

REQUEST FOR COMPETITIVE SEALED PROPOSALS  
FOR THE SALE AND REMOVAL OF THE FRESCO  
WITHIN THE HOUSTON MAIN BUILDING

**M. D. ANDERSON CANCER CENTER  
SALE AND REMOVAL OF THE HMB FRESCO  
MDACC Project No.: 80-045  
RFP No.: 192981/JW**

**PRE-BID MEETING:  
OCTOBER 27, 2009, 9:00 AM,  
FHB 11.1040A**

**SUBMITTAL DUE DATE:  
NOVEMBER 17, 2009, 2:00 PM LOCAL TIME  
FHB 10 TH FLOOR RECEPTION  
OPENING TO BE HELD IN FHB 2.1020**



Prepared By:  
M. D. Anderson Cancer Center  
Sourcing & Contract Management  
1020 Holcombe Blvd., Suite 1450  
Houston, Texas 77030  
713-745-8300



**REQUEST FOR COMPETITIVE SEALED PROPOSALS**  
**M. D. ANDERSON CANCER CENTER**  
**REMOVAL OF THE HMB FRESCO**  
**MDA PROJECT No. 80045**  
**RFP No.: 192981/JW**

**SECTION 1 – GENERAL INFORMATION AND REQUIREMENTS**

- 1.1 **GENERAL INFORMATION:** The University of Texas M. D. Anderson Cancer Center (“Owner”) is soliciting Competitive Sealed Proposals (“Proposals”) for selection of a Contractor for **MDA Project No. 80045 Removal of the HMB Fresco** (“Project”), as authorized by Texas Education Code §73.115 and in accordance with the terms, conditions, and requirements set forth in this Request for Competitive Sealed Proposals (“RFP”).
- 1.1.1 This RFP provides the information necessary to prepare and submit Competitive Sealed Proposals for consideration and ranking by the Owner.
- 1.1.2 The Owner may select the Proposal that offers the “best value” for the institution based on the published selection criteria and on its ranking evaluation. Based on the Owner’s initial ranking, the Owner may select up to five (5) of the top ranked respondents for interviews. Based upon the Owner’s final ranking, the Owner may first attempt to negotiate a contract with the selected offeror. The Owner may discuss with the selected offeror options for a scope or time modification and any price change associated with the modification. If the Owner is unable to reach a contract with the selected offeror, the Owner may formally end negotiations with that offeror and proceed to the next “best value” offeror in the order of the selection ranking until a contract is reached or all proposals are rejected.
- 1.2 **PUBLIC INFORMATION:** All information, documentation, and other materials submitted in response to this solicitation are considered non-confidential and/or non-proprietary and are subject to public disclosure under the Texas Public Information Act (*Texas Government Code*, Chapter 552.001, *et seq.*) after the Agreement is executed.
- 1.2.1 The Owner strictly complies with all statutes, court decisions, and opinions of the Texas Attorney General with respect to disclosure of RFP information.
- 1.3 **TYPE OF CONTRACT:** Any contract resulting from this solicitation will be in the form of the attached draft Agreement.
- 1.3.1 If awarded, the contract will be awarded as a fixed-price contract to the Respondent offering the “best value” to the Owner.
- 1.4 **CLARIFICATIONS AND INTERPRETATIONS:** Any clarifications or interpretations of this RFP that materially affect or change its requirements will be issued by the Owner as an Addendum on the M. D. Anderson web site (<http://www.mdanderson.org/departments/bids>). It is the responsibility of all respondents to obtain this information in a timely manner. All such Addenda issued by the Owner before the proposals are due are part of the RFP, and respondents shall acknowledge receipt of each Addendum to the RFP in its Proposal.

- 1.4.1 No oral explanation and no oral instructions will be given before the award of the contract. Discrepancies, omissions or doubts as to the meaning of documents shall be communicated in writing to the Point-of-Contact for interpretation. Any interpretation made will be in the form of an Addendum, which will be posted on Owner's website.
- 1.4.2 Respondents shall consider only those clarifications and interpretations issued by Addenda three (3) or more calendar days prior to the submittal deadline. Interpretations or clarifications in any other form, including oral statements, will not be binding on the Owner and should not be relied on in preparing Proposals.

1.5 SUBMISSION OF PROPOSALS:

- 1.5.1 The Owner will receive Proposals at the time and location described below.

**November 17, 2009**  
**2:00 PM local time**

**Physical Address for Courier Delivery:**

The University of Texas M. D. Anderson Cancer Center  
Sourcing and Contract Management  
6900 Fannin, 10<sup>th</sup> Floor Reception  
Houston, Texas 77030  
Attn: John Wroth

- 1.5.1.1 Submit SIX (6) identical copies of the Proposal as described in Section 4 of this RFP.
- 1.5.1.2 Respondent must submit one (1) complete, virus free, exact copy of the RFP Proposal on a CD. The CD must be submitted in a SEALED envelope apart from the other proposal documents and must be submitted at the same time the hard copy sealed proposal is submitted. The envelope containing the CD must clearly be labeled "PROPOSAL" and have the name of the firm submitting the proposal, the project name and the RFP number on both the sealed envelope and on the CD.
- 1.5.1.3 Not used.
- 1.5.2 Not used.
- 1.5.3 Proposals that are received late will be returned to the respondent unopened. The Point-of-Contact identified in Section 1.6 will identify the official time clock at the Proposal submittal location identified above.
- 1.5.4 The Owner will not acknowledge or receive Proposals that are delivered by telephone, facsimile (fax), or electronic mail (e-mail).
- 1.5.5 Properly submitted Proposals will not be returned to the respondents.

- 1.5.6 Proposals and Alternate Proposals, if any, must be enclosed in a sealed envelope (box or container) addressed to the Point-of-Contact identified in Section 1.6; the package must clearly identify the submittal deadline, the RFP Number, and the name and return address of the Respondent.
- 1.5.7 Properly submitted Proposals will be opened publicly and the names of the respondents will be read aloud by the Owner.
- 1.6 **POINT-OF-CONTACT:** The Owner designates the following person as its representative and Point-of-Contact for this RFP. Respondents shall restrict all contact with the Owner and direct all questions regarding this RFP, including questions regarding terms and conditions, to the Point-of-Contact person.

**John Wroth**  
**The University of Texas M. D. Anderson Cancer Center**  
**Sourcing & Contract Management**  
**Email: [jswroth@mdanderson.org](mailto:jswroth@mdanderson.org)**

- 1.6.1 Not used.
- 1.7 **EVALUATION OF PROPOSALS:** The evaluation of the Proposals shall be based on the requirements described in this RFP. All properly submitted Proposals will be reviewed, evaluated, and ranked by the Owner.
- 1.8 **OWNER'S RESERVATION OF RIGHTS:** The Owner may evaluate the Proposals based on the anticipated completion of all or any portion of the Project. The Owner reserves the right to divide the Project into multiple parts, to reject any and all Proposals and re-solicit for new Proposals, or to reject any and all Proposals and temporarily or permanently abandon the Project. Owner makes no representations, written or oral, that it will enter into any form of agreement with any respondent to this RFP for any project and no such representation is intended or should be construed by the issuance of this RFP.
  - 1.8.1 Respondent understands and agrees that this RFP and any subsequent Agreement ensuing from this RFP is contingent upon approval by Owner, The University of Texas Board of Regents, and the Texas Higher Education Coordinating Board. Respondent understands and agrees that Owner has made no representation, written or oral, that any such approvals will actually be obtained. If any such approvals are not obtained, Respondent understands and agrees that this RFP and any subsequent Agreement ensuing from this RFP will be null, void, and of no effect.
- 1.9 **ACCEPTANCE OF EVALUATION METHODOLOGY:** By submitting its Proposals in response to this RFP, the Respondent accepts the evaluation process and acknowledges and accepts that determination of the "best value" Respondent will require subjective judgments by the Owner.
  - 1.9.1 The Owner reserves the right to consider any Proposal "non-responsive" if the Proposal is determined to be unreasonable or irresponsible in relation to the other submitted Proposals and/or the Owner's estimate of reasonableness.

- 1.10 NO REIMBURSEMENT FOR COSTS: Respondent acknowledges and accepts that any costs incurred from the respondent's participation in this RFP process shall be at the sole risk and responsibility of the respondent. Respondents submit Proposals at their own risk and expense.
- 1.11 PRE-BID MEETING: A pre-bid meeting will be held at the time and location described below.

**October 27, 2009, 9:00 am local time**

**The University of Texas M.D. Anderson Cancer Center  
6900 Fannin, Suite 11.1040A  
Houston, TX 77030**

- 1.11.1 Attendance at the pre-bid meeting is optional. A guided tour of the project site will be included as a part of the conference agenda. This may be the only opportunity for potential respondents to view the project site before the submittal of Proposals. However, Owner reserves the right to consider, solely at its discretion, additional opportunities for interested parties, individually or in groups, to visit the site, make field measurements, etc. to allow those interested parties to gather information for preparation of their proposals.
- 1.12 ELIGIBLE RESPONDENTS: Only individual firms or lawfully formed business organizations may apply. This does not preclude a respondent from using consultants. The Owner will contract only with the individual firm or formal organization that submits a Proposal.
- 1.13 Not used.
- 1.14 CERTAIN PROPOSALS AND CONTRACTS PROHIBITED: Under Section 2155.004, Texas Government Code, a state agency may not accept a proposal or award a contract that includes proposed financial participation by a person who received compensation from the agency to participate in preparing the specifications or request for proposals on which the proposal or contract is based. All vendors must certify their eligibility by acknowledging the following statement, "Under Section 2155.004, Government Code, the vendor certifies that the individual or business entity named in this bid or contract is not ineligible to receive the specified contract and acknowledges that this contract may be terminated and payment withheld if this certification is inaccurate." If a state agency determines that an individual or business entity holding a state contract was ineligible to have the contract accepted or awarded as described above, the state agency may immediately terminate the contract without further obligation to the vendor. This section does not create a cause of action to contest a proposal or award of a state contract.
- 1.15 SALES AND USE TAXES: Section 151.311, Tax Code, as amended effective October 1, 1993, permits the purchase free of state sales and use taxes of tangible personal property to be incorporated into realty in the performance of a contract for an improvement to realty for certain exempt entities that include The University of Texas System. The section further permits the purchase tax-free of tangible personal property (other than machinery or equipment and its accessories and repair and replacement parts) for use in the performance of such a contract if the property is "necessary and essential for the performance of the contract" and "completely consumed at the job site." In

addition, the section permits the purchase tax-free of a tangible service for use in the performance of such a contract if the service is performed at the job site and if "the contract expressly requires the specific service to be provided or purchased by the person performing the contract" or "the service is integral to the performance of the contract."

- 1.16 CERTIFICATION OF FRANCHISE TAX STATUS: Respondents are advised that the successful respondent will be required to submit certification of franchise tax status as required by State Law (H.B. 175, Acts 70th Leg. R.S., 1987, Ch. 283, p. 3242). The Respondent further agrees that each subcontractor and supplier under contract will also provide a certification of franchise tax status.
- 1.17 REQUIRED NOTICES OF WORKERS' COMPENSATION INSURANCE COVERAGE: The Texas Workers' Compensation Commission has adopted a new rule, 28 TAC, sec. 110.110, relating to REPORTING REQUIREMENTS FOR BUILDING OR CONSTRUCTION PROJECTS FOR GOVERNMENTAL ENTITIES. The rule applies to all building or construction contracts advertised for bid on or after September 1, 1994. The rule implements sec. 406.096, Texas Labor Code, which requires workers' compensation insurance coverage for all persons providing services on a building or construction project for a governmental entity. The requirements of the rule are set forth in the Uniform General and Supplementary General Conditions for The University of Texas System Building Construction Contracts.
- 1.18 Not used.
- 1.19 DELINQUENCY IN PAYING CHILD SUPPORT: Under Section 231.006, Family Code, the vendor or applicant certifies that the individual or business entity named in this contract, bid, or application is not ineligible to receive the specified grant, loan, or payment and acknowledges that this contract may be terminated and payment may be withheld if this certification is inaccurate.
- 1.20 FINANCIAL COMMITMENT: The University of Texas M. D. Anderson Cancer Center is an institution of The University of Texas System, which consists of nine universities and six health institutions.
- 1.20.1 Each UT System campus is a financially separate entity and shall be solely responsible for the financial commitments of that institution.

## **SECTION 2 – EXECUTIVE SUMMARY**

### **2.1 HISTORICAL BACKGROUND:**

M. D. Anderson is known throughout the world for high-quality cancer care, research, academic programs and prevention services. Since its establishment in 1941, M. D. Anderson has made major contributions to improve the outlook for cancer patients everywhere.

M. D. Anderson was one of the first three federally designated comprehensive cancer centers by the National Cancer Act of 1971. A survey of health professionals has routinely ranked M. D. Anderson as one of the two premier cancer centers in the nation for the past eight years. Over 55,000 persons annually seek care at M. D. Anderson. The team approach to cancer care, pioneered at M. D. Anderson, has been strengthened by

consolidating specialty clinics into multi-disciplinary care centers that allow patients to receive more ambulatory care and treatment in a single location.

M. D. Anderson offers one of the largest bone marrow and stem cell transplantation programs, as well as clinical trials to improve existing therapies. Teams of clinical specialists collaborate with scientists on problems of common interest and test theories that shorten the application of better treatment methods. Translational research studies are responsible for the promising field of chemoprevention, which uses synthetic vitamins to reverse pre-malignant lesions and halt the recurrence of some cancers, and for innovative gene therapy strategies being evaluated for several forms of cancer.

Existing Houston facilities include the latest M. D. Anderson Main Complex facility completed in 1998 and designated as the Alkek Building. This facility consists of more than 1.2 million square feet of new space and is dedicated to clinic, research, and patient care in the Texas Medical Center. During 2005, Owner completed construction of the George and Cynthia Mitchell Basic Sciences Research Building, Ambulatory Clinical Building, the Cancer Prevention Building, and the South Campus Research Building Two. Owner is currently constructing the T. Boone Pickens Academic Tower, which is has been partially occupied. Educational programs train about 2,000 scientists, physicians, and allied health professionals annually. A new Cancer Prevention Center provides sophisticated cancer risk assessment and early detection, genetic testing, counseling, classes to address harmful lifestyle habits, and long-term follow-up for recovering cancer patients. Studies of the environmental causes of cancer are conducted at M. D. Anderson Science Park in nearby Bastrop County. The Bastrop site also includes a center to provide veterinary resources for research.

## 2.2 MISSION STATEMENT:

Mission. The mission of M. D. Anderson is to eliminate cancer in Texas, the nation and the world through outstanding integrated programs in patient care, research, education and prevention.

Vision. We shall be the premier cancer center in the world, based on the excellence of our people, our research-driven patient care and our science. We are Making Cancer History.

### Core Values.

- Caring: By our words and actions, we create a caring environment for everyone.
- Integrity: We work together to merit the trust of our colleagues and those we serve.
- Discovery: We embrace creativity and seek new knowledge.

## 2.3 PROJECT DESCRIPTION AND SCOPE:

M. D. Anderson is seeking offers from respondents who are willing to purchase “AS IS” and remove a fresco in accordance with the terms and conditions of this Request for Proposals. The fresco is located in the lobby of M. D. Anderson’s Houston Main Building, Holcombe Blvd., Houston, Texas. The fresco was constructed by artist Peter Hurd. The fresco is painted on a curved masonry block wall bound together by lathe and

plaster. The fresco is approximately 47 feet wide by 15 feet tall and is depicted on the photos accompanying this Request for Proposals.

The removal of this fresco is to be performed in anticipation of the future demolition of the Houston Main Building. Initial investigations indicate that it may be possible to relocate the fresco as one piece. However, M. D. Anderson does not warrant that the fresco can be relocated in one piece. Further, M. D. Anderson does not adhere to a one piece removal process and encourages respondents to be as creative as necessary to accomplish the objective of removing the fresco in a manner suitable to the re-assembly and restoration of the fresco at a new location. Owner makes no warranty or guarantee as to the fresco's ongoing condition and as such, will not be liable for damage, if any, that may occur prior to, during, or after removal activities.

The fresco structure has been tested for asbestos. Although no asbestos was located within the fresco, Owner makes no warranty or guarantee related to asbestos within the fresco structure. Various other adjacent materials have also been tested and found to contain asbestos.

The successful respondent will be required to submit a detailed removal plan and schedule for completion of the project prior to the commencement of any onsite work. In collaboration with the successful respondent's removal plan and schedule, Owner will abate at its cost the adjacent materials on an "as required" basis to facilitate removal of the fresco through the HMB entrance door to the successful respondent's transportation vehicle. All other costs associated with the removal of the fresco will be the sole and exclusive responsibility of the successful respondent.

2.4 PROJECT PLANNING SCHEDULE:

The following anticipated dates are for planning purposes only. The contractual dates required by the Owner of the "best value" respondent will be identified in the executed agreement.

- Owner conducts Pre-Bid Meeting .....10/27/09
- Last Day to submit Request for Information (RFI) 4:00 PM local time.....11/3/09
- Response to RFI Posted to Internet.....11/10/09
- Owner receives Request For Competitive Sealed Proposals .....11/17/09
- Owner interviews Respondents (if applicable).....12/14/09
- Owner determines Contractor offering "Best Value".....12/15/09
- Selected Contractor delivers executed Agreement to Owner .....1/11/10
- Selected Contractor delivers Removal Plan to Owner.....3/1/10
- Selected Contractor begins on-site removal.....6/1/10
- Selected Contractor achieves final removal from Owner's property.....12/17/10

2.5 Not used.

**SECTION 3 – REQUIREMENTS FOR COMPETITIVE SEALED PROPOSALS**

Respondents shall carefully read the information contained in the following criteria and submit complete statements to all questions in Section 3 formatted as directed in Section 4. Incomplete responses will be considered non-responsive and subject to rejection.

3.1 CRITERIA ONE: RESPONDENT'S GENERAL ABILITY TO PERFORM THE WORK

- 3.1.1 Provide a statement of interest for the Project including a narrative describing the respondent's unique qualifications as they pertain to this particular Project and the availability and commitment of the respondent, its principal(s) and assigned professionals to undertake the Project. Provide a narrative history and resumes documenting the respondent's professional skill and expertise, knowledge and experience in preparing, rigging and removing similar delicate and challenging cargos. The successful Contractor should clearly demonstrate its professional skill, knowledge, and experience in the removal of similarly constructed frescos or delicate cargos.
- 3.1.2 Identify if your firm is currently for sale or involved in any transaction to expand or to become acquired by another business entity. If so, please explain the impact both in organization and company direction.
- 3.1.3 Provide details of any past or pending litigation, or claims filed, against your firm that may affect your performance under a contract with the Owner.
- 3.1.4 Identify if your firm is currently in default on any loan agreement or financing agreement with any bank, financial institution, or other entity. If so, specify date(s), details, circumstances, and prospects for resolution.
- 3.1.5 Does any relationship exist by relative, business associate, capital funding agreement, or any other such kinship between your firm and any Owner employee, officer or Regent? If so, please explain.
- 3.1.6 Attachment A is a draft copy of the Agreement for Owner. Identify any terms of the Agreement you will require to be changed prior to signing the Agreement.

3.2 CRITERIA TWO: RESPONDENT'S FUTURE USAGE OF THE FRESCO

- 3.2.1 Describe your planned future usage of the fresco.

3.3 CRITERIA THREE: RESPONDENT'S REMOVAL PLAN

- 3.3.1 Describe your plan for removal and relocation of the fresco. Describe your deconstruction plan including your proposed removal methods, special access requirements, tools to be utilized, materials, etc.

3.4 CRITERIA FOUR: RESPONDENT'S QUALITY AND SCHEDULE CONTROL PLAN

- 3.4.1 Describe the basic time frame for removal of the fresco. Describe your plan for monitoring and controlling the removal of the fresco such that the fresco is protected and the removal schedule is accomplished.

3.5 CRITERIA FIVE: RESPONDENT'S AVAILABLE FINANCIAL RESOURCES

3.5.1 Describe the financial resources that you have available to remove and relocate the fresco.

The successful respondent will be required to demonstrate, upon request, actual documentary proof of the financial resources available, or their likely source, which will be committed to the fresco removal.

3.5.2 Describe your liability insurance, worker's compensation insurance, etc.

3.6 CRITERIA SIX: RESPONDENT'S PROPOSED PRICE FOR PURCHASING THE FRESCO

3.6.1 State a specific dollar-value that Respondent is willing to pay to Owner to purchase the fresco "AS IS" from the Owner. The dollar-value must be a sum-certain in currency of the United States.

**SECTION 4 – FORMAT OF PROPOSALS**

4.1 GENERAL INSTRUCTIONS

4.1.1 Proposals shall be prepared SIMPLY AND ECONOMICALLY, providing a straightforward, CONCISE description of the respondent's ability to meet the requirements of this RFP. Emphasis shall be on the QUALITY, completeness, clarity of content, responsiveness to the requirements, and an understanding of Owner's needs. Each bound copy must be in the following order.

- Cover
- Cover Letter
- Table of Contents
- CRITERIA ONE: RESPONDENT'S GENERAL ABILITY TO PERFORM THE WORK
- CRITERIA TWO: RESPONDENT'S FUTURE USAGE OF THE FRESCO
- CRITERIA THREE: RESPONDENT'S REMOVAL PLAN
- CRITERIA FOUR: RESPONDENT'S QUALITY AND SCHEDULE CONTROL PLAN
- CRITERIA FIVE: RESPONDENT'S AVAILABLE FINANCIAL RESOURCES
- CRITERIA SIX: RESPONDENT'S PROPOSED PRICE FOR PURCHASING THE FRESCO
- Respondent's Execution of Offer

4.1.2 Proposals shall be a MAXIMUM OF FIFTEEN (15) PRINTED PAGES. The cover, table of contents, divider sheets, and Execution of Offer do not count as printed pages.

- 4.1.3 Respondents shall carefully read the information contained in this RFP and submit a complete response to all requirements and questions as directed. Incomplete Proposals will be considered non-responsive and subject to rejection.
- 4.1.4 Proposals and any other information submitted by respondents in response to this RFP shall become the property of the Owner.
- 4.1.5 Proposals that are qualified with conditional clauses, alterations, items not called for in the RFP documents, or irregularities of any kind are subject to rejection by the Owner, at its option.
- 4.1.6 The Owner makes no representations of any kind that an award will be made as a result of this RFP. The Owner reserves the right to accept or reject any or all Proposals, waive any formalities or minor technical inconsistencies, or delete any item/requirements from this RFP when deemed to be in Owner's best interest.
- 4.1.7 Proposals shall consist of answers to questions identified in Section 3 of the RFP. Separate each section of your Proposal by use of a divider sheet with an integral tab for ready reference. Identify the tabs in accordance with the parts under Section 3, which is to be consistent with the Table of Contents. **TAB IDENTIFICATION BY NUMBERS ONLY IS NOT ACCEPTABLE.**
- 4.1.8 Failure to comply with all requirements contained in this Request for Proposals may result in the rejection of your Proposal.

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

- 4.2.1 Proposals shall be printed on letter-size (8-1/2" x 11") paper and assembled with spiral-type bindings or staples. **DO NOT USE METAL-RING HARD COVER BINDERS.**
- 4.2.2 Additional attachments shall NOT be included with the Proposals. The responses provided by the Respondent to the questions identified in Section 3 of this RFP and subsequent interviews, if any, will be used by the Owner for evaluation and ranking of "best value."
- 4.2.3 Separate and identify each criteria response to Section 3 of this RFP by use of a divider sheet with an integral tab for ready reference.

4.3 **TABLE OF CONTENTS:**

- 4.3.1 Submittals shall include a "Table of Contents" and give page numbers for each part of your Proposal.

4.4 **PAGINATION:**

- 4.4.1 Number all pages of the submittal sequentially using Arabic numerals (1, 2, 3, etc.).

**SECTION 5 – ATTACHMENTS TO THE PROPOSAL**

- 5.1 Attachment A – Draft Agreement and its exhibits
- 5.2 Attachment B – Execution of Offer
- 5.3 Attachment C – Request for Information
- 5.4 Attachment D – Photographs