPT PLANS

- 2.7.1 The master planner shall meet regularly with the Owner or the Owner's representatives and provide regular written reports to update the Owner on the status of the project.
- 2.7.2 Based on the foregoing analyses, collaborative planning, and gathering of data and input, prepare, document, and, within approximately 12 months after the contract is issued, present to the Owner a minimum of two concept plans for redevelopment of the Brackenridge Tract that comprehensively address the issues and topics identified in Sections 2.1 through 2.6.
- 2.7.3 The concept plans should address redevelopment of the entire tract, but allow for redevelopment of discrete parcels, since development may occur over an extended period of time. Because of the long term nature of the redevelopment, the concept plans should provide flexibility in type, timing, and intensity of development.
- 2.7.4 Key elements of the plans should include the following:
- Detailed site plans with options, as appropriate
  - Land use types: residential, commercial, and recreational/community/open space
  - Compatibility or buffering with surrounding neighborhoods
  - Appropriate use, preservation and enhancement of environmental features
  - Circulation and parking plan
  - Transportation/mobility plan off-site and on-site based on the traffic impact analysis

- Utilities infrastructure plan
- Projected building massing plan
- Design guidelines that recognize the long-term nature of the redevelopment (note, however, that the Owner is not seeking the actual design of buildings on the tract)

## 2.8 EVALUATION AND IMPLEMENTATION

- 2.8.1 Propose an evaluation process that enables the Owner to formally assess the strengths and weaknesses of the various concept plans.
- 2.8.2 Once one or more concept plans have been approved by the Owner, prepare public information and education materials summarizing the plan(s) to share with the general public and prepare a summary with graphics that can be shared with the development community as the redevelopment project moves to the next phase.
- 2.8.3 Provide a schedule of the steps required to implement the selected conceptual master plan(s), including a timeline.

## **SECTION 3 – REQUIREMENTS FOR STATEMENT OF QUALIFICATIONS**

Respondents shall carefully read the information contained in the following sections and submit a complete statement of Qualifications that is responsive to all items in this Section 3, formatted as directed in Section 4. Incomplete Qualifications will be considered non-responsive and subject to rejection.

### 3.1 RESPONDENT’S STATEMENT OF QUALIFICATIONS AND AVAILABILITY TO UNDERTAKE THE PROJECT: (please limit statements to a maximum of two (2) printed pages per question)

- 3.1.1 Provide a statement of interest in the project, including a narrative identifying the proposed project team and describing the Respondent’s and the project team’s unique qualifications for this project. Identify the key team members for the project and demonstrate that the team members possess all of the skills needed for the complete scope of work. Team members should include, at a minimum, expertise in land planning, landscape architecture, civil engineering, traffic engineering, and market and financial analysis.
- 3.1.2 Provide a statement on the availability and commitment of the Respondent, its principal(s), assigned professionals, consultants, and subcontractors to undertake the project.
- 3.1.3 Provide a project organization chart, identifying the key personnel and their professional designations of Respondent and of all consultants and subcontractors proposed for the project.

- 3.1.4 Provide a statement describing the project team's knowledge and experience with the City of Austin Land Development Code and regulations, Texas land use laws, and other applicable laws relevant to the Owner's analysis and decisions.

### 3.2 RESPONDENT'S ABILITY TO PROVIDE SERVICES

- 3.2.1 Provide the following information for the Respondent's firm:

- Legal name of the company
- Address of the office that will be providing services
- Firm history
- Type of entity (individual, partnership, corporation, joint venture, etc.)
- Firm size (professionals by discipline)

- 3.2.2 Provide financial information to substantiate the firm's financial stability.

- 3.2.3 If the Respondent is currently for sale or involved in any transaction to expand or to become acquired by another business entity, explain the impact both in organizational and directional terms.

- 3.2.4 Provide details of all past or pending litigation or claims filed against the Respondent that would affect its performance under a contract with the Owner.

### 3.3 PROJECT TEAM'S ABILITY TO PROVIDE MASTER PLANNING SERVICES

- 3.3.1 Describe, in graphic and written form, the proposed project assignments for principals and key professional members of Respondent and each consultant or subcontractor that will be involved in the project. Indicate the estimated percent of time these individuals will be involved in the project.

- 3.3.2 Provide resumes giving the experience and expertise of the professional members of Respondent and each consultant or subcontractor that will be involved in the project, including their experience with similar projects, the number of years with the firm, and their city of residence.

- 3.3.3 Clearly identify the members of the proposed team who worked on the listed projects in Section 3.4, and describe their roles in those projects.

- 3.3.4 Describe the basis for the selection of the proposed consultants or subcontractors and the role each will play in this project.

### 3.4 RESPONDENT'S PERFORMANCE ON PRIOR COMPARABLE PROJECTS

- 3.4.1 List a maximum of five (5) projects for which Respondent has provided services that are most comparable to this project. List the projects in order of priority, with non-university development projects for public institutions of higher education

and projects for the successful development of publicly-owned land listed first. Provide the following information for each project listed:

- Project name, location, and description
- Samples or narrative description of communications with stakeholders in the course of the project
- Color images (photographic or machine reproductions) or other graphic material depicting the work
- Project size in gross square feet
- Total duration of project (specify whether the planning services have been completed and whether the plan has been implemented)
- Description of professional services Respondent provided for the project
- Name of individual responsible for the overall project
- Consultants and subcontractors

References: for each project listed above, identify the following:

- The owner's name and representative who served as the day-to-day liaison for the project, including telephone number
- Length of business relationship with the owner

The Owner may contact references during any part of this process.

3.4.2 Identify a maximum of three (3) completed projects, of any type, for which Respondent received an award for design excellence from a recognized organization and provide descriptive information for each.

### 3.5 RESPONDENT'S GENERAL APPROACH TO DEVELOPMENT OF MASTER PLANS

3.5.1 Provide a list of the most pertinent considerations and challenges that must be addressed in developing conceptual master plans for redevelopment of the Brackenridge Tract.

3.5.2 Provide a schedule for the approximately 12-month project that gives anticipated completion dates for the most significant project tasks. Written progress reports will be required on a monthly basis.

3.5.3 Provide a statement of the process for obtaining input from all of the various stakeholder groups and for disseminating information concerning development of the conceptual master plans to enhance a positive environment conducive to achievement of the Owner's objectives.

3.5.4 Provide a statement of projected deliverables: reports, executive summaries, models, traditional graphics, computer-generated graphics, data collected, etc. All

reports shall be delivered in camera ready hard copy form and on computer disk in agreed upon formats.

- 3.5.5 Provide a detailed list of all reimbursable services/expenses that Respondent will request from Owner on this project.
- 3.5.6 Identify any terms of the attached Agreement for Master Planning Services (see Attachment 7.5) that Respondent will require to be changed prior to signing it.

### 3.6 EXECUTION OF OFFER

- 3.6.1 NOTE TO RESPONDENTS: **SUBMIT THIS ENTIRE SECTION 3.6 WITH RESPONSE.**
- 3.6.2 This Execution of Offer must be completed, signed, and returned with the Respondent's submittal. **Failure to complete, sign and return this Execution of Offer may result in rejection of Respondent's submittal.**
- 3.6.3 Signing a false statement may void the submitted qualifications or any agreements or other contractual arrangements that may result from the submission of Respondent's Qualifications, and the Respondent may be removed from all proposer lists. **A false certification shall be deemed a material breach of contract and, at Owner's option, may result in termination of any resulting contract.**
- 3.6.4 By signature hereon, Respondent acknowledges and agrees that: (1) this RFQ is a solicitation for Qualifications and is not a contract or an offer to contract; (2) the submission of Qualifications by Respondent in response to this RFQ will not create a contract between the Owner and Respondent; (3) the Owner has made no representation or warranty, written or oral, that one or more contracts with the Owner will be awarded under this RFQ; and (4) Respondent shall bear, as its sole risk and responsibility, any cost that arises from Respondent's preparation of a response to or participation in this RFQ.
- 3.6.5 By signature hereon, Respondent offers and agrees to furnish to the Owner the services described in this RFQ and its Qualifications, and to comply with all terms, conditions and requirements set forth in the RFQ documents.
- 3.6.6 By signature hereon, Respondent affirms that it has not given, nor intends to give at any time hereafter, any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor or service to a public servant in connection with the submitted Qualifications.
- 3.6.7 By signature hereon, a corporate Respondent certifies that it is not currently delinquent in the payment of any franchise taxes due under Chapter 171, *Texas Tax Code*, or that the corporate Respondent is exempt from the payment of such taxes, or that the corporate Respondent is an out-of-state corporation that is not subject to the Texas franchise tax, whichever is applicable. Respondent agrees that each subcontractor under contract will also provide a certification of franchise tax status.
- 3.6.8 By signature hereon, Respondent hereby certifies that neither the Respondent nor the firm, corporation, partnership or owner represented by the Respondent, or anyone acting for such firm, corporation, or institution, has violated the antitrust laws of this state, codified in Section 15.01, et seq., *Texas Business and*

*Commerce Code*, or the Federal antitrust laws, nor communicated directly or indirectly the Qualifications to any competitor or any other person engaged in such line of business.

3.6.9 By signature hereon, Respondent represents and warrants that:

3.6.9.1 Respondent is a reputable company regularly engaged in providing services necessary to meet the terms, conditions and requirements of the RFQ;

3.6.9.2 Respondent has the necessary experience, knowledge, abilities, skills, and resources to satisfactorily perform the terms, conditions and requirements of the RFQ;

3.6.9.3 Respondent is aware of, is fully informed about, and is in full compliance with all applicable federal, state and local laws, rules, regulations and ordinances;

3.6.9.4 Respondent understands (i) the requirements and specifications set forth in this RFQ and (ii) the terms and conditions set forth in the contract under which Respondent will be required to operate;

3.6.9.5 Respondent, if selected by Owner, will maintain insurance as required by the Agreement for Master Planning Services;

3.6.9.6 All statements, information and representations prepared and submitted in response to this RFQ are current, complete, true and accurate. Respondent acknowledges that Owner will rely on such statements, information and representations in selecting the successful Respondent. If selected by Owner as the successful respondent, Respondent will notify Owner immediately of any material change in any matters with regard to which Respondent has made a statement or representation or provided information.

3.6.10 By signature hereon, Respondent certifies that the individual signing this document and the documents made part of the RFQ is authorized to sign such documents on behalf of the company and to bind the company under any agreements or other contractual arrangements that may result from the submission of Respondent's Qualifications.

3.6.11 By signature hereon, Respondent certifies that if a Texas address is shown as the address of the Respondent, Respondent qualifies as a Texas Resident Respondent as defined in 1 *Texas Administrative Code* § 111.2.

3.6.12 By signature hereon, Respondent certifies as follows:

3.6.12.1 "Under Section 231.006, *Texas Family Code*, the vendor or applicant certifies that the individual or business entity named in this contract, bid, or application is not ineligible to receive the specified grant, loan, or payment and

acknowledges that the contract may be terminated and payment may be withheld if this certification is inaccurate.”

- 3.6.12.2 “Under Section 2155.004, *Texas Government Code*, the vendor or applicant certifies that the individual or business entity named in this bid or contract is not ineligible to receive the specified contract and acknowledges that this bid or contract may be terminated and payment withheld if this certification is inaccurate.”
- 3.6.12.3 “Under Section 2254.004, *Texas Government Code*, the vendor or applicant certifies that each individual or business entity that is an engineer or architect proposed by Respondent as a member of its team was selected based on demonstrated competence and qualifications only.”
- 3.6.13 By signature hereon, Respondent certifies that no member of the Board of Regents of The University of Texas System or the Chancellor of The University of Texas System has a substantial interest in Respondent's business entity as described in *Texas Government Code* Section 572.005 and that Respondent has not been an employee of any University of Texas institution within the immediate twelve (12) months prior to Respondent’s RFQ response. All such disclosures will be subject to administrative review and approval prior to the Owner entering into any contract with Respondent.
- 3.6.14 By signature hereon, Respondent affirms that no compensation has been received for participation in the preparation of the specifications for this RFQ (ref. Section 2155.004 *Texas Government Code*).
- 3.6.15 By signature hereon, Respondent agrees to defend, indemnify, and hold harmless the State of Texas, all of its officers, agents and employees from and against all claims, actions, suits, demands, proceedings, costs, damages, and liabilities arising out of, connected with, or resulting from any acts or omissions of Respondent or any agent, employee, subcontractor, or supplier of Respondent in the execution or performance of any agreements or other contractual arrangements that may result from the submission of Respondent’s Qualifications.
- 3.6.16 By signature hereon, Respondent agrees that any payments that may become due under any agreements or other contractual arrangements that may result from the submission of Respondent’s Qualifications will be applied toward any debt, including, but not limited to, delinquent taxes and child support that is owed to the State of Texas. Further, under Section 231.006, *Texas Family Code*, Respondent certifies that the individual or business entity named in the contract, bid, or application is not ineligible to receive the specified grant, loan, or payment and acknowledges that the contract may be terminated and payment may be withheld if this certification is inaccurate.
- 3.6.17 By signature hereon, Respondent certifies that no member of the Board of Regents of The University of Texas System, or the Executive Officers of The

University of Texas System or of any University of Texas institution, has a financial interest, directly or indirectly, in the transaction that is the subject of the RFQ or contract.

3.6.18 Execution of Offer: RFQ No. REO 02-05-2008 BOR

**The Respondent must complete, sign and return this Execution of Offer as part of its submittal response.** The Respondent's company official(s) who are authorized to commit to such a submittal must sign the submittal. ***Failure to sign and return this form may result in rejection of Respondent's submittal.***

Respondent's Name: \_\_\_\_\_  
Respondent's State of Texas Tax Account No: \_\_\_\_\_

If a Corporation:  
Respondent's State of Incorporation: \_\_\_\_\_  
Respondent's Charter No: \_\_\_\_\_

Identify each person who owns at least 25% of the Respondent's business entity by full legal name and state of residence:

_____ (Name)	_____ (State of residence)
_____ (Name)	_____ (State of residence)
_____ (Name)	_____ (State of residence)
_____ (Name)	_____ (State of residence)

Submitted and Certified By:

_____ (Signatory's Name)	_____ (Title)
_____ (Street Address)	_____ (Telephone Number)
_____ (City, State, Zip Code)	_____ (Email Address)
_____ <b>(AUTHORIZED SIGNATURE)</b>	_____ <b>(DATE)</b>

## **SECTION 4 – FORMAT FOR SUBMITTALS**

### **4.1 GENERAL INSTRUCTIONS**

- 4.1.1 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, and clarity of content, the responsiveness to the requirements, and the level of understanding of Owner's needs.
- 4.1.2 Qualifications shall be a **MAXIMUM OF SEVENTY-FIVE (75) PRINTED PAGES**. The cover, table of contents, divider sheets, HUB Subcontracting Plan (Section 5.3), and Execution of Offer (Section 3.6) do not count as printed pages.
- 4.1.3 Respondents shall carefully read the information contained in this RFQ and submit a complete response to all requirements and questions as directed. Incomplete Qualifications will be considered non-responsive and subject to rejection.
- 4.1.4 Qualifications and any other information submitted by respondents in response to this RFQ shall become the property of Owner
- 4.1.5 Qualifications that are qualified with conditional clauses, alterations, items not called for in the RFQ documents, or irregularities of any kind are subject to rejection by Owner, at its option.
- 4.1.6 Owner makes no representations of any kind that an award will be made as a result of this RFQ. Owner reserves the right to accept or reject any or all Qualifications, waive any formalities or minor technical inconsistencies, or delete any item/requirements from this RFQ when deemed to be in Owner's best interest.
- 4.1.7 Qualifications shall consist of answers to questions presented in Section 3 of the RFQ. It is not necessary to repeat the question; however, ***it is essential to reference the question number with the corresponding answer.***
- 4.1.8 Failure to comply with all requirements contained in this Request for Qualifications may result in the rejection of the submittal.

### **4.2 PAGE SIZE, BINDING, DIVIDERS, AND TABS**

- 4.2.1 Qualifications shall be printed on letter-size (8-1/2" x 11") paper and assembled with spiral-type bindings. **DO NOT USE METAL-RING HARD COVER BINDERS.**
- 4.2.2 Additional attachments shall **NOT** be included with the Qualifications. Only the materials that the RFQ requests to be submitted will be considered by the Owner.

4.2.3 Separate and identify the responses to Sections 3.1 through 3.6 by use of a divider sheet with an integral tab (for Sections 3.1, 3.2, etc.) for ready reference.

4.3 TABLE OF CONTENTS: Submittals shall include a “Table of Contents” and give page numbers for each part of the Qualifications.

4.4 PAGINATION: Number all pages of the submittal sequentially using Arabic numerals (1, 2, 3, etc.); the Respondent is not required to number the pages of the HUB Subcontracting Plan.

## **SECTION 5 – DEADLINES, SUBMITTAL REQUIREMENTS, AND OTHER INFORMATION**

5.1 PRE-SUBMITTAL CONFERENCE AND TOUR: A pre-submittal conference will be held at the time and location stated below. Attendance at the pre-submittal conference is optional.

**January 15, 2008, 10:00 a.m. Central Time**

The University of Texas System  
201 West 7<sup>th</sup> Street, 9<sup>th</sup> Floor Board Room  
Austin, Texas 78701

5.1.1 A tour of the Brackenridge Tract will follow the conclusion of the pre-submittal conference. A bus will depart from 201 W. 7<sup>th</sup> Street at 1:00 p.m. **Reservations are required for the tour. Fax your reservation request**, identifying your firm’s name, contact information, and the number of persons requesting reservations to Ms. Trisha Meloncon at 512-499-4388 **no later than January 8, 2008**. This tour may be the only opportunity for potential respondents to view the tract before the submittal of Qualifications.

5.2 SUBMITTAL DEADLINE AND REQUIREMENTS

5.2.1 Submittals of Qualifications must be received by the Owner on or before the deadline and at the location stated below.

**February 5, 2008, 5:00 p.m. Central Time**

Florence P. Mayne  
Real Estate Office  
The University of Texas System  
201 West 7<sup>th</sup> Street, Suite 416  
Austin, Texas 78701

5.2.2 All of the following items must be submitted by the deadline stated above:

- 5.2.2.1 Six (6) identical hard copies and one computer disk of the Respondent's responses to the inquiries in Sections 3.1 through 3.5.
  - 5.2.2.2 Six (6) identical hard copies and one computer disk of the Execution of Offer, which consists of all of Section 3.6 (Subsections 3.6.1 through 3.6.18).
  - 5.2.2.3 In accordance with Section 5.3, one (1) original and one (1) hard copy and one computer disk of the HUB Subcontracting Plan *in a separate spiral binder*.
  - 5.2.3 All submittals must be enclosed in a sealed envelope (box or container) delivered to the physical address stated in Section 5.2.1; the package must clearly identify the submittal deadline, the RFQ number, and the name and return address of the respondent.
  - 5.2.4 Late received Qualifications will be returned to the respondent.
  - 5.2.5 The Owner will not acknowledge or receive Qualifications that are delivered by telephone, facsimile (fax), or electronic mail (e-mail).
  - 5.2.6 Properly submitted Qualifications will not be returned to respondents.
- 5.3 HISTORICALLY UNDERUTILIZED BUSINESSES SUBMITTAL REQUIREMENTS: It is the policy of The University of Texas System and each University of Texas institution, to promote and encourage contracting and subcontracting opportunities for Historically Underutilized Businesses (HUB) in all contracts. Accordingly, the Real Estate Office follows the Policy on Utilization of Historically Underutilized Businesses (see Attachment 7.6). The policy applies to all contracts with an expected value of \$100,000 or more. Because the Real Estate Office has determined that subcontracting opportunities are probable in connection with this project, a HUB Subcontracting Plan is a required element of the respondent's Qualifications. The Respondent shall develop and administer a HUB Subcontracting Plan as a part of the Respondent's Qualifications in accordance with the Policy on Utilization of Historically Underutilized Businesses.
- 5.3.1 **Failure to submit the required HUB Subcontracting Plan will result in rejection of the submittal.**
  - 5.3.2 Refer to the Policy on Utilization, Historically Underutilized Business (Attachment 7.6) and the Summaries of Requirements and Attachments in that policy for a detailed list of attachments required with the HUB Subcontracting Plan.
  - 5.3.3 Submit one original and one hard copy and one computer disk of the HUB Subcontracting Plan **in a separate attachment apart from the submittal of Qualifications.**

- 5.4 POINT OF CONTACT: The Owner designates the following person as its representative and Point of Contact for this RFQ. Respondents shall restrict all contact with the Owner and direct all questions regarding this RFQ, including questions regarding terms and conditions and technical specifications, to the Point of Contact person.

Florence P. Mayne  
Real Estate Office  
The University of Texas System  
201 West 7<sup>th</sup> Street, Suite 416  
Austin, Texas 78701  
Phone: 512-499-4517  
Fax: 512-499-4388  
e-mail: [fmayne@utsystem.edu](mailto:fmayne@utsystem.edu)

- 5.5 CLARIFICATIONS AND INTERPRETATIONS: Any clarifications or interpretations of this RFQ that materially affect or change its requirements will be posted by the Owner as an addendum on the Real Estate Office web site (<http://www.utsystem.edu/reo/>). It is the responsibility of all respondents to obtain this information in a timely manner.

- 5.5.1 Respondents shall consider all clarifications and interpretations that the Owner issues by addenda at least one week prior to the submittal deadline. All such addenda issued by the Owner are a part of this RFQ, and respondents shall acknowledge receipt of and incorporate each addendum in its Qualifications. Interpretations or clarifications in any other form, including oral statements, will not be binding on the Owner and should not be relied on in preparing responses.

- 5.6 FORM OF CONTRACT: Any contract resulting from this solicitation will be in the form of the Agreement for Master Planning Services, a copy of which is attached to this RFQ.

- 5.7 PUBLIC INFORMATION: All information, documentation, and other materials submitted in response to this solicitation are considered non-confidential and/or non-proprietary and are subject to public disclosure under the Texas Public Information Act (*Texas Government Code*, Chapter 552.001, *et seq.*) after the solicitation is completed. The Owner strictly complies with all statutes, court decisions, and opinions of the Texas Attorney General with respect to disclosure of RFQ information.

- 5.8 EVALUATION OF QUALIFICATIONS: The evaluation of the Qualifications shall be based on the requirements described in this RFQ. All properly submitted Qualifications will be reviewed and evaluated by the Owner or its representatives.

- 5.8.1 *Qualifications shall not include any information regarding Respondent's fees, pricing, or other compensation.*

5.8.2 Following step two of the selection process, the Owner will select the most highly qualified consultant based on demonstrated competence, knowledge and qualifications and then attempt to negotiate a contract with that consultant for a fair and reasonable price.

5.8.3 If all other considerations are equal, the Owner will give preference to a consultant whose principal place of business is in the state or who will manage the consulting contract wholly from an office in the state.

5.9 ACCEPTANCE OF EVALUATION METHODOLOGY: By submitting its Qualifications in response to this RFQ, Respondent accepts the evaluation process and acknowledges and accepts that the Owner's determination of the most qualified firm(s) will require subjective judgments by the Owner.

5.10 OWNER'S RESERVATION OF RIGHTS: The Owner reserves the right to divide the project into multiple parts, to reject any and all Qualifications and re-solicit for new Qualifications, or to reject any and all proposals and temporarily or permanently abandon the project. Owner makes no representations, written or oral, that it will enter into any form of agreement with any respondent to this RFQ for any project and no such representation is intended or should be construed by the issuance of this RFQ.

## **SECTION 6 – TENTATIVE SCHEDULE**

December 11, 2007:	Post RFQ on the Real Estate Office website and the Texas Electronic State Business Daily
January 15, 2008:	Pre-submittal conference and tour of the Brackenridge Tract
January 29, 2008:	Last day for Owner to issue addenda to the RFQ
February 5, 2008:	Submittal of Qualifications due on or before 5:00 p.m. Central Time
February 19, 2008:	Prioritized short list of qualified firms recommended by advisory committee and submitted to the Board of Regents
March 2008:	Interviews with firms as determined by the Board of Regents, and vote on selection of and request proposal from top-ranked firm (exact date to be determined)
March - April, 2008:	Top-ranked firm to return proposal and budget (one week after selection)
March - April 2008:	Complete negotiations, issue contract, and commence work (one week after proposal and budget submitted)
Between March 2009 & June 2009:	Project completed and submission of final report and supporting and documentation

## **SECTION 7 – ATTACHMENTS TO THE RFO**

- 7.1 Brackenridge Tract Task Force Report
- 7.2 Map of Brackenridge Tract
- 7.3 Executive Summary of Brackenridge Development Agreement
- 7.4 Capitol View Corridor Map
- 7.5 Form of Agreement for Master Planning Services
- 7.6 Policy on Utilization of Historically Underutilized Businesses