REQUEST FOR PROPOSAL
Sam Houston State University
A Member of the Texas State University System
Procurement and Business Services

Reference Number 753-0-008JEB

Mail Proposals To:
Sam Houston State University
Procurement & Business Services
Box 2028
Huntsville TX 77341

Deliver Proposals To:
Sam Houston State University
Procurement & Business Services -
CHSS Bldg
1901 Avenue I Suite 452
Huntsville TX 77340

PROPOSAL MUST BE RECEIVED BY: 3:00 PM Central Time June 23, 2010
FAX PROPOSALS WILL NOT BE ACCEPTED

Show RFP Number, Opening Date and Time on Return Envelope

Note: A proposal must be received and time stamped at Sam Houston State University by the hour and date specified for a proposal to be accepted for consideration. After receipt, only the names of offerors will be made public. Prices and other proposal details will only be divulged after the contract award, if one is made.

Agency Invoice Address:
Sam Houston State University
Accounts Payable
Box 2185
Huntsville TX 77341

Refer Inquiries To:
Procurement and Business Services
Jeremy Barrett, Purchaser I
Telephone No: 936 294-4669
E-mail: jeb037@shsu.edu

All proposals should be completed as required by the instructions in this Request For Proposal, signed and returned with an original and four copies by the date and time specified.

Note: Failure to sign and return the Execution of Offer will result in the rejection of the proposal. (Required form is included with this Request For Proposal, Section E.)

All addenda to and interpretation of this solicitation shall be in writing. The State shall not be legally bound by an addenda or interpretation that is not in writing.
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SECTION A  INTRODUCTION / BACKGROUND / OVERVIEW

A-1  Information About Sam Houston State University

Sam Houston was founded in 1879 and stands today as the third-oldest public university in Texas and the state’s fifth oldest continuously operating institution of higher education. With nearly 100,000 graduates, SHSU has touched the lives of generations of Texans by helping to shape the economic, social and cultural development of this state and beyond.

The establishment of Sam Houston Normal Institute was authorized by Texas Governor Oran M. Roberts on April 21, 1879. On October 10 of that year “the Normal” opened with 109 students, four faculty members and its first principal, Bernard Mallon.

Created to train school teachers, today’s Sam Houston State University offers a broad range of academic programs leading to bachelor’s, master’s and doctoral degrees. Many of its academic programs and faculty have attained national and statewide recognition.

Sam Houston State University serves one of the most diverse populations of any education institution in Texas. Admission requirements were strengthened six years ago. In the fall of 2009, SHSU experienced another record enrollment, with 16,800 students. The physical plant is undergoing significant expansion and improvements at a cost of more than $250 million.

Central to the university’s recent achievements is a dedicated faculty and staff that provide a caring education environment for students to learn and develop. With namesake, ties to Texas history and a record of 130 years of service to the people of the state, Sam Houston State University is truly “a great name in Texas education.”
SECTION B  PROPOSAL INSTRUCTIONS AND REQUIREMENTS

B-1  Proposal Delivery Instructions

B-1a  Proposals Must Be Received By:  3 PM Central Time  23 June 2010

B-1b  Proposal Delivery:  The proposal must be time stamped at SHSU Procurement and Business Services before the hour and date specified for receipt of proposal. The proposer (not the carrier/mail service/other or the University) is solely responsible for ensuring that the proposal is received in the Procurement and Business Services prior to the specified opening date and time. If the proposal is hand carried to SHSU, Procurement and Business Services is located in CHSS Building, Suite 452.

    Mail Proposals To:  
    Sam Houston State University  
    Procurement & Business Services  
    Box 2028  
    Huntsville TX  77341

    Deliver Proposals To:  
    Sam Houston State University  
    Procurement & Business Services  
    1901 Avenue I  Suite 452  
    Huntsville TX  77340

B-1c  Unacceptable Proposal Delivery Methods:  The University will not accept proposals submitted by telephone, facsimile (fax) transmission, or electronic submission (e-mail disk, CD-ROM, etc) in response to this RFP.  Faxed proposals are not acceptable.

B-1d  Proposer Responsibilities:
    a. The proposer, (not the carrier/mail service/other or University), is solely responsible for ensuring the proposal is received prior to the proposal opening date and time in the Procurement and Business Services Department as specified on the RFP form.
    b. Proposer should carefully read the information contained herein and submit a complete response to all requirements and questions as directed. Failure to submit a complete response may result in disqualification of Proposer’s proposal.
    c. Persons signing the proposal must have the authority to bind the firm in a contract. Late offers will be returned to Respondent unopened.

B-1e  Proposal Envelope/Box/Container:  Each proposal should be placed in a separate envelope, box, or container that is completely and properly identified with RFP number, due date and time. It is the proposer’s responsibility to have the proposal correctly marked and to SHSU Procurement and Business Services by the specified date and time for receipt. An original and four copies should be submitted. Please mark one of the copies as “original”.

B-1d  Read and Respond:  Proposer should carefully read the information contained herein and submit a complete response to all requirements and questions as directed. Failure to submit a complete response may result in disqualification of Proposer’s proposal.
B-2 RFP Methodology/Process

B-2a Proposer’s Acceptance of Evaluation Methodology: By submitting a proposal, the proposer acknowledges acceptance of the proposal selection process, the criteria for award, the scope of services and conditions under which the services are to be performed, the terms and conditions of the RFP, and all other requirements and specifications set forth in this RFP. In addition, the proposer recognizes that some subjective judgments must be made by the University during the RFP process.

B-2b Selection Process: The University will be the sole judge of the appropriateness and completeness of any and all submitted proposals. The University reserves the right to reject any or all proposals and in particular any proposal not containing the complete data or information requested. After the proposals are evaluated, the University reserves the right to further negotiate with the company receiving the highest evaluation score, based on the criteria set forth. The University will review all proposals from companies that meet the requirements and have properly followed all instructions, completed and manually signed the Execution of Offer.

B-2c Criteria for Award: The successful proposer, if any, selected by the University, in accordance with the requirements and specifications set forth in this RFP, will be the proposer that submitted a proposal in response to this RFP, on or before the submittal deadline, that is the most advantageous to the University. The factors to be considered by the University in evaluating proposals and selecting the successful proposer for this award, will be those factors listed, with their relative weights, in Section C of this RFP.

B-2d Public Information: The University considers all information, documentation and other materials submitted in response to this RFP to be of a non-confidential and non-proprietary nature and shall be subject to public disclosure under the Texas Public Information Act (Texas Government Code, Chapter 552.001) after the award. Proposer is hereby notified that the University strictly adheres to all statutes, court decisions and the opinions of the Texas Attorney General with respect to disclosure of public information.

B-2e Costs of Preparing Proposals:
   a. The proposer shall bear, as its sole risk and responsibility, any costs that arise from preparation of the proposer’s response to this solicitation.
   b. Proposals should be prepared simply and economically, providing a straightforward, concise description of Proposer’s ability to meet the requirements and specifications of this RFP. Emphasis should be on completeness, clarity of content, and responsiveness to the requirements and specifications of this RFP.

B-2f Negotiations or Discussions: If possible, an award will be made without holding negotiations. If negotiations are necessary, they will be scheduled after all proposals are evaluated. Negotiations will only be held with proposor(s) who have a reasonable chance of receiving contract award. Therefore, do not anticipate negotiations being held. Best and Final Offers will only be requested if negotiations are held. Therefore, you are strongly encouraged to submit your best offer at the date and time proposals are due.

B-2g Pricing: Include any and all costs of materials, parts, labor, equipment, facilities, travel, overhead, profit, delivery, installation, etc. in the unit pricing this proposal.
B-2h **Property of the University:** Proposals and any other information submitted by Proposer in response to this RFP shall become the property of University.

B-2i **Conditional Clauses:** Proposals that are qualified with conditional clauses; alter, modify, or revise this RFP in any way; or contain irregularities of any kind are subject to disqualification by University, at its option.

B-2j **Proposal Validity Period:** Each proposal must state that it will remain valid for a minimum of forty-five (45) days after the submittal deadline to allow time for evaluation of proposals, award determination, and any unforeseen delays.

B-2k **Modification or Withdrawal:** Except as otherwise provided in this RFP, no proposal may be changed, amended, or modified after it has been submitted in response to this RFP. However, a proposal may be withdrawn and resubmitted at any time prior to the Submittal Deadline. No proposal may be withdrawn after the Submittal Deadline without University’s consent, which shall be based on Proposer's submittal of a written explanation and documentation evidencing a reason acceptable to University, at its sole discretion.

B-2l **No Compensation For Proposal Preparation:** University will not provide compensation to Proposer for any expenses incurred by the Proposer for proposal preparation or for demonstrations or oral presentations that may be made by Proposer, unless otherwise expressly stated. Proposer submits its proposal at its own risk and expense.

B-2m **Failure to Comply:** Any proposal that fails to comply with the requirements contained in this RFP may be rejected by University, at its discretion.

**B-3 Proposer Questions and Addenda**

B-3a **Proposor Questions:** After the RFP is advertised, proposers will have until 10 AM Central Time, 16 June, 2010, to submit written questions for clarification of the proposal. Send questions to Jeremy Barrett via e-mail to jeb037@shsu.edu or fax to 936 294-1997. All questions submitted and received will be reviewed, consolidated where possible, and answered in one addendum to the proposal. The addendum will be posted on the Texas Electronic State Business Daily and the Walker County Alliance web page. Addenda are usually posted within 2 business days unless the questions involve legal issues or complex subjects. It is the proposer's responsibility to continually check the web site for Addenda.

B-3b **Addenda to Request For Proposal and Award Information:** If it becomes necessary to revise any part of this RFP, including the answer of technical questions, a revision will be given in the form of an addendum. The addendum will be posted on the Texas Electronic State Business Daily at [http://esbd.cpa.state.tx.us/](http://esbd.cpa.state.tx.us/) and on the Walker County Alliance web page at [www.shsu.edu/wca](http://www.shsu.edu/wca). **It is the responsibility of the proposer to monitor the website for addenda or other written responses.** In addition, information about the award will be posted on both web sites.

**B-4 Preproposal Conference /Site Visit:**

B-4a **Pre-Proposal Conference:** No pre-proposal conference will be held.
B-5 General Information

B-5a Intended Use  The School of Music will utilize the new organ in the new Performing Arts Center.

B-5b Class and Item:  580-25 and 580-55

B-5c Contact with the University:  Contacts with the University must be through SHSU Procurement and Business Services. Procurement and Business Services may refer you to other individuals or departments for technical matters. Proposers are reminded that SHSU is not bound by any oral statements or representations. SHSU Procurement and Business Services is the only department that has the authority to provide official answers to questions, conduct discussions or negotiations, or enter into any binding agreement for this project.

B-5d Parties to the Proposal/Resulting Contract:  Sam Houston State University (SHSU) and the contractor. School of Music is a department of SHSU.

B-5f Termination/Cancellation: In the event that the awarded contractor is non-compliant with any portion of the contract, Sam Houston State University will give the contractor 30 days notice to comply. If compliance is unsatisfactory after 30 days, Sam Houston State University has the right to terminate the contract.

B-6 Preparation and Submittal Instructions

B-6a Execution of Offer:  Please complete, sign and return the attached Execution of Offer as part of the proposal. The Execution of Offer must be signed by a representative of Proposer duly authorized to bind the Proposer to its proposal. Failure to sign and return the Execution of Offer will result in the rejection of the proposal.

B-6b Number of Copies:  Proposer should submit a total of five (5) complete and identical copies of its entire proposal. An original signature by an authorized officer of Proposer must appear on the Execution of Offer of at least one (1) copy of the submitted proposal. The copy of the Proposer’s proposal bearing an original signature should contain the mark “original” on the front cover of the proposal.

B-6c Provide with your proposal; qualifications and resume on personnel that will be in charge of this project, to include education, experience, and previous employment. Proposer will provide contact information from a minimum of three references of similar listed work, complete with name, address, phone number, and type of service provided.

B-6d Submission
(1) Proposals must be received by University on or before the Submittal Deadline at the location stipulated.
(2) Proposer should submit all required proposal materials enclosed in a sealed envelope, box, or container. The RFP and the Submittal Deadline should be clearly shown in the lower left-hand corner on the top surface of the container. In addition, the name and the return address of the Proposer should be clearly visible.
(3) University will not consider a proposal received after the Submittal Deadline under any circumstances.
(4) University will not accept proposals submitted by telephone, facsimile (“FAX”) transmission, or electronic transmission (“E-mail, disk, or CD-Rom”) in response to this RFP.
B-6e An entity wishing to submit a ‘No-Response’ is requested to return the Execution of Offer. The returned form should indicate the responding entity’s name and should include the words ‘No-Response’ on the Execution of Offer form.

B-6f **Page Size, Binders, and Dividers:** Proposals should be typed on letter-size (8-1/2” x 11”) paper, and should be submitted in a binder. Preprinted materials should be referenced in the proposal and included as labeled attachments. Sections within a proposal should be divided by tabs for ease of reference.

B-6g **Table of Contents:** Proposals should include a Table of Contents with page number references. The Table of Contents should contain sufficient detail and be organized according to the same format as presented in this RFP, to facilitate easy reference to the sections of the proposal as well as to any separate attachments (which should be identified in the main Table of Contents). If a Proposer includes supplemental information or non-required attachments with its proposal, this material should be clearly identified in the Table of Contents and organized as a separate section of the proposal.

**B-7 The State of Texas Historically Underutilized Business (HUB) Subcontracting Plan:**

a. Proposals over $100,000 (including initial award and all potential option/extension periods) submitted without a HUB Subcontracting Plan will not be considered for award.

b. Sam Houston State University has adopted the TPASS rules as their own HUB rules (Texas Government Code 2161.003 – Agency Rules and Texas Administrative Code (TAC) Title 34, Part 1, Chapter 20, Subchapter B, Rule 20.15. It is the policy of the University to encourage the use of small and historically underutilized businesses by making good faith efforts to increase purchases and contract awards through race, ethnic, and gender neutral means. The goal is to promote full and equal business opportunity for all businesses. The University will make a good faith effort to assist small and historically underutilized businesses in receiving a portion of the total contract value for all contracts for construction, services, including professional and consulting services, and commodities purchases. The University has determined that subcontracting opportunities are probable under this contract.

Proposers who intend to subcontract must perform their good faith effort in completing the HSP. Failure to do so will result in disqualification.

c. HSP forms have been provided. On-line HSP forms and an instructional video for properly completing the HSP are available at:

\[\text{http://www.window.state.tx.us/procurement/prog/hub/hub-subcontracting-plan/}\]

You are strongly encouraged to view the on-line training video for the Hub Subcontracting Plan (HSP) *before* preparing your plan.

d. For assistance or if you have any questions regarding the HSP, please contact Sam Houston State University’s HUB Coordinator, Bob Chapa, at (936) 294-4670.
B-8  PROPOSAL CONTENT

B-8a  Qualifications and References:  Vendor shall provide at least three references with contact information. References preferred from higher education agencies, and/or other State of Texas agencies within the past three years where similar organs have been installed and serviced. SHSU may make such investigations as SHSU deems necessary to determine ability of proposer to perform the work. Quality of Work will be evaluated using references provided by proposer.

B-8b  Execution of Offer and Pricing Proposal:  Failure to sign and return the Execution of Offer will result in rejection of the proposal. (Section E, page 12)

B-8c  Timeline:  Vendor shall provide a timeline showing the tasks required for project and projected completion dates.

B-8d  Length of Submission:  Please keep proposal submission short and to the point while still providing all requested documents and information. Overly long or elaborate proposals are not desired.

Note: The above listing of items to be included in the proposal submission is a summary provided to aid proposers in putting together their proposal package. Any items stated in other sections of the RFP, but not listed in this section, are still required to be provided as part of the proposal submission.

B-9  CONTRACTUAL REQUIREMENTS

B-9a  Contract Administration:  Contract administration will be by SHSU Procurement and Business Services in conjunction with the School of Music.

B-9b  Purchase Order Changes:  All addenda to and interpretation of this solicitation shall be in writing. The State shall not be legally bound by any addenda or interpretation that is not in writing. All changes must be supported by a written Purchase Order Change Notice prepared and processed by SHSU Procurement and Business Services. Other SHSU personnel do not have the authority to issue changes, oral or written, to the resulting purchase order.

B-9c  Invoice and Payment:
   A.  SHSU is an agency of the State of Texas and is Tax Exempt
   B.  Payment will be made by SHSU Accounts Payable after receipt of a correct Invoice and receipt of a Payment Approval Form from the department.
   C.  Submit original and two copies of invoices to:
       Sam Houston State University
       Accounts Payable  fax 936 294-3796
       Box 2185
       Huntsville TX  77341
Section C EVALUATION CRITERIA

C-1 Review Panel: Proposals will be evaluated by a review panel on the basis of the criteria listed below. Relative weights of the criteria are listed below. Only criteria designated in the solicitation can be considered in the award determination.

C-2 Weighted Values: Evaluation factors will be weighted as follows:

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<th>Criteria</th>
<th>Weight</th>
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<tr>
<td>Price/Warranty Information</td>
<td>60 %</td>
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<tr>
<td>Total cost is to include any and all fees, charges, shipping and installation.</td>
<td></td>
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<tr>
<td>Customer availability and access provided by proposer.</td>
<td></td>
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<tr>
<td>Warranty information provided.</td>
<td></td>
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<tr>
<td>How well the proposer followed proposal instructions</td>
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<tr>
<td>Proposed Delivery Date (Timeline)</td>
<td>20%</td>
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<tr>
<td>Vendor shall provide a timeline showing the tasks required for project and projected completion dates.</td>
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<tr>
<td>Project must be completed and invoiced by August 6, 2010</td>
<td></td>
</tr>
<tr>
<td>References and Quality of Work</td>
<td>20%</td>
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<tr>
<td>Vendor shall provide at least three references with contact information References preferred from higher education agencies, and/or other State of Texas agencies where similar organs have been installed and serviced SHSU may make such investigations as SHSU deems necessary to determine ability of proposer to perform the work. Quality of Work will be evaluated using references provided by proposer.</td>
<td></td>
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<tr>
<td>Total</td>
<td>100%</td>
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Section D

D-1 SPECIFICATIONS

Electric Organ must meet or exceed all specifications.

Electronic Organ w/bench – four Manuals/79 Stops (minimum)
- Computer tone generation cages rack-mounted remotely
- Fiber-optic cable system from console to remote racks
- Sealed interior wood finish

Keyboards
- Optical Sensing – key-stick blade bisects LED beam
- Full length wood key-sticks; velocity touch sensitive
- Fully adjustable for key pressure weight, tension and depth of key travel

Pedaleclavier
- Full length solid maple pedal-sticks
- Sealed contacts

Secondary Voices
- Stoplist library to provide a total of 7 complete voice specifications - 7 X 79 stops
- Note by note voicing and leveling of every stop
MIDI Sound Module/Sequencer
- Sound module and sequencer combined as one unit
- Sequencer capable of recording unlimited number of registrations

Audio Channels
- Concert hall – 24 channels; Recital hall – 24 channels
- Access to organ audio system for other musical instruments amplification

Draw-knob Controls
- Electromechanical
- Not illuminated

Platform – rolling so the console can be easily moved between concert and recital hall must be sized to fit through a double door. Double Door size is 80 inches wide. Organ must be no more than 78 inches wide

Warranty – Organ must have a minimum of a ten year manufacturer’s warranty which will include all parts, labor, on-site repairs, travel, lodging, and any and all costs associated with maintaining this equipment in optimum working condition. Provide all contact information of person that will be doing warranty repair work

Installation – Vendor must provide all installation and one on-site tuning. Coordinate with School of Music for delivery and installation.

D-2 Required Timeline
a. Issue RFP on or about 9 June 2010
b. Technical Questions Due: 16 June 2010
c. Proposals Due: 23 June 2010
d. Deliverables Due: not later than 6 August, 2010

D-3 Proposer Timeline: Proposal should include a statement that the Required Timeline can be met or provide a proposer timeline that demonstrates that the Deliverables Due date can be met or bettered.

D-4 Deliverables: Proposer will provide and install one electric organ w/bench

D-5 Acceptance and Deadlines: Organ must be installed and invoiced by August 6, 2010

D-6 Qualifications/References/Quality
a. Proposer must submit a minimum of three (3) references for similar type of work that the proposer completed for institutions of higher education or other state agencies within the past three (3) years.
b. Include the institutions name, contact person, physical address, e-mail address, project timelines, completion dates, and synopsis of the project(s).
c. By listing references, the proposer agrees that SHSU may contact the references and consider the references response as a basis to determine award of this RFP.
d. The University will be reviewing references for things such as: comprehensive recommendations, outcomes, best practices, and utilization of logical and effective processes.
e. Provide qualifications and resume on personnel that will be in charge of this project, to include education and experience.
Section E  EXECUTION OF OFFER

1. In compliance with this RFP, and subject to all the conditions herein, the undersigned offers and agrees to furnish any and all commodities or services at the prices quoted.

2. By signature hereon, the offeror hereby certifies that he/she is not currently delinquent in payment of any franchise taxes owed the State of Texas under Chapter 11, Tax Code.

3. By executing this offer, offeror affirms that he/she has not given, offered, or intends to give at any time hereafter, any economic opportunity, future employment, gift loan, gratuity, special discount, trip, favor, or service to public servant in connection with the submitted offer. Failure to sign the offer, or signing it with a false statement, shall void the submitted offer or any resulting contracts, and the offeror shall be removed from all proposals lists.

4. By the signature hereon affixed, the offeror hereby certifies that neither the offeror or the firm, corporation, partnership, or institution represented by the offeror 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 anti-trust laws, nor communicated directly or indirectly the offer made to any competitor or any other person engaged in such line of business. By signing this offer, offeror certifies that if a Texas address is shown as the address of the offeror, offeror qualified as a Texas Resident Proposer as defined in Rule 1 TAC 113.8.

This offer consists of pages number 1 through 22 of RFP# 753-0-008JEB.

Federal Employer Identification Number (FEIN): __________________________

Proposer/Company: __________________________________________

Signature (ink): __________________________________________ Date: __________

Name (typed/printed): ______________________________________________

Title: ______________________________________________________________

Address: __________________________________________________________

________________________________________________________________________

Street or PO Box       City                   State  Zip Code

Telephone Number: _________________

Total Cost : $ ______________________ (to include any and all costs, fees, charges, etc.)

PLEASE COMPLETE, SIGN AND RETURN WITH PROPOSAL. FAILURE TO SIGN AND RETURN THIS EXECUTION OF OFFER WILL RESULT IN THE REJECTION OF THE PROPOSAL.
Section F  TERMS AND CONDITIONS:

ITEMS BELOW APPLY TO AND BECOME A PART OF PROPOSAL. ANY EXCEPTIONS THERETO MUST BE IN WRITING.

1. PROPOSAL REQUIREMENTS:
   1.1 Rules, Regulations & Statutes: Proposers must comply with all rules, regulations and statutes relating to purchasing in the State of Texas in addition to the requirements of this form.
   1.2 Unit Price: Proposers must price per unit shown. Unit prices shall govern in the event of extension errors.
   1.3 Late or Unsigned Proposals: Late and/or unsigned proposals will not be considered under any circumstances. Person signing proposal must have the authority to bind the firm in a contract. The proposer (not the carrier/mail service/other or the University) is solely responsible for ensuring that the proposal is received in Procurement and Business Services prior to the specified opening date and time.
   1.4 FOB Point: Quote FOB destination, freight prepaid and allowed unless otherwise stated within the specifications.
   1.5 Pricing Firm: Proposal prices are requested to be firm for SHSU acceptance for 45 days from proposal opening date (unless otherwise stated in specifications). “Discount from list” proposals are not acceptable unless requested. Cash discounts are not considered in determining an award. Cash discounts will be taken if earned.
   1.6 Tax Exempt: Purchases made for State use are exempt from the State Sales tax and Federal Excise tax, per Texas Tax Code, Section 151.309(4). Do not include tax in the proposal.
   1.7 Right to Accept or Reject: The State reserves the right to accept or reject all or any part of any proposal, waive minor technicalities and award the proposal to best serve the interests of the State.
   1.8 Withdrawal: Any proposal may be withdrawn in writing prior to the date and time set for receipt of proposals. Any proposal not so withdrawn shall constitute an irrevocable offer, for a period of 45 days, to provide the commodity or service set forth in the specifications, or until a selection has been made by SHSU Procurement and Business Services.
   1.9 Proposal Costs: Proposers electing to respond to this RFP are responsible for any and all costs of proposal preparation. The University is not liable for any costs incurred by a proposer in response to this RFP.
   1.10 Exceptions: If a proposer takes exception to any specifications within this Request for Proposal, they must notify Procurement and Business Services in writing prior to the scheduled proposal opening date and time.
   1.11 Texas Public Information Act: Information, documentation, and other material collected, assembled or maintained by the University in connection with this solicitation or any resulting contract may be subject to public disclosure pursuant to Chapter 552 of the Texas Government Code (the “Public Information Act”). If a proposer believes any information contained in the proposer’s response package contains any proprietary or confidential information the proposer must clearly mark the verbiage claimed to be proprietary or confidential. If a Public Information Act request for documents is filed, the University will make best efforts to contact proposer prior to release of claimed proprietary information. If, at that time, the proposer still believes information provided is proprietary or confidential, the proposer shall timely notify the University in writing of the factual and legal basis of the claim. If the University submits the documents to the Texas Attorney General’s Office for a ruling on the proposer’s claim of privilege, the latter may elect to make arguments directly to the Attorney General’s Office in support of the claim of privilege.
2. SPECIFICATIONS

2.1 Brand Name Descriptive: Catalogs, brand names or manufacturer’s references are descriptive only, and indicate type and quality desired. Proposals on brands of like nature and quality will be considered unless otherwise stated in the Request for Proposal (RFP). If proposing other than brand referenced, proposal should show manufacturer, brand or trade name, and other description of product offered. If other than brand(s) specified is offered, illustrations and complete description of product offered are requested to be made part of the proposal. Failure to take exception to specifications or reference data will require proposer to furnish specified brand names, numbers, etc.

2.2 New Items: Unless otherwise specified, items shall be new and unused and of current production.

2.3 Electrical Standards: All electrical items must meet all applicable OSHA standards and regulations, and bear the appropriate listing from UL, FMRC or NEMA.

2.4 Samples: Samples, when requested, must be furnished free of expense to the State. Each sample should be marked with the proposer’s name and address, and requisition number. Do not enclose in or attach proposal to sample. All samples become the property of the University.

2.5 Oral Statements: SHSU will not be bound by any oral statement or representation contrary to the written specifications of the Request for Proposal (RFP).

2.6 Manufacturer’s Warranty: Manufacturer’s standard warranty shall apply unless otherwise stated in the RFP.

3. DELIVERY

3.1 Delivery Days: Show number of days required to place material in receiving agency’s designated location under normal conditions. Delivery days mean calendar days, unless otherwise specified. Failure to state delivery time obligates proposer to deliver in 14 calendar days. Unrealistic delivery promises may cause proposal to be disregarded.

3.2 Foreseen Delays: If delay is foreseen, vendor shall give written notice to SHSU. Vendor must keep SHSU advised at all times of status of order. Default promised delivery (without accepted reasons) or failure to meet specifications authorizes SHSU to purchase supplies elsewhere and charge full increase, if any, in cost and handling to defaulting vendor.

3.3 Substitutions: No substitutions permitted without written approval of SHSU.

3.4 Delivery Hours: Delivery shall be made during normal working hours (8:00 a.m. to 4:00 p.m.) only, unless prior approval has been obtained from ordering agency.

4. INSPECTION AND TESTS – All goods will be subject to inspection and test by SHSU. Authorized SHSU personnel shall have access to supplier’s place of business for the purpose of inspection merchandise. Tests shall be performed on samples submitted with the proposal or on samples taken from regular shipment. All costs shall be borne by the vendor in the event products tested fail to meet or exceed all conditions and requirements of the specification. Goods delivered and rejected in whole or in part may, at SHSU’s option, be returned to the vendor or held for disposition at vendor’s expense. Latent defects may result in revocation of acceptance.

5. AWARD OF CONTRACT

5.1 A response to this RFP is an offer to contract based upon the best price, terms, conditions and specifications contained herein. Proposals do not become contracts until they are accepted through a purchase order. The contract shall be governed, construed and interpreted under the laws of the State of Texas, and SHSU policy as the same may be amended from time to time. Any legal actions must be filed in Walker County, Texas.
5.2 No Guarantee of Award: University makes no warranty or guarantee that an award will be made as a result of this RFP. University reserves the right to accept or reject any or all proposals, waive any formalities or minor technical inconsistencies and delete any requirement or specification from this RFP or the Agreement when deemed to be in University’s best interest. University reserves the right to seek clarification of any item contained in Proposer’s proposal prior to final selection. Such clarification may be provided by telephone or personal meeting with or in writing to University, at University’s discretion. Representations made by Proposer within its proposal will be binding on Proposer. University will not be bound to act by any previous communication or response submitted by Proposer, other than this RFP.

6. CANCELLATION OF CONTRACT – If contract is cancelled, for any reason, any prepaid fees shall be refunded on a pro-rated basis.

7. PAYMENT – Vendor shall submit an itemized invoice showing SHSU purchase order number. SHSU will incur no penalty for late payment, if payment is made in 30 or fewer days from receipt of goods or services on an uncontested invoice. Regardless of the invoice date, the payment process will begin when Procurement and Business receives a written authorization/acceptance from the awarding department.

8. NON-DISCLOSURE: No public disclosures or news releases pertaining to this RFP shall be made without prior written approval of SHSU.

9. CONFLICTS: In event of a conflict between standard proposal requirements and conditions and the attached detail specification, the detail specification shall govern.

10. PATENTS OR COPYRIGHTS – The vendor agrees to protect SHSU from claims involving infringement of patents or copyrights.

11. VENDOR ASSIGNMENTS – Vendor hereby assigns to ordering agency any and all claims for overcharges associated with this contract arising under the antitrust laws of the United States 15 U.S.C.A. Section 1, et seq. (1973), and the antitrust laws of the State of Texas, TEX. Bus. & Comm. Code Ann. Sec. 15.01, et seq. (1967). Inquiries pertaining to RFPs must give the requisition number, codes, and opening date.

12. FUNDING OUT CLAUSE – Sam Houston State University reserves the right to cancel, without penalty, if funds are not appropriated or otherwise made available at any time during the contract period.

13. PROPOSER AFFIRMATION – Signing this proposal with a false statement is material breach of contract and shall void the submitted proposal or any resulting contracts, and the proposer shall be removed from all proposal lists. By signature hereon affixed;

13.1 The proposer has not given, offered to give, 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 proposal.
13.2 The proposer is not currently delinquent in the payment of any franchise tax owed with the Texas Comptroller of Public Accounts. For more information see the website for the Texas Comptroller of Public Accounts: http://ecpa.cpa.state.tx.us/vendor/tpsearch1.html.
13.3 Neither the proposer nor the firm, corporation, partnership, or institution represented by the proposer, or anyone acting for such firm, corporation or institution has violated the antitrust laws of this State or the Federal Antitrust Laws (See Section 8, above) nor communicated directly or indirectly the proposal made to any competitor or any other person engaged in such line of business.
13.4 The proposer has not received compensation for participation in the preparation of the specifications for this RFP.

13.5 If applicable, pursuant to Texas Family Code, Title 5, Subtitle D, Section 231.006(d), regarding child support, the proposer certifies that the individual or business entity named in this bid is not ineligible to receive the specified payment and acknowledges that this contract may be terminated and payment may be withheld if this certification is inaccurate. Furthermore, any proposer subject to Section 231.006 must include the names and Social Security numbers of each person with at least 25% ownership of the business entity submitting the bid. This information must be provided prior to contract award.

13.6 Pursuant to Section 2155.004 Government code re: collection of state and local sales and use taxes, the proposer certifies that the individual or business entity named in this proposal is not ineligible to receive the specified contract and acknowledges that this contract may be terminated and/or payment withheld if this certification is inaccurate.

13.7 The Contractor shall defend, indemnify, and hold harmless the State of Texas, SHSU, 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 contractor or any agent, employee, subcontractor, or supplier of contractor in the execution or performance of this contract.

13.8 Proposer agrees that any payments due under this contract will be applied towards any debt, including but not limited to delinquent taxes and child support that is owed to the State of Texas.

13.9 Proposer certifies that they are in compliance with Texas Government Code, Title 6, Subtitle B, Section 669.003 of the Government Code, relating to contracting with the executive head of a State agency. If Section 669.003 applies, proposer will complete the following information in order for the proposal to be evaluated:

- Name of Former Executive: __________________________
- Name of State Agency: ________________________________
- Date of separation from State Agency: __________________
- Position with proposer: ________________________________
- Date of Employment with proposer: ____________________

14. NOTICE TO PROPOSER:

14.1 Any terms and conditions attached by the proposer to their proposal will not be considered unless specifically referred to on this proposal form and may result in disqualification of the proposal.

14.2 Equal Opportunity – Proposer represents and warrants that it shall not discriminate against any person on the basis of race, color, national origin, creed, religion, political belief, sex, sexual orientation, age or disability in the performance of the resulting contract.

April 27, 2010
HUB Subcontracting Plan (HSP) Overview

The university has determined that subcontracting opportunities are probable under this contract therefore a HSP is required. Proposals received without a completed HSP will be rejected.

SECTION 1: Complete with your company information. Make sure point of contact is someone that can answer questions and inquiries posed by the University.

SECTION 2:
IF YOU ARE NOT SUBCONTRACTING: (Please read the definition of a subcontractor Section 2, Sentence 2) and check “No, I will not be subcontracting…”, then continue to complete Section 9 and 10.
IF YOU ARE SUBCONTRACTING: (Please read the definition of a subcontractor Section 2, Sentence 2) then check the box stating “Yes, I will be subcontracting…”, then list your subcontracting opportunities where indicated on the bottom of Section 2. Make a copy of page 2 for each subcontracting opportunity listed under Section 2 on page 1.

SECTION 3: Enter the line number and description of the subcontracting opportunity listed in Section 2.

SECTION 4: Denote if applicable, may want to discuss advantages of Mentor/Protégé Program with HUB Coordinator.

SECTION 5: Denote if applicable.

SECTION 6: **** IF SUBCONTRACTING, YOU MUST DO THE FOLLOWING OR YOUR BID WILL BE REJECTED ****

a. Provide written notification of the subcontracting opportunity to at least THREE (3) or more certified HUBs.

b. Provide written notification to at least one Minority Trade Organization or Development Center per subcontracting opportunity.

c. You MUST allow at least 5 WORKING DAYS for the HUBs and Minority Organizations to respond and attach all supporting documentation demonstrating your solicitation efforts.

SECTION 7: Identify the 3 HUBs that were solicited and the requested information.

SECTION 8: Identify the subcontractor you will be using and the requested information. If the chosen subcontractor is not a certified HUB, provide written justification

SECTION 9: Explain how your company will perform the entire contract with its own equipment, supplies, materials and/or employees.

SECTION 10: Read the three bullets, sign, print your name, title and date.

If you have any questions concerning the completion of the HSP, please contact:

Bob Chapa (HUB Coordinator) 936/294-4670 or ric001@shsu.edu
### Sam Houston State University
#### Minority and Women Trade Organizations

<table>
<thead>
<tr>
<th>Organization</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>American Indian Chamber of Commerce of Texas</strong></td>
<td><a href="http://www.aicct.com">www.aicct.com</a>&lt;br&gt;Diana Woodward&lt;br&gt;<a href="mailto:dwoodward@aicct.com">dwoodward@aicct.com</a>&lt;br&gt;ph 817 429-2323&lt;br&gt;fax 817 451-3575</td>
</tr>
<tr>
<td><strong>Dallas/Fort Worth Minority Supplier Development Council</strong></td>
<td><a href="http://msdc.adaptone.com/dfwmbc/">http://msdc.adaptone.com/dfwmbc/</a>&lt;br&gt;Andrew Nash&lt;br&gt;<a href="mailto:business@dfwmsdc.com">business@dfwmsdc.com</a>&lt;br&gt;ph 214 630-0747&lt;br&gt;fax 214 637-2241</td>
</tr>
<tr>
<td><strong>Houston Minority Business Council</strong></td>
<td><a href="http://www.hmbc.org">http://www.hmbc.org</a>&lt;br&gt;Angela Freeman&lt;br&gt;<a href="mailto:Angela.freeman@hmbc.org">Angela.freeman@hmbc.org</a>&lt;br&gt;ph 713 271-7805&lt;br&gt;713 271-9770</td>
</tr>
<tr>
<td><strong>National Association of Minority Contractors, Greater Houston Chapter</strong></td>
<td><a href="http://www.namctexas.com">www.namctexas.com</a>&lt;br&gt;Pat Melendez&lt;br&gt;<a href="mailto:pmelendez@namctexas.com">pmelendez@namctexas.com</a>&lt;br&gt;ph 713 843-3791&lt;br&gt;fax 713 843-3777</td>
</tr>
<tr>
<td><strong>Texas Association of Historically Underutilized Businesses</strong></td>
<td><a href="http://www.texashubs.org">www.texashubs.org</a>&lt;br&gt;Roy Mata&lt;br&gt;<a href="mailto:rmata@tgsaustin.com">rmata@tgsaustin.com</a>&lt;br&gt;ph 512 220-4293&lt;br&gt;fax 915 585-7751</td>
</tr>
<tr>
<td><strong>Tri-County Black Chamber of Commerce</strong></td>
<td><a href="http://www.tricountyblackchamber.org">www.tricountyblackchamber.org</a>&lt;br&gt;Leondria Thompson&lt;br&gt;<a href="mailto:leondria@tricountyblackchamber.org">leondria@tricountyblackchamber.org</a>&lt;br&gt;ph 832 875-3977&lt;br&gt;fax 713 839-7329</td>
</tr>
<tr>
<td><strong>Women Contractors Association</strong></td>
<td><a href="http://www.womencontractors.org">www.womencontractors.org</a>&lt;br&gt;Josena Arquieta&lt;br&gt;<a href="mailto:jarquieta@womencontractors.org">jarquieta@womencontractors.org</a>&lt;br&gt;ph 713 807-9977&lt;br&gt;fax 713 807-9917</td>
</tr>
<tr>
<td><strong>Women’s Business Council – Southwest</strong></td>
<td><a href="http://www.wbcsouthwest.org">www.wbcsouthwest.org</a>&lt;br&gt;Emilia Menthe&lt;br&gt;<a href="mailto:ementhe@wbcsouthwest.org">ementhe@wbcsouthwest.org</a>&lt;br&gt;ph 817 299-0566&lt;br&gt;n/a</td>
</tr>
<tr>
<td><strong>Women’s Business Enterprise Alliance</strong></td>
<td><a href="http://www.wbea-texas.org">www.wbea-texas.org</a>&lt;br&gt;Brittany Barton&lt;br&gt;bids@wbea-texas-org&lt;br&gt;ph 713 681-9232&lt;br&gt;n/a</td>
</tr>
<tr>
<td><strong>Southwest Minority Supplier Development Council</strong></td>
<td><a href="http://www.smsdc.org">www.smsdc.org</a>&lt;br&gt;n/a&lt;br&gt;<a href="mailto:admin@smsdc.org">admin@smsdc.org</a>&lt;br&gt;ph 512 386-8766&lt;br&gt;fax 512 386-8988</td>
</tr>
</tbody>
</table>
HUB SUBCONTRACTING PLAN (HSP)

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

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

The HUB Program promotes equal business opportunities for economically disadvantaged persons to contract with the State of Texas in accordance with the goals specified in the State of Texas Disparity Study. The HUB goals defined in 34 TAC §20.13 are: 11.9 percent for heavy construction other than building contracts, 26.1 percent for all building construction, including general contractors and operative builders contracts, 57.2 percent for all special trade construction contracts, 20 percent for professional services contracts, 33 percent for all other services contracts, and 12.6 percent for commodities contracts.

- - Agency Special Instructions/Additional Requirements - -

For assistance in completing the HSP contact: Bob Chapa (HUB Coordinator) 936/294-4670, ric001@shsu.edu

Attached: HSP Overview & Listing of Minority and Women Trade Organizations

To view an instruction video on how to complete the HSP, go to the following web site:

http://www.cpa.state.tx.us/procurement/prog/hub/hub-subcontracting-plan/

SECTION 1 - RESPONDENT AND SOLICITATION INFORMATION

a. Respondent (Company) Name: ________________________________ State of Texas VID #: ________________________________

Point of Contact: ________________________________ Phone #: ________________________________

b. Is your company a State of Texas certified HUB? □ - Yes □ - No

c. Solicitation #: ________________________________

SECTION 2 - SUBCONTRACTING INTENTIONS

After having divided the contract work into reasonable lots or portions to the extent consistent with prudent industry practices, the respondent must determine what portion(s) of work, including goods or services, will be subcontracted. Note: In accordance with 34 TAC §20.12., a “Subcontractor” means a person who contracts with a vendor to work, to supply commodities, or contribute toward completing work for a governmental entity. Check the appropriate box that identifies your subcontracting intentions:

□ - Yes, I will be subcontracting portion(s) of the contract.

(If Yes, in the spaces provided below, list the portions of work you will be subcontracting, and go to page 2.)

□ - No, I will not be subcontracting any portion of the contract, and will be fulfilling the entire contract with my own resources.

(If No, complete SECTION 9 and 10.)

<table>
<thead>
<tr>
<th>Line Item # - Subcontracting Opportunity Description</th>
<th>Line Item # - Subcontracting Opportunity Description</th>
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<tbody>
<tr>
<td>(#1) -</td>
<td>(#11) -</td>
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<td>(#10) -</td>
<td>(#20) -</td>
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</tbody>
</table>

*If you have more than twenty subcontracting opportunities, a continuation page is available at http://www.window.state.tx.us/procurement/prog/hub/hub-forms/hsp_sep06_cont1.doc.
Section 3 - Subcontracting Opportunity

Enter the line item number and description of the subcontracting opportunity you listed in Section 2.

<table>
<thead>
<tr>
<th>Line Item #</th>
<th>Description</th>
</tr>
</thead>
<tbody>
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</tr>
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</table>

Section 4 - Mentor-Protégé Program

If respondent is participating as a Mentor in a State of Texas Mentor Protégé Program, submitting their Protégé (Protégé must be a State of Texas certified HUB) as a subcontractor to perform the portion of work (subcontracting opportunity) listed in Section 3, constitutes a good faith effort towards that specific portion of work. Will you be subcontracting the portion of work listed in Section 3 to your Protégé?

- Yes (If Yes, complete Section 8 and 10.)
- No / Not Applicable (If No or Not Applicable, go to Section 5.)

Section 5 - Professional Services Contracts Only

This section applies to Professional Services Contracts only. All other contracts go to Section 6.

Does your HSP contain subcontracting of 20% or more with HUB(s)?

- Yes (If Yes, complete Section 8 and 10.)
- No / Not Applicable (If No or Not Applicable, go to Section 6.)

In accordance with Gov't Code §2254.004, "Professional Services" means services: (A) within the scope of the practice, as defined by state law of accounting; architecture; landscape architecture; land surveying; medicine; optometry; professional engineering; real estate appraising; or professional nursing; or (B) provided in connection with the professional employment or practice of a person who is licensed or registered as a certified public accountant; an architect; a landscape architect; a land surveyor; a physician, including a surgeon; an optometrist; a professional engineer; a state certified or state licensed real estate appraiser; or a registered nurse.

Section 6 - Notification of Subcontracting Opportunity

Complying with a, b and c of this section constitutes Good Faith Effort towards the portion of work listed in Section 3. After performing the requirements of this section, complete Section 7, 8 and 10.

a. Provide written notification of the subcontracting opportunity listed in Section 3 to three (3) or more HUBs. Use the State of Texas’ Centralized Master Bidders List (CMBL), found at [http://www2.cpa.state.tx.us/cmbl/cmblhub.html](http://www2.cpa.state.tx.us/cmbl/cmblhub.html), and its HUB Directory, found at [http://www2.cpa.state.tx.us/cmbl/hubonly.html](http://www2.cpa.state.tx.us/cmbl/hubonly.html), to identify available HUBs. Note: Attach supporting documentation (letters, phone logs, fax transmittals, electronic mail, etc.) demonstrating evidence of the good faith effort performed.

b. Provide written notification of the subcontracting opportunity listed in Section 3 to a minority or women trade organization or development center to assist in identifying potential HUBs by disseminating the subcontracting opportunity to their members/participants. A list of trade organizations and development centers may be accessed at [http://www.window.state.tx.us/procurement/prog/hub/mwb-links-1/](http://www.window.state.tx.us/procurement/prog/hub/mwb-links-1/). Note: Attach supporting documentation (letters, phone logs, fax transmittals, electronic mail, etc.) demonstrating evidence of the good faith effort performed.

c. Written notifications should include the scope of the work, information regarding the location to review plans and specifications, bonding and insurance requirements, required qualifications, and identify a contact person. Unless the contracting agency has specified a different time period, you must allow the HUBs no less than five (5) working days from their receipt of notice to respond, and provide notice of your subcontracting opportunity to a minority or women trade organization or development center no less than five (5) working days prior to the submission of your response to the contracting agency.

Section 7 - Hub Firms Contacted for Subcontracting Opportunity

List three (3) State of Texas certified HUBs you notified regarding the portion of work (subcontracting opportunity) listed in Section 3. Specify the vendor ID number, date you provided notice, and if you received a response. Note: Attach supporting documentation (letters, phone logs, fax transmittals, electronic mail, etc.) demonstrating evidence of the good faith effort performed.

<table>
<thead>
<tr>
<th>Company Name</th>
<th>VID #</th>
<th>Notice Date (mm/dd/yyyy)</th>
<th>Was Response Received?</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
</table>

Section 8 - Subcontractor Selection

List the subcontractor(s) you selected to perform the portion of work (subcontracting opportunity) listed in Section 3. Also, specify the expected percentage of work to be subcontracted, the approximate dollar value of the work to be subcontracted, and indicate if the company is a Texas certified HUB.

<table>
<thead>
<tr>
<th>Company Name</th>
<th>VID #</th>
<th>Expected % of Contract</th>
<th>Approximate Dollar Amount</th>
<th>Texas Certified HUB?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td>%</td>
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<td></td>
<td></td>
<td>%</td>
<td>$</td>
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</tr>
</tbody>
</table>

*If the subcontractor(s) you selected is not a Texas certified HUB, provide written justification of your selection process below:
SECTION 9 - SELF PERFORMANCE JUSTIFICATION
(If you responded “No” to SECTION 2, you must complete SECTION 9 and 10.)

Does your response/proposal contain an explanation demonstrating how your company will fulfill the entire contract with its own resources?

☐ - Yes  If Yes, in the space provided below, list the specific page/section of your proposal which identifies how your company will perform the entire contract with its own equipment, supplies, materials and/or employees.

☐ - No  If No, in the space provided below, explain how your company will perform the entire contract with its own equipment, supplies, materials, and/or employees.

SECTION 10 - AFFIRMATION

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

- The respondent must submit monthly compliance reports (Prime Contractor Progress Assessment Report – PAR) to the contracting agency, verifying their compliance with the HSP, including the use/expenditures they have made to subcontractors. (The PAR is available at http://www.window.state.tx.us/procurement/prog/hub/hub-forms/progressassessmentrpt.xls).
- The respondent must seek approval from the contracting agency prior to making any modifications to their HSP. If the HSP is modified without the contracting agency's prior approval, respondent may be subject to debarment pursuant to Gov't Code §2161.253(d).
- The respondent must, upon request, allow the contracting agency to perform on-site reviews of the company's headquarters and/or work-site where services are to be performed and must provide documents regarding staff and other resources.

____________________________________ _________________________________ ___________________ ___________________
Signature Printed Name Title Date