

**General Contractor Request for Qualifications:
Construction of a New Apartment Community
Hughes House II and III (Stop Six CNI Phase IV & V)
Fort Worth, Texas
April 19, 2024**

I. Introduction

McCormack Baron Salazar, Inc. (MBS) is soliciting Requests for Qualifications (RFQ) for the construction of a mixed-use development in Fort Worth, Texas.

The Stop Six Choice Neighborhood Initiative (CNI) is a multi-phase revitalization effort in the historic Stop Six neighborhood of southeast Fort Worth to transform the former J.A. Cavile Place public housing site (and adjacent / nearby parcels) into a new mixed-income community and act as a catalyst for additional new development in the area.

This RFQ is for Phases IV and V of the Stop Six CNI are mixed-income multifamily rental community developments called Hughes House II and Hughes House III.

The qualifications-based selection criteria for the RFQ are further described below. The criteria used in evaluating the submissions will include factors that are determined to offer the greatest value to the project.

Current information on the project is included throughout this document but note that this information is subject to change.

Stop Six CNI, Hughes House II, and Hughes House III Overview

Hughes House II & III are the fourth and fifth phases of a six-phase housing strategy in the *Stop Six Choice Neighborhood Transformation Plan*, adopted by the City of Fort Worth in October 2019 which includes the demolition and redevelopment of the former Cavile Place public housing, a 300-unit apartment complex built in the 1950s and owned by Fort Worth Housing Solutions (FWHS). The Cavile Place site is in the Stop Six neighborhood which was named after its location on an inter-urban railway that once linked Fort Worth and Dallas. Before Stop Six, this area was known as Cowanville and was a community of small farms and homesteads founded by Amanda Davis, an African American pioneer of the late 1800s.

The *Transformation Plan* calls for the development of approximately 924 rental units of new mixed-income and mixed-use multifamily and senior housing construction on roughly 47 acres of land within a larger district bounded by Miller Avenue on the west, Carverly Drive on the east, the Union Pacific Railroad on the north, and Fitzhugh Avenue on the south. The existing public housing buildings, along with other identified and FWHS-owned properties have been demolished. To implement the *Transformation Plan*, FWHS selected McCormack Baron Salazar (MBS) as the Master Developer. Each

rental housing development phase will be owned by limited partnership entities which will include FWHS and MBS affiliate entities as members.

Hughes House II

Hughes House II will be built at the southeast corner of Amanda Avenue and Avenue G. Hughes House II will be a 4% Low Income Tax Credit (LIHTC) development on three city blocks (see **Exhibit A**) composed of 1, 2, 3, and 4-bedroom apartments. The new community will consist of 2-story and 3-story walkup/garden and townhouse apartments. The approximate unit mix will include forty-eight (48) 1-bedroom, two-hundred-two (202) 2-bedroom, forty-three (43) three-bedroom, and nine (9) 4-bedroom units for a total of three-hundred-two (302) units. Hughes House II will feature amenities to serve all residents of the new community, including a community room, playground/tot lot, swimming pool & splash area, fenced dog park, bike racks, and lighted pathway.

This development will require construction of a new street and improvements to the adjacent streets. Those public improvements will include, but are not limited to, construction of new sanitary sewers, water main, fire hydrants, storm sewers, undergrounding of all dry utilities (electric, telecommunication and cable services), the abutting curb and gutters, sidewalks, accessible ramps, streetlights, and landscaping.

All improvements must comply with local, State and Federal regulations. These regulations include all applicable requirements of the 2010 Americans with Disabilities Act (“ADA”), the Uniform Federal Accessibilities Standards (“UFAS”) and any State or local accessibility codes applicable to these developments.

Construction of Hughes House II is anticipated to start in the 4th Quarter of 2024 and take 23 months to achieve substantial completion.

Hughes House III

Hughes House III will be built at the intersection of Rosedale Street and Etta Street. The construction of Hughes House III will be done in two phases, the first phase will consist of all improvements west of Etta Street, and the second phase will consist of all improvements east of Etta Street. Hughes House III will be a 9% Low Income Tax Credit (LIHTC) development on two city blocks (see **Exhibit B**) composed of 1- and 2-bedroom apartments. The new community will consist of three (3) buildings all of which will be three-story walkups. The approximate unit mix will include twenty-one (21) 1-bedroom and fifty-seven (57) 2-bedroom units for a total of seventy-eight (78) units. Hughes House III will feature amenities to serve all residents of the new community, including interior community space, a playground, bike racks, and exterior gathering area.

This development will require improvements to the adjacent streets. Those public improvements will include, but are not limited to, construction of new sanitary sewers, water main, fire hydrants, storm sewers, undergrounding of all dry utilities (electric, telecommunication and cable services), the abutting curb and gutters, sidewalks, accessible ramps, streetlights, and landscaping.

All improvements must comply with local, State and Federal regulations. These regulations include all applicable requirements of the 2010 Americans with Disabilities Act (“ADA”), the Uniform Federal Accessibilities Standards (“UFAS”) and any State or local accessibility codes applicable to these developments.

Construction of Hughes House III is anticipated to start in the 2nd Quarter of 2025 and take 16 months to achieve substantial completion.

Permanent and construction financing for both developments come from a combination of private debt and LIHTC equity, as well as local funds, and CNI funds from the U.S. Department of Housing and Urban Development (HUD).

Note: Hughes House II and Hughes House III are being designed to EGC 2020 standards, and as such are expected to receive EGC 2020 certification.

Background – McCormack Baron Salazar (Co-Developer)

McCormack Baron Salazar has distinguished itself since the late 1970s as the leading for-profit residential development and management company (through its affiliate, McCormack Baron Management), committed exclusively to urban neighborhoods. It is often called upon by cities and local agencies to provide housing opportunities in difficult to develop areas. The firm has moved from restoring single historic buildings and sites during its early years to undertaking multi-block development projects including both market-rate and affordable housing and has now developed over 22,000 units of housing and 1.5 million square feet of commercial/retail space. The total development costs of these projects amount to approximately \$4.23 billion.

MBS developments are characterized by a blend of financing sources – both public and private. Its financing techniques incorporate a variety of funding approaches utilizing federal programs where available, tax-exempt financing, conventional loans, foundation loans and grants, and equity from the private sector. During its development activities, the firm successfully creates relationships with local government, the private sector, community-based organizations, and foundations. MBS' recent work to redevelop public housing sites includes developments in Galveston (The Cedars at Carver Park and The Villas on the Strand), Sacramento (Twin Rivers), San Francisco (Alice Griffith), Columbus (Poindexter), Louisville (Beecher Terrace), New Orleans (Iberville), San Antonio (Wheatley Courts), Pittsburgh (Larimer/E. Liberty), and St. Louis (Preservation Square). For more information about McCormack Baron Salazar, please visit our website at www.McCormackBaron.com.

Background - Fort Worth Housing Solutions (Co-Developer)

Fort Worth Housing Solutions envisions communities with quality, affordable housing that provides the foundation to improve lives. Its mission is to develop housing solutions where people flourish.

Fort Worth Housing Solutions is changing the face of affordable housing by providing mixed-income rental and home ownership opportunities that provide the foundation to improve lives. The agency was established by the City of Fort Worth in 1938 to provide decent, safe housing for low- to-moderate income residents. In 2022, the FWHS portfolio included 49 properties with 8,675 units, 85 percent of which are offered at reduced rents to eligible individuals. In 2023, there were 8 new properties under construction and 7 in the pipeline. These housing resources will add an additional 3,283 units to the existing FWHS affordable housing portfolio. The agency manages Housing Choice Vouchers and other rental assistance programs that help families and individuals cover housing costs. FWHS works closely

with numerous partners to promote economic independence and positive change in the lives of more than 33,000 individuals every day.

II. Project Team

The selected Architect of Record for the housing portion of these developments is Bennett Partners and they will provide full services including civil engineering, structural engineering, MEP engineering, a green-building consultant, and a waterproofing consultant. The civil engineer for the project is Kimley-Horn, and they will also complete the design of the Public Improvements.

III. Selection Process

The selection of the General Contractor for this development is a multi-step process:

1. Identify a short list of qualified General Contractors through this RFQ process.
2. Interview respondents that have been short-listed.
3. Owner review of GC's financial documents and check references.
4. Confirmation of GC Selection.

Note - Questions regarding this Request for Qualifications should be in writing to: Mike.Saunders@McCormackBaron.com, Monique.Chavoya@McCormackBaron.com and Antonio.Ramon@McCormackBaron.com Please note that questions submitted directly to FWHS, Bennett Partners, Kimley-Horn or other entities involved with this development will not receive a response.

IV. Pre-Construction Scopes

After selection of the General Contractor, the "pre-construction" scopes to be provided include but are not limited to the following: (Note - these scopes may not be in chronological order and pertain to the Housing scope and related Public Improvements scope.)

1. Selected GC will collaborate and actively participate in meetings with a selected Construction Services Consultant and Urban Strategies Inc. to prepare and implement an Outreach and Engagement Plan to maximize MBE, WBE, and Section 3 Businesses participation during the bidding process. Urban Strategies, Inc. will work with the team to ensure that Targeted Section 3 Residents receive information and assistance related to training and employment opportunities. The Plan will adhere to federal and local laws and program requirements.
2. Contractor will actively participate in design meetings and offer suggestions on how to build this development cost effectively.
3. Make recommendation on trades to be design-build and help in the preparation of design parameters for those scopes.
4. Review ("red-line") Construction Documents (plans and specifications) at 50% and 90% completion for "constructability" issues with coordination of disciplines, conflicts, and clarity.

5. Prepare an opinion of probable costs at schematic design.
6. Prepare cost estimates for the Public Improvement scopes in a format acceptable to the City of Fort Worth
7. Prepare cost estimates at 100% Design Development (DD) and 50% Construction Documents (CD).
 - a. If 50% CD budget varies from the DD budget, outline changes in scope or market conditions that precipitated the changes.
8. Issue Construction Documents for bidding.
 - a. Target three bid proposals per trade, at a minimum.
9. GC prepares GMP through selection of "lowest responsive subcontract bidders" and application of participation goals.
10. GC, MBS, Architect, and project parties to explore value engineering as needed to refine the project scope should the confirmed "as-bid" cost exceed the project budget.
11. GC reviews final Construction Documents to confirm scope.
12. Finalize contract and exhibits for completion of Housing scope and related Public Improvements scope.
13. Financial closing, contract execution and issuance of Notice-to-Proceed.

For purposes of this RFQ, "Value Engineering" (the above Step 10) means requesting that the selected GC review the construction documents thoroughly and, along with subcontractors, identify scope revisions and associated savings which can be qualified and included in the agreement. The period between bidding and contract execution will also be used to identify and resolve any conflicts or inconsistencies in the Construction Documents that are brought to light during the bidding process. The Construction Documents will be updated incorporating all these revisions and a "For Construction" set issued. The GC will not increase the contract amount during this process unless there is an agreed-upon scope change to the project. Because this is a publicly funded project it is incumbent upon the Development Team, which includes the GC, to design and construct the project within the established budget and as efficiently and cost-effectively as feasible.

If during this negotiation process the selected General Contractor is deemed by MBS to be non-responsive to the construction documents, or not negotiating in "good faith," MBS reserves the right to terminate negotiations and enter negotiations with the next most responsive GC. Further, neither MBS nor FWHS will be under any obligation to enter into a construction contract with, and will not owe any compensation to, the selected GC for its time or efforts during this negotiation period if the project parties ultimately cannot agree upon terms under which to proceed.

V. Schedule

The following is the anticipated schedule for the **Hughes House II** development:

*Schedule subject to change

- | | |
|------------------------------------|-----------------------------|
| • Issue Request for Qualifications | April 19, 2024 |
| • Deadline for Accepting Questions | April 26, 2024 |
| • Responses to RFQ Due | May 10, 2024 |
| • GC Interviews | May 15, 2024 – May 16, 2024 |

- GC Selection May 23, 2024
- Contract Discussion and Negotiation May 23, 2024 – June 27, 2024
- Outreach to Sub-Contractors May 3, 2024 – June 28, 2024
- GC – Internal Pricing June 7, 2024 – June 28, 2024
- GC Submit Initial Proposal for HUD FHA 2328 July 1, 2024 – August 5, 2024
- Bidding to Subcontractors August 6, 2024 – October 1, 2024
- Negotiate Final GMP for FHA October 1, 2024 – October 29, 2024
- Submit Final HUD 2328 for FHA Closing November 26, 2024
- Construction Closing & NTP December 5, 2024
- Substantial Completion November 5, 2026
- 100% Complete / C of O Issuance January 5, 2027

The following is the anticipated schedule for the **Hughes House III** development:

*Schedule subject to change

- Issue Request for Qualifications April 19, 2024
- Deadline for Accepting Questions April 26, 2024
- Responses to RFQ Due May 10, 2024
- GC Interviews May 15, 2024 – May 16, 2024
- GC Selection May 23, 2024
- Contract Discussion and Negotiation May 23, 2024 – July 4, 2024
- Outreach to Sub-Contractors August 2, 2024 – September 27, 2024
- GC – Internal Pricing September 6, 2024 – September 27, 2024
- GC Submit Initial Proposal for HUD FHA 2328 September 30, 2024 – November 4, 2024
- Bidding to Subcontractors November 5, 2024 – December 31, 2024
- Negotiate Final GMP for FHA December 31, 2024 – February 4, 2025
- Submit Final HUD 2328 for FHA Closing February 25, 2025
- Construction Closing & NTP April 1, 2025
- Substantial Completion August 1, 2026
- 100% Complete / C of O Issuance October 1, 2026

The above schedules are subject to modification as the projects develop.

Note: Contractor is required to hold the final agreed-upon contract amount for 120 days from the date accepted by the Owner.

VI. Selection Criteria

MBS and FHWS plan to select a General Contractor that has the experience and capacity to build both the Housing scope and related Public Improvements scope concurrently. This will help ensure coordination between the two scopes.

The Co-Developers seek General Contractors with the following **minimum** qualifications. The submission requirements listed in **Section X** below include the items to be provided to evidence these qualifications:

- Experience of the General Contractor, the proposed Project Manager, and Site Superintendent(s) with the successful completion of similar type and sized projects and of similar type construction.
- General Contractor's experience with the construction of public infrastructure associated with residential development.
- General Contractor's experience with projects involving HUD funding and related requirements including Davis Bacon & Related Acts.
- General Contractor's experience with projects involving TDHCA LIHTC funding.
- General Contractor's experience with FHA mortgage guarantee requirements.
- General Contractor's commitment and demonstrated ability to maximize Section 3 business opportunities, minority-owned enterprises (MBE) participation, and women-owned enterprises (WBE) participation, as well as Section 3 employment opportunities.
- General Contractor's financial capacity and resources, including the ability to properly insure and provide performance and payment bonds.
- General Contractor's technical resources, including the ability to work with the Owner and Architect to "perfect" the documents.
- General Contractor's ability to build projects within the proposed schedule of 23 months to substantial completion for Hughes House II and 16 months to substantial completion for Hughes House III.
- General Contractor's proposed mark-up on the hard costs for construction. Please note that they cannot exceed the HUD Safe Harbor maximum limits of 6% General Requirements, 2% Overhead, and 6% Profit.
- General Contractor's proven track record for completing projects on time and within the original contract amount. (specific examples and methodology should be provided)
- General Contractor's experience with sustainable design and construction practices.
- Acceptance of the terms and conditions in the proposed construction agreement and general conditions.

VII. Construction Contract and General Conditions

The selected General Contractor/s for Hughes House II & III will be required to enter into several different agreements including but not limited to the following:

- A Joint Venture Agreement between an entity of FWHS and the GC. This agreement will allow the development to take advantage of FWHS tax-exempt status. (See **Exhibit C**)
- An AIA A102 Contract for Construction as modified by MBS which will include both Housing and Public Improvement scopes. This agreement will reference contractual provisions required by the City of Fort Worth of work within the right of way. These provisions may dictate a form of subcontracting. (See **Exhibits D, D-1, and D-2**) (Please note that should this project require FHA financing, a HUD 92442M will be used in lieu of the AIA A102)
- An AIA A201 General Conditions of the Contract for Construction as modified by MBS. (See **Exhibit E**)

Note: Both Exhibit D and Exhibit E pertain to the Hughes House II project. The AIA A102 and A201 for Hughes House III are the same agreements as the Hughes House II project but with revised phasing and LD amounts.

As Hughes House III will be built in two phases, LD amounts per phase are as follows:

0 – 30 Days	\$1,750/cal day
31 – 60 Days	\$3,500/cal day
Over 61 Days	\$4,500/cal day
SC – FC	\$2,000/cal day

Respondents are responsible for reading these documents and providing comments, questions, or clarifications with the response to this RFQ.

VIII. Financing and Contractual Provisions

The project is receiving funding through the U.S. Department of Housing and Urban Development (HUD). Accordingly, work of the Housing Contract is subject to laws, regulations, and Executive Orders involving projects funded by HUD; including but not limited to HUD Safe Harbor limits on the General Contractor’s General Requirements, Overhead, and Profit; Section 3 Business and Employment Opportunities; Minority Business Enterprise and Women Owned Business Enterprise (MBE/WBE) participation opportunities; and compliance with the Davis Bacon Act and the Copeland Act, among others. In addition, this project is seeking an allocation of Federal Low-Income Housing Tax Credits through TDHCA and requires compliance with standards, timelines and other requirements imposed by TDHCA. The project may also accept funding provided by the City of Fort Worth which will require the Contractor to comply with other requirements imposed by the city. The sample contract documents enclosed describe in more detail the documentation, compliance, and reporting requirements that are applicable to the project; however, these requirements are subject to change and/or subject to further definition in the final contract documents.

IX. Additional Contractual Provisions

All respondents need to carefully read the proposed forms of agreements. Part of the requested responses include comments to these documents. While the Owner is willing to make slight revisions

to these drafts to clarify the contract terms, the Owner will not revise the underlining terms or conditions of these agreements. Several, but not all of the key provisions are described in this section. It is incumbent on the respondents to carefully review each draft.

Additionally, the General Contractor shall review and adhere to the following FWHS project goals:

Consistent with Presidential Executive Orders 11625, 12138, and 12432, and Section 3 of the HUD Act of 1968, all feasible efforts shall be made to ensure that small and minority-owned businesses, women's business enterprises, and other individuals or firms located in or owned in substantial part by persons residing in the area of the FWHS projects are used when possible. Such efforts shall include, but shall not be limited to:

- Including such firms, when qualified, on solicitation mailing lists.
- Encouraging their participation through direct solicitation of bids or proposals whenever they are potential sources.
- Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by such firms.
- Establishing delivery schedules, where the requirement permits, which encourages participation by such firms.
- Using the services and assistance of the Small Business Administration, the Minority Business Development Agency of the Department of Commerce, and the Historically Underutilized Businesses (HUB) Program.
- Including in contracts, to the greatest extent feasible, a clause requiring contractors to provide opportunities for training and employment for lower income residents of the project area and to award subcontracts for work in connection with the project to business concerns which provide opportunities to low-income residents, as described in 24 CFR §135 (Section 3 businesses); and
- Requiring prime contractors, when subcontracting is anticipated, to take the positive steps listed above.

Definitions:

A **Section 3 Worker** is any worker who currently fits, or when hired within the past five (5) years fit, at least one of the following categories: 1) Income for the previous or annualized calendar year is below the income limit established by HUD; 2) Employed by a Section 3 business concern; 3) a Youth-Build participant.

A **Targeted Section 3 Worker** is any worker who currently fits, or when hired within the past five (5) years fit, at least one of the following categories:

- Employed by a Section 3 business concern;
- Living within the service area or the neighborhood of the development;
- A resident of public housing or Section 8-assisted housing;
- A resident of other public housing projects or Section 8-assisted housing managed by FWHS; or
- A Youth-Build participant.

A **Section 3 Business** is a firm that is either 1) 51% or more owned by Section 3 resident(s); or 2) Over seventy-five percent (75%) of the labor hours performed for the business over the prior three (3) month period are performed by Section 3 workers; or 3) a business that is at least fifty-one percent (51%) owned and controlled by current public housing residents or residents who currently live in Section 8-assisted housing. Please review **Exhibit F** regarding procedures for employment of Section 3 residents and businesses as well as necessary contacts. For referrals and a list of Section 3 businesses certified in the City of Fort Worth, please contact FWHS's Section 3 Coordinator/Job Developer at (817) 333-3523, @fwhs.org. (Please do not contact FWHS's Section 3 Coordinator until after being selected as the General Contractor.)

A **Business Equity Firm** means a Contractor, Subcontractor, Vendor, or Independent Firm that is a Certified MBE and/ or WBE with a Significant Business Presence in the Marketplace. The Firm is at least 51 percent owned or controlled by one or more minority group members (MBE) or women (WBE) and whose management and daily operations are controlled by one or more such individuals. For the purpose of this definition, minority group members are: Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, Asian Indian Americans, and Hasidic Jews.

The Business Equity Goal participation for certified MBEs is 25% and 5% for certified WBEs in FWHS prime contracts and subcontracting opportunities.

A. Section 3 Compliance

The work to be performed under the contract will be subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). (See **Exhibit F – HUD Section 3 Rules and Requirements**) The purpose of Section 3 is to ensure that the employment and other economic opportunities generated by HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low and very low-income persons, particularly persons who are recipients of HUD assistance for housing. The parties to the contract will agree to comply with HUD's regulations in 24 CFR Part 135, which implements Section 3. As evidenced by their execution of a contract related to the scope of work herein, the parties to the contract certify that they are under no contractual or other impediment that would prevent them from complying with the Part 135 regulations. The Section 3 benchmarks for this project are as follows:

Section 3 Employment:

- Twenty-five percent (25%) of total labor hours for the project worked by:
 - Employee of a Section 3 Business;
 - Youth-Build Participants; or
 - Below 80% AMI (area median individual income).
- Five percent (5%) or more of the total number of labor hours worked by all workers are worked by Targeted Section 3 workers.
 - Employee of a Section 3 business;
 - Service area resident (\$75.5); or
 - Youth-Build Participant (within past 5 years).

Section 3 Business Participation: Best efforts made to award contracts and subcontracts to business concerns that provide economic opportunities to Section 3 workers. The following order of priority must be considered when contracting:

- Section 3 business concerns that provide economic opportunities for residents of the public housing project for which the assistance is provided: or
- Section 3 business concerns that provide economic opportunities for residents of other public housing projects or Section 8 – assisted housing managed by FWHS.

A **Good Faith Effort, to the Greatest Extent Feasible** is more than the normal effort extended. Recipients must make reasonable effort to recruit, target, and direct economic opportunities to Section 3 Workers, Targeted Section 3 Workers, and Section 3 Businesses.

Ref: Section 20-370- Business Equity Ordinance - In making a Good Faith Effort determination, it will be considered, at a minimum, the Bidder' s efforts to:

- i. Solicit through all reasonable and available means (e.g., attendance at pre-bid meetings, advertising, and written notices) the interest of all Business Equity Firms in the scopes of work of the Contract. The Bidder shall provide interested Business Equity Firms with timely, adequate information about the plans, specifications, and requirements of the Contract to allow such firms to respond to the Solicitation. The Bidder must follow up initial Solicitations with interested Business Equity Firms.
- ii. Select portions of the work to be performed by Business Equity Firms in order to increase the likelihood that the Business Equity Goal will be achieved. This includes, where appropriate, breaking out Contract work items into economically feasible units to facilitate participation, even when the Bidder would otherwise prefer to perform these work items with its own forces. It is the Bidder' s responsibility to make a portion of the work available to Business Equity Firms and to select those portions of the work or material needs consistent with the availability of such Business Equity Firms to facilitate their participation.
- iii. Negotiate in good faith with interested Business Equity Firms. Evidence of such negotiation includes the names, addresses, and telephone numbers of Business Equity Firms that were contacted; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and why agreements could not be reached. The Bidder may not reject Business Equity Firms as being unqualified without sound reasons based on a thorough investigation of their capabilities. That there may be some additional costs involved in finding and using Business Equity Firms is not in itself sufficient reason for a Bidder' s failure to meet the Business Equity Goal, as long as such costs are reasonable.
- iv. The performance of other Bidders in meeting the Business Equity Goal may be considered. For example, when the apparent successful Bidder fails to meet the Business Equity Goal but others meet it, it may be reasonably questioned whether, with additional reasonable efforts, the apparent successful

Bidder could have met the Business Equity Goal.

A signed letter of intent from each listed Business Equity Firms describing the work, materials, equipment, or services to be performed or provided by the Business Equity Firms and the agreed upon dollar value shall be due at the time specified in the Solicitation.

Where the Bidder cannot achieve the Business Equity Goal, the Bidder must provide proof of having made Good Faith Efforts to meet the Business Equity Goal. Good Faith Effort requirement means an honest and conscientious effort by the Bidder to explore all available options to achieve, to the maximum extent practical to meet the Business Equity Goal.

Compliance with each of the following steps shall satisfy the Good Faith Effort requirement absent mere pro forma efforts or proof of fraud, misrepresentation, or intentional discrimination by the Bidder:

- i. List each and every opportunity for Subcontractors for the completion of a Contract. On Combined Projects list each opportunity for Subcontractors through the 2nd Tier.
- ii. Obtain a current list(dated not more than two(2) months old prior to the bid open date) of Business Equity Firms from the DVIN. Ordinance No. 24534- 11- 2020 Page 10 of 18.
- iii. Solicit participation from Business Equity Firms, within the Subcontractor areas previously listed, at least ten calendar days prior to bid opening, exclusive of the day the bids are opened. Both Business Equity Firms and non- Business Equity Firms must receive the same Solicitation for each area of opportunity. The three methods identified below are acceptable for soliciting participation, and each selected method must be applied to the applicable contract. The Bidder must document, to the satisfaction of the DVIN, that at least two attempts were made using two of the three following methods: (i) email, (ii) fax, or(iii) telephone or that at least one successful contact was made using either(i) email, (ii) fax, or(iii) telephone in order to be deemed responsive to the Good Faith Effort requirement.
- iv. Provide plans and specifications or information regarding the location of plans and specifications which shall be communicated to all Business Equity firms in each Subcontractor area.
- v. Attach a copy of the Solicitation sent to the Business Equity firm identifying the instructions on how to obtain plans and specifications for this Solicitation.
- vi. Submit documentation of any Business Equity Firm whose quotes were rejected. The documentation submitted should be in the form of an affidavit, include a detailed explanation of why the Business Equity firm was rejected and any supporting documentation the Bidder wishes to be considered by the City. In the event of a bona fide dispute concerning quotes, the Bidder will provide for

confidential review of any relevant documentation by City personnel.

vii. All communications from the Bidder to potential Business Equity Firms shall be documented and submitted to the City.

B. Certified Business Equity Firms (Minority- and Women Business Enterprise (M/WBE) Participation

MBS and FWHS are committed to achieving diversity and inclusion within the businesses participating in the project. MBS, FWHS and the City of Fort Worth's Business Equity Goals for this project are 25% certified MBE participation and 5% certified WBE participation, with an emphasis on participation by local certified Business Equity Firms – with physical locations and roots in the City of Fort Worth, and the City's 6-County Marketplace (Tarrant, Dallas, Denton, Johnson, Parker and Wise counties). Proposers can contact the City of Fort Worth Business Equity Division at DVINOffice@fortworthtexas.gov for a listing of certified Business Equity Firms.

C. Business Equity Firms and Section 3 Participation Plan

MBS is committed to facilitating Section 3, and certified Business Equity Firm participation on all phases of the project and in creating opportunities for employment by Section 3 residents. Pursuant to goals and/or requirements under the various development and funding agreements with project funders, the Contractor will be required to follow the guidelines and reporting procedures required by FWHS, the City of Fort Worth and other funding agencies relevant to the project. By responding to the RFQ, the Contractor is acknowledging that they are familiar with the requirements listed below and will meet or exceed them.

To achieve greater participation of Section 3, Business Equity Firms, and greater participation by Section 3 residents in employment opportunities created by the Project, the Contractor agrees to use its Best Efforts to:

(1) Place qualified Section 3, Business Equity Firms, and small business concerns on solicitation lists and take all necessary affirmative marketing steps required, in connection with each contract the Contractor awards, to meet Section 3, Business Equity Firm participation goals.

(2) Divide construction services into smaller tasks or quantities to increase the potential participation by Section 3 businesses, Business Equity Firms.

Use the services and assistance of FWHS's Section 3 Coordinator, any local minority assistance organizations, and various state and local government small business agencies to attract and recruit Section 3, and Business Equity Firms to participate in the project.

(3) Use and demonstrate Best Efforts to award contracts and subcontracts to Section 3 businesses that provide economic opportunities to Section 3 workers.

(4) Work with MBS and FWHS in the implementation of a hiring and training plan for the Prime General Contract and Subcontractors to seek prospective Section 3 and

other community-based new hires. Meet Section 3 training and employment goals, where feasible, when filling vacant or new positions and also seek to recruit qualified minorities, women, and disabled persons to fill vacant or new positions on the project.

As part of the response submission, respondents will be responsible for describing in detail their plan to meet and exceed the goals established above for the project. During the construction of the project, the Contractor shall submit monthly reports to MBS and FWHS, and other parties, as required, to demonstrate compliance.

These requirements are described in more detail in **Exhibit F**.

D. Wage Rate Requirements

The General Contractor and all Subcontractors on this project will be required to utilize and comply with the latest applicable Davis Bacon federal wage determination (“prevailing wage”). Submission of certified payrolls for all employees working on the project will be required weekly and with each payment application. Please note that “latest applicable Davis Bacon federal wage determination” is defined by the current decision issued prior to the execution of the construction contract. This could mean that the contractual decision is different than the one issued for bidding.

E. Performance and Payment Bonds

The General Contractor selected shall be required to furnish a Performance and Payment Bond:

- A “Performance Bond” on the part of the General Contractor for one hundred percent (100%) of the contract price (including change orders) will be required for the Housing and the Public Improvement agreement.
- A “Payment Bond” on the part of the General Contractor for one hundred percent (100%) of the contract price (including change orders) will be required for the Housing and the Public Improvement agreement.
- A Maintenance Bond for the Public Improvements

No bid bond will be required.

F. Basic Eligibility

The successful General Contractor must be licensed to do business in the State of Texas and the City of Fort Worth and must have the appropriate state and local business license numbers and be up-to-date in all tax obligations. In addition, the submitter must not be debarred, suspended, or otherwise ineligible to contract with FWHS or the City of Fort Worth, and must not be on the General Services Administration’s “List of Parties Excluded from Federal Procurement and Non-

Procurement Programs” or the Department of Housing and Urban Development’s “Limited Denial of Participation” list.

X. Submissions Requirements

Email submission of the qualifications package is encouraged. Subject line shall read “Qualifications for General Contractor- Stop Six CNI / Hughes House II & III, Fort Worth, Texas.” Transmittal shall be addressed to Mike.Saunders@McCormackBaron.com, Monique.Chavoya@McCormackBaron.com & Antonio.Ramon@McCormackBaron.com and received no later than 1:00p.m. CST on Friday, May 10, 2024. The electronic copy may be submitted in PDF format.

MBS reserves the right to reject any and/or all proposals and submittals, to waive informalities or irregularities in any submittal, to solicit new proposals, or to proceed to do the work by other means, as determined to be in the best interest of the Stop Six CNI, FWHS and McCormack Baron Salazar, Inc.

MBS also reserves the right to select one General Contractor for both Hughes House II and Hughes House III, or separate General Contractors for both projects.

Submission should be organized as listed below. Respondents are encouraged to limit the number of pages to the response while assuring all requested information is included and easily identified in the submission. Please note, the valuation of each component is in parentheses.

- 1. Cover Letter**
- 2. Company Description/Resume** including the company’s standard marketing information.
- 3. Profiles of Similar Projects (20%)**
 - a. Please provide detailed information on at least three and up to five similar projects that the firm has completed (or is in the process of completing), preferably within the last five years.
 - i. Projects comparable to Hughes House II should have the following attributes listed a) multifamily, b) at least 100 plus units in size, c) two-story and three-story walkup/garden and townhouse building types, d) of similar complexity and scope to the Hughes House II project, e) construction cost greater than \$25,000,000.
 - ii. Projects comparable to Hughes House III should have the following attributes listed a) multifamily, b) at least 50 units in size, c) three-story building types, d) of similar complexity and scope to the Hughes House III project, e) construction cost greater than \$10,000,000.
 - b. Provide a list of up to three projects that had sustainability design and construction requirements (NGBS, LEED, EGC, others).
 - c. For each of the projects listed above, please provide photographs of the projects; the contact information for primary project staff and partners; the original

contract amount, the final contract amount and the total number and dollar value of change orders that were not due to unforeseen conditions (i.e., issues related to the field conditions) or owner upgrades.

4. Resumes of the Proposed Construction Team (20%)

- a. Include the key members of the construction company's team that will be assigned to this project. The proposed Preconstruction Manager, Project Manager, and Superintendent(s) must have experience in similar projects in both scale and type. Personnel at the time of the contract signing are expected to be involved throughout the life of the project.
- b. Preconstruction Manager – Document experience evaluating, negotiating, and awarding construction contracts, managing the pre-construction budget and cost estimates, and ensuring the quality and accuracy of pre-construction documents.
- c. Project Manager – Document experience with at least two projects of similar scale and type.
- d. Superintendent(s) – Please list the same information as requested of the Project Manager. If the respondent is proposing to use different superintendents for the various phases of construction, please list each superintendent's role and qualifications separately.

5. Contractor's Qualification Statement (AIA Document A305 - see Exhibit G) (15%)

- a. Complete the Contractor's Qualification Statement, AIA Document A305 and include two (2) years of the most recent audited financial statements.
- b. Note that it is not necessary to repeat previous projects already listed under Item 3 above; just list other projects completed within the last ten years.

6. Experience Implementing Section 3, Business Equity Utilization Plans (20%)

- a. For at least three projects completed within the last five years that included Section 3 (Business and Employment) and Business Equity Firm participation goals, please describe the targeted goals vs. the achieved participation levels achieved as a percentage of the total construction contract amount. If the goals were not met, please provide an explanation.
- b. For each project, please describe the company's implemented plan to recruit and retain Section 3 and Business Equity Firms' participation.
- c. Given your experience on these projects, please describe your company's approach to achieving the Section 3 (Business and Employment) and Business Equity Utilization goals for this project.

7. Proof of Insurability (Mandatory)

- a. Submit a letter regarding coverage from an insurance company or an insurance certificate that meets project requirements, as described in all contract document exhibits.

8. Proof of Bond-ability (Mandatory)

- a. Submit a letter from a bonding company stating bonding capacity of at least \$35 million per project and \$90 million aggregate bonding capacity.

9. Copy of Licenses (Mandatory)

10. References (10%)

- a. Provide a minimum of four references with contact information including: Contact Name, Company Name, Address, Email Address, and Phone Number including at least one Developer, one Architect, and one Major Subcontractor. References will be contacted.

11. Mandatory Acknowledgement that the General Contractor has read the Construction Contracts and General Conditions. General Contractor must provide written comments regarding the Construction Contract and General Conditions with response to RFQ (see **Exhibit H**).

12. Mandatory Acknowledgement that the General Contractor understands that Hughes House II and Hughes House III must be substantially completed within 23 and 16 months respectively and has the capacity to meet or exceed the proposed construction time period (see **Exhibit I**).

13. Mandatory Acknowledgement that the General Contractor understands the Section 3, Business Equity Firm (MBE and WBE) participation goals for the Stop Six CNI, Hughes House II, and Hughes House III projects and is committed to meeting or exceeding these goals (see **Exhibit J**).

14. Mark-Up on the Housing Contract -Please note HUD Safe Harbor Requirements of:

- a. General Requirements (including bond) of 6% as a percentage of the hard costs.
- b. Fee of 8% (Overhead 2% and Profit 6%) combined as a percentage of the hard costs.

15. Project Completion Schedule (15%)

- a. Provide a schedule covering all construction sequencing over the duration of the project from NTP to final completion.

XI. Attachments

The following information is attached for use in preparing your submittal:

- Exhibit A: Site, building, and unit plans plus building elevations for Hughes House II
- Exhibit B: Site, building, and unit plans plus building elevations for Hughes House III
- Exhibit C: Sample Joint Venture Agreement between an entity of FWHS and the GC
- Exhibit D: AIA A102 Contract for Construction
- Exhibit D-1: Community Facility Agreement
- Exhibit D-2: City of Fort Worth Standard Terms and Conditions
- Exhibit E: AIA A201 General Conditions of the Contract for Construction
- Exhibit F: HUD Section 3 Rules and Requirements
- Exhibit G: AIA A305 Contractor's Qualification Statement
- Exhibit H: Certification of Acknowledgment of Construction Contract
- Exhibit I: Certification of Acknowledgment of Project Duration
- Exhibit J: Certification of Acknowledgment of Participation Goals