

**REQUEST FOR QUALIFICATIONS**

LBB 2008 PR 1002

FOR

PRE-QUALIFYING VENDORS

TO CONDUCT A VARIETY OF PERFORMANCE REVIEWS  
OF TEXAS SCHOOL AND COMMUNITY COLLEGE DISTRICTS

STATE OF TEXAS

Legislative Budget Board

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## **PART I GENERAL INFORMATION**

### **1.1 Purpose**

The Legislative Budget Board (LBB) issues this Request for Qualifications (RFQ) to pre-qualify vendors to assist the LBB in conducting a variety of performance reviews of Texas School and Community College Districts (Districts). Vendors may apply to be pre-qualified to provide expertise related to one or more of the functional areas listed in Section 3.2 of this RFQ.

An applicant may be an individual, a group, or a company.

Individual applicants will identify the functional area(s) they are applying to be pre-qualified for and present their experience with relevant and/or similar projects for each functional area.

A company may be pre-qualified based on the qualifications of each consultant, including subcontractors. A consultant who is included as an employee or as a subcontractor of a company may also apply as an individual applicant.

As projects are developed, the LBB will contact a pre-qualified vendor that is qualified for the specific review, evaluation, or analysis project, and will clarify the scope, goals, and objectives of the project. The LBB will then request the vendor to submit specific personnel assignments (including subcontractors), a detailed work plan and a total price quote for the project. Both the LBB and the vendor will have the right to negotiate price, terms, and scope of the project or to decline the offer.

Once the LBB selects a pre-qualified vendor to conduct a performance review, the results developed by the vendor may include, but not be limited to, identifying or developing concerns, issues, achievements, criteria, accomplishments, findings, and recommendations to address the specific scope, goals, and objectives of the project. The projects may include district-level issues as well as state-level issues, and may involve all twelve functional areas or only selected functional areas.

The LBB anticipates selecting multiple pre-qualified vendors for consulting services agreements; however, if awards of consulting services agreements are made under this RFQ, the LBB does not guarantee any minimum amount of work or amount of compensation under any such agreement.

### **1.2 Authority**

This RFQ is issued pursuant to Section 322.016, Government Code.

### **1.3 LBB Obligations**

The LBB shall pay no costs or other amounts incurred by any applicant in responding to this RFQ. The LBB reserves the right, in its sole discretion, to designate an applicant as a pre-qualified vendor without discussion with the applicant. The LBB reserves the right to reject any or all submitted applications. All applications will become a part of the LBB's official files, and will be available for public inspection after conclusion of the approval process.

### **1.4 Applicant Obligations**

Individuals and companies are invited to submit applications to be prequalified to conduct performance review work in specific functional areas in accordance with this RFQ. **Applications must address all specifications.**

Applications shall include the names of each consultant including each subcontractor. An individual with authority to bind each proposed subcontractor or joint applicant must sign a statement to the effect that the subcontractor or joint applicant has read and agrees to abide by the applicant's obligations; the original applications must include originals of these statements.

The applicant must use the format provided in Appendix A to submit the names of each consultant (including subcontractors) along with the functional area(s) of expertise.

### 1.5 Schedule of Events

The LBB currently anticipates that the approval of applicants for pre-qualification will proceed according to the following schedule:

November 26, 2008	-	Issuance of RFQ (after 10:00 a.m. CZT)
December 15, 2008	-	Deadline for Submission of Questions (2:00 p.m. CZT)
December 19, 2008	-	Release of Official Responses to Questions (or as soon thereafter as practical)
January 8, 2009	-	<b>Deadline for Submission of Applications (2:00 p.m. CZT)</b> <b><u>(Late submissions will not be considered)</u></b>
January 12 thru January 23, 2009	-	Oral Presentations may occur
January 30, 2009	-	Approval of Pre-Qualifying Applicants

The above dates are subject to change. Notices of changes to items directly impacting the original RFQ or application process will be posted on the Texas Marketplace located at: <http://esbd.cpa.state.tx.us> and on the LBB website at <http://www.lbb.state.tx.us>.

### 1.6 Issuing Office and LBB's Contact

The LBB is the Issuing Office and the sole point of contact for this RFQ. Questions concerning this RFQ must be in writing and addressed to:

Legislative Budget Board  
512-475-2902 (fax)  
Email: [contract.manager@lbb.state.tx.us](mailto:contract.manager@lbb.state.tx.us)

See Section 1.12 for the deadline for receipt of written questions

Upon issuance of this RFQ, other employees and representatives of the LBB will not answer questions or otherwise knowingly discuss the contents of this RFQ with any potential applicants or their representatives. Failure to observe this restriction may result in disqualification of any subsequent application. This restriction does not preclude discussions unrelated to this RFQ.

### 1.7 Applicant Understanding of RFQ

By submitting a signed application, an applicant represents that it fully understands this RFQ and will abide by its terms and conditions. No exceptions, amendments, or deviations from this RFQ will be allowed in any application unless agreed to in writing and prior to the date that responses to questions are due. Unauthorized exceptions, amendments, or deviations in the response may result in disqualification of the application.

### 1.8 Deadline for Submission of Applications

Applications may be emailed to [contract.manager@lbb.state.tx.us](mailto:contract.manager@lbb.state.tx.us) in "Word" or "pdf" format. The LBB will not consider late filed applications. Applicants are solely responsible for verifying the LBB's receipt of their applications by the deadline specified above. If there are transmission problems, please call Ed Osner at 512-463-8898 or Kay Gebhardt at 512-463-2419. **Applications must be signed by a principle or owner.**

### **1.9 Right to Amend, Modify, or Withdraw RFQ**

The LBB reserves the right, in its sole discretion, to alter, amend, clarify, modify, or withdraw any provision of this RFQ at any time if it is in the best interest of the LBB or the State to do so. The decision of the LBB shall be administratively final in this regard.

### **1.10 Confidential Information; Nondisclosure; Open Records**

Applications received in response to this RFQ are subject to release as public information unless the application or specific parts of the application can be shown to be exempt from the Texas Public Information Act. All applicants are advised to consult with their legal counsel regarding disclosure issues and take the appropriate precautions to safeguard trade secrets or any other proprietary information. The LBB assumes no obligation or responsibility relating to the disclosure or nondisclosure of information submitted by applicants.

If an applicant believes that any portion of an application is confidential, then the applicant must so specify. The applicant must stamp in bold red letters the term "CONFIDENTIAL" on that specific *part or page* of the application that the applicant believes to be confidential. The applicant must submit in writing specific detailed reasons, including any relevant legal authority, stating why the applicant believes the material to be confidential. Vague and general claims as to confidentiality will not be accepted. The LBB will be the sole judge as to whether a claim is general and/or vague in nature. All applications and parts of applications that are not marked as confidential will be automatically considered public information after the approval of pre-qualified applicants. The successful application will be considered public information even though parts are marked confidential.

In the event the LBB receives a request for portions of an application marked as "confidential" as specified above, the LBB may forward such request to the Texas Attorney General's office for an opinion on whether such information may be withheld from disclosure under the Texas Public Information Act. The LBB will notify the applicant whose application is the subject of the request if the information is forwarded to the Attorney General's office. Applicants are advised that the LBB is obligated to comply with the decision of the Attorney General, including any such decision calling for the release of information marked "confidential" by an applicant.

Copyrighted applications are unacceptable and are subject to disqualification as non-responsive.

### **1.11 Written Questions and Official Responses**

Inquiries concerning this RFQ must be in writing and received by the Issuing Office specified in Section 1.6 no later than 2:00 p.m. (CZT) on December 15, 2008. Telephone inquiries will not be accepted. Questions may be submitted by fax. The LBB will post its responses to questions received by the deadline electronically on the LBB website (<http://www.lbb.state.tx.us>) on or about December 19, 2008, or as soon thereafter as practical.

If an applicant discovers any ambiguities, conflicts, discrepancies, exclusionary specifications, omissions, or other errors in this RFQ, the applicant must immediately notify the Issuing Office. If an applicant fails to so notify the Issuing Office, such applicant submits an application at its own risk and under such conditions. If such applicant is an approved pre-qualified applicant, then it is not entitled to additional compensation, relief, or time by reason of the error or its later correction.

### **1.12 Time**

The times stated in this document refer to Central Zone Time (CZT) where appropriate. Unless otherwise stated in this document, the applicable time deadline will be 2:00 p.m. on the date specified. The LBB's regular office hours are 8:00 a.m. to 5:00 p.m. (CZT), Monday through Friday, except State of Texas holidays.

## **PART II APPLICATION FORMAT**

### **2.1 Introduction**

Applications must be organized as described in Section 2.2 below. Applications not organized in this manner are subject to disqualification. Vague and general applications will be considered non-responsive and disqualified. Applications must be complete; failure to include all required information may result in disqualification. Application pages must be numbered and contain an organized, paginated table of contents corresponding to the sections and pages of the application.

### **2.2 General Organization of Application Contents (in Response to this RFQ)**

Transmittal Letter

Table of Contents

Step-by-Step Process of how and what will be reviewed

Applicant/Vendor Experience

Consultant/Subcontractor Experience

Appendix A

### **2.3 Transmittal Letter**

Applicants must submit with their applications a transmittal letter that identifies:

- a. name, address of business entity submitting the application, business telephone number, fax number, and email address of applicant's principal contact person regarding this RFQ;
- b. all principals;
- c. type of business entity (i.e., corporation, partnership);
- d. state of incorporation or organization and principal place of business;
- e. name and location of major offices, and other facilities that relate to applicant's performance under this RFQ;
- f. applicant's Federal Employer Identification Number and Texas Tax Identification/Registration Number, if any;
- g. name and business address for each member, partner, and employee of applicant (and any subcontractors);
- h. statement regarding the financial stability of applicant.

The transmittal letter must be signed by a person legally authorized to bind applicant to the representations in the application. In the case of a joint application, each party must sign the transmittal letter.

### **2.4 Table of Contents**

Each application must be submitted with a table of contents that identifies and denotes the location of each title and subtitle of the application. The table of contents must also identify and denote the location of all enclosures of the application. The table of contents must follow the RFQ's structure as much as is practical.

### **2.5 Step-by-Step Process of How and What Will be Reviewed**

For each functional area in which the applicant is seeking prequalification, the application must describe the step-by-step process the applicant would use and describe what will be reviewed in each functional area for efficiency and effectiveness. The steps identified must provide enough detail and specificity to enable the evaluation of the applicant's knowledge and understanding of the particular functional area.

### **2.6 Applicant/Vendor Experience**

The application must provide descriptions and references for relevant work that has been conducted by the applicant within the past three (3) years, including work performed for the LBB. References must contain a contact name, title, address, telephone number and date of services performed. The application must indicate whether the organizations listed are included for the purpose of verifying qualifying experience.

The description of experience must cover similar and/or relevant projects conducted by the applicant. Each experience statement also must include the name and types of services directly provided by the applicant, and whether the applicant was the contractor or subcontractor.

The description of experience must be presented in sufficient detail as to provide the LBB with a convincing indication that the applicant involved can be pre-qualified in accordance with this RFQ.

### **2.7 Consultant/Subcontractor Experience**

In order to be pre-qualified for any given functional area, the applicant must demonstrate that one or more consultants/subcontractors are experienced in that function to possess the necessary level of expertise. A consultant/subcontractor may be identified for more than one functional area, and, more than one consultant may be identified for the same functional area.

Applicant must provide statements from each of its subcontractors, signed by an individual authorized to legally obligate each subcontractor, attesting to the fact that it will provide the services as represented in the application.

### **2.8 Appendix A**

The experience of the individuals listed in Appendix A will be used to pre-qualify the vendor for the particular functional area(s) listed with the individual's name.

## **PART III RFQ REQUIREMENTS**

### **3.1 Introduction**

Applications will be submitted by vendors to be pre-qualified to review one or more functional areas of a district's operations for efficiency and effectiveness. Applications submitted must demonstrate the applicant's qualifications for each functional area separately. Applications will be evaluated on the basis of the vendors' and consultants' experience and knowledge specific to the particular functional area.

### **3.2 Scope of Work: Functional Areas of School and Community College District Operations**

The LBB will be conducting a variety of performance reviews in educational, financial, and operational areas, including, but not limited to the following areas:

- Educational:

- Educational, Academic, Workforce, and Student Services Programs
- Governance, Leadership, Organization, Management, and Planning
- Community Involvement
- Information Technology

- Financial:

- Financial Management
- Asset and Risk Management
- Purchasing and Contract Management
- Personnel and Human Resource Management

- Operational:

- Facilities and Plant Construction, Operation and Maintenance
- Student Nutrition, Food Services, and Auxiliary Operations
- Transportation
- Safety and Security

The focus of any review project will be the educational, financial, operational, and/or policy impact to the district and/or the State and the results must be addressed to the decision-making body, be it the Board of Trustees, the superintendent, specific divisions within a district, or the Texas Legislature.

The applicant, if selected for a project, may be requested to inquire with district officials to identify and document any state and federal laws, rules, regulations, requirements, guidelines, policies or procedures that unduly impede the delivery of efficient and effective educational, financial, or operational services to students.

The applicant must provide any equipment, software, or data communication lines required by the applicant's consultants to complete the work specified.

### **3.3 The LBB and Vendor Partnership; Process; and Reports**

An engagement under this RFQ differs significantly from a typical contractual arrangement, since the final work product is a report issued by the LBB, to the district under review and/or to the Texas Legislature.



### **3.3.1 Deliverables**

The specific required deliverables will be established by the LBB based on the scope, goals, and objectives of a particular project. The deliverables may include, but not be limited to the following:

- Review Plan, including project staffing and timeline,
- Onsite Visit to district(s),
- Draft and Final Report(s),
- Workpapers,
- Fiscal Impact Chart,
- Public Input,
- Status Reports.

### **3.3.2 Final Report**

In addition to other requirements specified in this RFQ, the vendor, if selected, must prepare a final report that meets all of the following requirements:

- Prepared in a consistent format, in a style that is highly readable, free of jargon, and substantive in content.
- Include detailed information as required by the project scope, goals, and objectives.
- Be a persuasive document rich in research and intended to leave the reader with no doubt about the logic of each review, evaluation, and analysis recommendation(s).
- Serve as a working document and as a guide to improve operations at the district and/or state level.
- When required, must contain reasonable, realistic, and documented fiscal impact statements, including both costs and savings for a five-year period, including one-time impacts.
- A notebook of hard copy workpapers to support the final report's contents.
- All exhibits, charts, and graphs must be created using Microsoft Excel or Microsoft Word and must be contained within the document.

## **PART IV APPLICATION EVALUATION AND SELECTION PROCESS**

### **4.1 Introduction**

This Section details the application evaluation and selection process.

### **4.2 Application Evaluation**

Prior to the receipt of applications, the LBB will establish an Evaluation Committee. The Evaluation Committee will include full-time LBB employees and may include other impartial individuals who are non-LBB employees. The Contract Administrator, with the assistance of the Evaluation Committee Chairperson, will review all applications for compliance and thoroughness. The Chairperson will then distribute copies of those applications found to be in compliance to the members of the Evaluation Committee for their independent review.

Applications will be evaluated under the following criteria:

#### **4.2.1 Knowledge of Functional Area and Review Process**

The vendor's knowledge of any given functional area will be assessed through evaluation of the step-by-step process, or, detailed work plan submitted for that functional area. The vendor must provide such a work plan for each functional area the vendor wishes to be pre-qualified for. The work plan should not include items specific to a contract such as deliverables or timelines and schedules.

#### **4.2.2 Experience Related to Functional Area and Review Process**

To be pre-qualified to contract with the LBB to work in a given functional area, the vendor must demonstrate experience working in that functional area. The Evaluation Committee considers experience of the vendor and of the consultant and subcontractors. Appendix A of the application must identify for which functional area(s) each individual is to be considered.

### **4.3 Oral Presentation, Written Evaluation, and Selection**

The Evaluation Committee may elect to require an oral presentation from applicants of the information contained in their application. Any invitation for an oral presentation will be solely for the purpose of clarifying applications received and will not represent any decision on the part of the Evaluation Committee as to the pre-qualification of an applicant. **Should an oral presentation be elected, the presentation may occur between January 12, 2009 through January 23, 2009.**

Upon completion of their independent review and any oral presentations, the Evaluation Committee may convene one or more times to discuss the applications as a group. When all applications have been thoroughly discussed, each Committee member will individually score each application. The Chairperson will collect all scores and aggregate the scores of all Evaluation Committee members.

The Evaluation Committee will prepare and submit a written evaluation of the applications to the Director of the LBB. The Director of the LBB will review the Committee's report and make the final selection.

All applicants will be formally notified regarding the final pre-qualification.

#### **4.4 Clarification of Agency's Intent**

After applicants have been designated as pre-qualified, the applicant shall direct all questions to LBB Performance Review:

Legislative Budget Board  
512-475-2902 (fax)  
Email: [contract.manager@lbb.state.tx.us](mailto:contract.manager@lbb.state.tx.us)

The LBB will use reasonable best efforts to provide reasonable and timely resolutions to questions of policy or procedure as they may affect the applicant's efforts. Key LBB staff will be available to the applicant on a reasonable basis.

#### **4.5 Protest of Issuance of RFQ**

The issuance of this RFQ may be protested by an applicant who objects to the form or content of the RFQ. To protest the issuance of the RFQ, a written protest must be filed with the issuing office within seventy-two (72) hours after the RFQ becomes available. To be filed timely, such protest must be received in the office of the LBB legal counsel, Legislative Budget Board, 1501 N. Congress, 5th Floor, Austin, TX 78701. To be considered, the protest must contain an identification of any statutory provision or procurement procedure allegedly violated, a brief statement of relevant facts, an identification of the issue or issues to be resolved, arguments and authorities in support of the protest, and an affidavit that the contents of the protest are true and correct. If the LBB legal counsel finds merit in the protest, the RFQ or the schedule of events relating to this procurement may be modified accordingly. Otherwise, the protest will be deemed rejected. If no protest is received within the seventy-two (72) hour time frame, a potential applicant shall be deemed to have waived irrevocably its right to protest either the form or content of the RFQ.

**APPENDIX A**  
**Consultants/Subcontractors**

Each application must provide the names of the consultants, including subcontractors if any, and the functional area(s) for which they are qualified. See Chart 1: Example below.

A pre-qualified vendor that is selected for a specific review project will be requested to submit specific personnel assignments, a detailed work plan, and a total price quote for the selected project. For any proposed change in consultants, the actual change will occur only after the vendor has submitted documentation in form and substance satisfactory to the LBB giving detail on the qualifications of the proposed substitute consultant, their ability to assume responsibility for providing services under the contract at the point of the proposed change, and their ability to bring the project to a successful conclusion.

Date:

**CHART 1: EXAMPLE**

<b>Applicant Name</b>	<b>Consultant Name</b>	<b>Functional Area</b>
ABC Vendor	John Doe	Educational Service Delivery
ABC Vendor	Jack Frost	Financial Management Risk Management
ABC Vendor	Susan Winters	Transportation Educational Service Delivery
ABC Vendor	Charles Black	Food Services
ABC Vendor	Jane Doe	Safety & Security

Name of Applicant: \_\_\_\_\_

Signature and Title: \_\_\_\_\_

\_\_\_\_\_

**NOTE: THIS FORM MUST BE RETURNED WITH THE APPLICATION.**