

**EAST TEXAS MUNICIPAL UTILITY DISTRICT
SMITH COUNTY, TEXAS
REQUEST FOR
STATEMENTS OF QUALIFICATIONS
FOR PROFESSIONAL SERVICES INCLUDING
ENGINEER, BOND COUNSEL, AND FINANCIAL ADVISOR**

The East Texas Municipal Utility District of Smith County, Texas (ETMUD) is requesting the submission of qualifications statements, which will lead to the possible award of contracts to provide Engineer, Bond Counsel, and Financial Advisor services for water and wastewater utility system improvements. All service providers must be registered or licensed by the State of Texas. Potential improvements include but are not limited to installation of a new wastewater force main, construction of a new lift station, closure of an existing wastewater treatment facility, improvements to an existing wastewater treatment facility, and improvements to the existing wastewater collection system; improvements to existing water wells, high service pump stations, storage and pressure maintenance facilities, and the existing distribution system; development of a master plan for the wastewater collection and treatment system; development of a master plan for the water source, treatment, storage and distribution system; and ancillary construction activities. Professional services resulting from selection of a service provider and award of contracts under this Request for Qualifications (RFQ) are expected to be funded in part or in full by funds from the Texas Water Development Board (TWDB). This RFQ is issued in accordance with Section 2254 of the Texas Government Code (Professional Services Act) and 40 CFR, Section 33. This solicitation may result in multiple contracts, or multi-year contracts for one or more of the service providers.

1. SCOPE OF SERVICES

A. The proposed Engineering Consultant services include:

- 1) Preparation of concept reports, feasibility studies, master plans, cost estimates, proposed funding plans and other written materials regarding various ongoing or contemplated services.
- 2) Assisting in the procurement of funding for projects.
- 3) Advising and/or representing the ETMUD on various project matters including proceedings before funding agencies, regulatory agencies, judicial bodies, public audiences, etc., when necessary.
- 4) Preparing specifications, detailed construction drawings, contract documents, legal surveys for rights-of-ways and easements, and funding progress reports for this project and associated projects.
- 5) Assisting in the solicitation, analysis, and procurement of contractors to perform construction and/or other services related to this project.
- 6) Providing on-site and/or off-site construction administration and construction representation for this project, coordination and scheduling of contractors and required inspections, conducting periodic site visits, and preparation of submission of reports

regarding the progress of this project or associated projects to or on behalf of the ETMUD.

- 7) All services shall be performed exclusively in the best interest of the ETMUD, in accordance with all applicable professional, statutory and regulatory standards and codes in the most efficient and cost-effective manner practicable.

B. The proposed Bond Counsel services include:

- 1) Prepare and review documents necessary or appropriate to the authorization, issuance and delivery of the Obligations, coordinate the authorization with the Office of the Texas Attorney General and execution of such documents, and review and, where appropriate, assist with matters relating to enabling legislation.
- 2) Assist the ETMUD in seeking from governmental authorities, including the Texas Water Development Board, permissions and exemptions as we determine are necessary or appropriate in connection with the authorization, issuance and delivery of the Obligations.
- 3) Review legal issues relating to the structure of the Obligations issue.
- 4) Assist the ETMUD, as needed, in presenting information to bond rating organizations and providers of credit enhancement relating to legal issues affecting the issuance of the Obligations.
- 5) Prepare a legal Opinion that will be delivered on the date the Obligations are exchanged for their purchase price.

C. The proposed Financial Advisor services include:

- 1) Assist the ETMUD in preparing TWDB and other agency funding applications, sources and uses budgets, financing plans, monitor all of the ETMUD's proposed Obligations pertaining to projects, recommendation of procedures that could prove beneficial to the ETMUD's projects, provide ongoing support in obtaining financial assistance in the form of grants or loans from governmental authorities including, but not limited to, the TWDB, review financial issues pertaining to the structure of the obligations, and assist the ETMUD as needed in presenting information to Bond Rating organizations and providers of credit enhancement relating to financial issues affecting the issuance of the Obligations.

2. GUIDELINES FOR CONTENT OF QUALIFICATION STATEMENTS

DO NOT INCLUDE COST OR CONTRACT INFORMATION with the qualification statement. Responses that include cost or pricing information will be rejected and will not be considered by the ETMUD. All of the following content is applicable to engineering firms. Some of the content may not be applicable to financial, bond counsel and rate consulting firms and is not required to be provided.

- A. The qualifications statement is limited to 20 pages excluding the cover, table of contents, resumes, and back cover.

- B.** Name of firm, firm profile, location of where the majority of ETMUD’s work will be performed, and the location of the primary contact with the firm.
- C.** Resumes including the education and qualifications of the primary contact and other key members of the firm which may be assigned work under the ETMUD agreement.
- D.** Experience of the firm reflecting technical capabilities, project experience and funding experience in conjunction with governmental improvement projects.
- E.** Specific experience with water and wastewater facilities.
- F.** The name, organization and phone number of three governmental clients who may be contacted for reference.
- G.** A description of how the firm addresses identifying possible grant funding and submitting applications.

3. MINIMUM QUALIFICATIONS AND SELECTION CRITERIA

The ETMUD will evaluate the proposals to determine which firm has the best qualifications based on the following selection criteria as applicable to each service described above:

- A.** The competence to perform the services as reflected by education, general experience, and specific experience in providing the services outlined herein, particularly water and wastewater systems, construction management and Federally and State funded construction projects. Extent of experience with Texas Water Development Board and projects located in this general region.
- B.** The ability to perform the services and the availability of adequate personnel to complete services in a timely manner when requested.
- C.** Past projects completed in a satisfactory manner, on time and within budget with a work product that is of a consistently high quality.
- D.** Past performance with engineering services for governmental entities as reflected by past clients with respect to such factors as control of costs, quality of work, ability to meet deadlines and address problems.
- E.** Respondent’s plan to subcontract with a firm or firms that are small, minority or woman-owned businesses.

4. INQUIRIES AND RESTRICTIONS

- A.** Questions or additional information to clarify the intent of this RFQ, must be submitted in writing no later than 4:00 p.m. on January 31, 2023 to office@etmud.com Subject Line: TWDB Water Master Plan 2023 Questions. The Selection Team will collect these questions and respond in writing. Oral explanations or instructions will not be binding.
- B.** Respondents or their representatives are prohibited from communicating with ETMUD board members and employees regarding this RFQ from the time the RFQ is released until the contract is awarded.

- C. This prohibition on contact includes “thank you” letters, phone calls, emails, and any contact that results in the direct or indirect discussion of the RFQ submitted by Respondents.
- D. Violation of this provision by the Respondent and/or their agent may lead to disqualification of the Respondent’s proposal from consideration.

5. SUBMITTAL DEADLINE

Please submit seven (7) copies of the Statement of Qualification proposals to the attention of **Mr. Lane Thompson, General Manager, East Texas Municipal Utility District, 12162 HIGHWAY 155 N, TYLER TX 75708 - 2436**. The submittal deadline for the qualification proposals is 11:00 a.m. Monday, February 6, 2023. Any proposal received after this time and date will be rejected and will not be considered by the ETMUD.

6. CONTRACT TERMS AND NEGOTIATION SCHEDULE

The consultant for Engineering, Financial Advisor, and Bond Counsel services are expected to negotiate their agreements for services which are acceptable to the ETMUD immediately after the qualified Respondent(s) is selected. The contracts resulting from this RFQ shall be on an ongoing basis terminable at any time by either party with written notice. If an acceptable contract cannot be negotiated, the ETMUD may formally end negotiations and begin negotiating with the next most qualified person or firm.

7. COST OF PREPARING QUALIFICATIONS PACKAGE

Costs for preparing the Qualification Packages and any subsequent materials or presentations shall be solely the responsibility of the prospective Respondents.

8. ADDITIONAL INFORMATION

- A. This contract is contingent upon release of funds from the TWDB.
- B. Any contracts awarded under this Request for Qualifications are expected to be funded in part by a loan and/or loan forgiveness funds received from the TWDB. Neither the State of Texas nor any of its departments, agencies, or employees are or will be a party to this RFQ or any resulting contract.
- C. This contract is subject to the Environmental Protection Agency's (EPA) Disadvantaged Business Enterprise (DBE) Program, which includes EPA-approved fair share goals toward procurement of Minority and Women-owned Business Enterprise (M/WBE) businesses. EPA rules require that applicants and prime contractors make a good faith effort to award a fair share of contracts, subcontracts, and procurements to M/WBEs through demonstration of the six affirmative steps. For more details of the DBE Program and the current, applicable fair share goals, please visit www.twdb.texas.gov/DBE.

Current TWDB Fair Share Goals/Objectives

The TWDB negotiated Fair Share Goals are in effect as of August 14, 2018. They are applicable until September 1, 2021.

CATEGORY	MBE	WBE
CONSTRUCTION	19.44%	9.17%
EQUIPMENT	16.28%	11.45%
SERVICES	20.41%	13.66%
SUPPLIES	25.34%	8.82%

- D. Recipients of financial assistance **must** maintain all records documenting compliance with all applicable federal and state requirements. They are also subject to additional contract administration requirements (40 CFR, Section 33.302).
- E. Equal Opportunity in Employment - All qualified Applicants will receive consideration for employment without regard to race, color, religion, sex, age, handicap or national origin. Bidders on this work will be required to comply with the President's Executive Order No. 11246, as amended by Executive Order 11375, and as supplemented in Department of Labor regulations 41 CFR; Part 60.
- F. SMWBE firms are encouraged to submit proposals.