



City of Brownsville
Purchasing and Contract Services

**REQUEST FOR STATEMENTS
OF QUALIFICATIONS
FOR A TERM CONTRACT FOR
ENGINEERING, SURVEYING AND OTHER
MISC. SERVICES ON A ROTATION LIST FOR
THE CITY OF BROWNSVILLE STREET AND
DRAINAGE IMPROVEMENT PROJECTS AND
MISCELLANEOUS CITY PROJECTS**

S.O.Q. # QES-25-0417

**CLOSING DATE: March 23, 2017
CLOSING TIME: 3:00 P.M.**

Statement of Qualifications



Term Contract for Engineering and Surveying Services for Street and Drainage Improvement Projects and Miscellaneous City Projects
S.O.Q # QES-25-0417 March 23, 2017 at 3:00 P.M.
Request for Letters of Professional Qualifications

Qualified professional individuals/firms interested in responding to this Request for Submittal of Professional Qualifications should include information requested in the following paragraphs. All information shall have been updated within the past three (3) months. Failure to provide the information requested or falsification of any information provided shall result in disqualification of the consultant.

REQUEST FOR STATEMENTS OF QUALIFICATIONS FOR TERM CONTRACT FOR ENGINEERING & SURVEYING SERVICES ON A ROTATION LIST FOR THE CITY OF BROWNSVILLE STREET AND DRAINAGE IMPROVEMENT PROJECTS AND MISCELLANEOUS CITY PROJECTS

ACKNOWLEDGMENT OF RECEIPT

Please fill in the requested information below as acknowledgment that you have received the Request for Professional Qualifications noted above. If your firm is interested in participating, this sheet must be completed and returned or faxed to:

Mr. Roberto C. Luna, Jr., Purchasing Director
City of Brownsville City Hall,
1001 E. Elizabeth St., 1st Floor, Suite 101
Brownsville, Texas 78520
Phone: (956) 548-6087
Fax: (956) 546-2711
E-mail: purchasing@cob.us

Name of Firm: _____

Address: _____

City, State Zip: _____

Telephone Number: _____ Fax Number: _____

E-mail: _____

_____ YES, Our company does have an interest in responding.

_____ NO, Our company does not have an interest in responding.

Name: (Print) _____ Title: _____

Signature: _____ Date: _____

PLEASE NOTE:

Please take a moment to register your Company with the City of Brownsville Purchasing Department or update your registration on our new form at the following web site address: http://purchasing.cob.us https://idp.bidnetdirect.com

NOTICE TO RESPONDENTS
PLEASE RETURN THIS FORM UPON RECEIPT

Statement of Qualifications



Term Contract for Engineering and Surveying Services for Street and Drainage Improvement Projects and Miscellaneous City Projects
S.O.Q # QES-25-0417 March 23, 2017 at 3:00 P.M.
City of Brownsville Purchasing / Contracting Department

INVITATION

* B/P/Q (Bid/Proposal/Qualifications)

<u>Description</u>	NUMBER	<u>OPENING</u>
Request for Statements of Qualifications for Term Contract for Engineering & Surveying Services on a Rotation List for the City of Brownsville Street and Drainage Improvement Projects and Miscellaneous City Projects	*Q QES-25-0417	March 23, 2017 3:00 P.M.

Sealed, bids/proposals/qualifications will be received by the City of Brownsville, at the Office of **Roberto C. Luna Jr., Purchasing and Contract Services Director**, located at **City Hall, 1001 E. Elizabeth Street, First Floor, Suite 101, Brownsville, Texas 78520**, (956) 548-6081, e-mail: purchasing@cob.us.

Copies of the bid/proposal/qualifications documents consisting of detailed specifications, general requirements or other information may be obtained at the Purchasing Department.

Interested Bidders/Proposer are invited to attend the Bid/Proposal opening at the Office of the Purchasing/Contracting Department on the dates specified. Presence is not mandatory. Specifications may also be viewed and downloaded at: <http://www.cob.us> <https://idp.bidnetdirect.com>

Roberto C. Luna, Jr.
Purchasing and Contract Services Director

Statement of Qualifications



Term Contract for Engineering and Surveying Services for Street and Drainage Improvement Projects and Miscellaneous City Projects

S.O.Q # QES-25-0417

March 23, 2017 at 3:00 P.M.

SECTION 1. – GENERAL

The City of Brownsville is seeking statements of qualifications from Engineering and surveying Firms interested in performing Engineering & Surveying services on a term contract for the Street and Drainage Improvement Projects and other Miscellaneous City Projects. The successful firms will be asked to submit a proposal to perform the work on a rotation list basis. The city reserves the right to terminate the contract with a 30 day written notice.

SECTION 2. - SCOPE OF WORK

The selected firms will be responsible for providing the engineering, surveying and preparation of actual working drawings for the paving and drainage of Street and Drainage Improvement Projects and other Miscellaneous City Projects.

SECTION 3. - PROJECT SCHEDULE

Surveying and Engineering drawings shall be prepared to allow for a timely and efficient project commencement and completion schedule. Each prospective applicant firm must be able to commit resources to this project to ensure adherence to project schedule.

SECTION 4. - CONTRACT TYPE

The contract between the successful firms and the City of Brownsville will be for specific activities and specifying a maximum dollar amount.

SECTION 5. – TERM OF CONTRACT

Contract will commence upon City Commission approval and shall expire May 2020. The City of Brownsville reserves the unilateral right to extend the life of the contract for two (2) periods of one (1) year each thereafter; if mutually acceptable to the supplier and the City of Brownsville.

SECTION 6. - QUALIFICATIONS

The selected Engineering and Surveying Firms must possess the ability, experience, and reputation for quality service necessary to produce high-quality and functional projects. To insure the firms are capable of providing an acceptable level of service to the City, the following minimum qualifications must be met:

- Firm must have extensive experience in dealing with municipal governments and ability to direct, coordinate and prepare street and drainage projects for the City of Brownsville.
- Must be capable of providing plans for street construction for public use including public utilities and drainage improvements.

Statement of Qualifications



Term Contract for Engineering and Surveying Services for Street and Drainage Improvement Projects and Miscellaneous City Projects

S.O.Q # QES-25-0417

March 23, 2017 at 3:00 P.M.

- Must have a Registered Professional Engineer & Public Land Surveyor required for the specific service on the project and currently licensed in the State of Texas.
- Must be capable of providing field control and topographical work to define in the field all necessary constraints and impediments to the specified work.
- Firm must carry adequate professional liability insurance.
- Firm shall not have any pending violation(s) with the Texas Board of Professional Engineers.
- Firms shall not have any pending litigation.

SECTION 7. – SOQ REJECTION

The CITY OF BROWNSVILLE reserves the right to reject any or all bids. It further reserves the right to waive technicalities and formalities in bids, as well as to accept in whole or in part such bid or bids where it deems it advisable in protection of the best interests of the City.

SECTION 8. - SELECTION

A selection committee will select up to seven a minimum of five (5) firms from those responding to this request for statement of qualifications, which appear best qualified relative to the evaluation criteria listed herein. The committee will then rank the firms in order of preference. The highest ranked firms will be recommended to the City Manager and the City Commission requesting authorization to negotiate a term contract on a rotation list basis.

Negotiations will be initiated with the ranked firms to define a detailed scope of work and services. The City will obtain a cost estimate and will request the engineer & surveyor to submit a fee proposal and cost breakdown for evaluation and negotiation. If a mutually satisfactory agreement cannot be reached with any of the seven (7) ranked firms, negotiations will be terminated with those firms and the negotiation process will be initiated with the other ranked firms. This process will be repeated until the mutually satisfactory agreement has been reached. When such an agreement is reached, a recommendation will be made to the City Manager and the City Commission to execute the contract pursuant to the agreement and subject to the availability of funding. The City reserves the right to reject any proposal at its sole discretion.

Statement of Qualifications



Term Contract for Engineering and Surveying Services for Street and Drainage Improvement Projects and Miscellaneous City Projects
S.O.Q # QES-25-0417 **March 23, 2017 at 3:00 P.M.**

SECTION 9. - PROPOSAL CONTENTS

The statement of qualifications should be organized in the following format. Elements listed under each part must be included in the submittal:

- **Technical**

Describe the approach to be taken in addressing the proposed scope of services. This is to include delineation of specific tasks to be undertaken.

- **Management and staffing**

Describe the management plan to be used, staffing configurations and related information. This is to include a project schedule showing proposed start and completion dates for all major tasks, staff loading by task, chart showing staff time allocation by task and resumes of project personnel. Describe any sub-contracting relationships that are proposed for the project.

- **Prior related experience**

Describe the background and experience of the primary and sub-consultants. This section should be a concise document, which shall include the following information.

Relative experience of firm:

A brief summary of the work accomplished by the firm or its present personnel in similar engagements and cities in Texas and the United States within the past three (3) years.

The summary must include where the work was performed, the disciplines performed at each location and the dollar value of the work performed at each location by the firm. The summary shall also include the approach to the work, any unique problems, and the solutions thereto, as seen by the firm in performing the work.

- **Relevant experience of major sub-contractors:**

It is the intention of the City of Brownsville to execute a term contract with a minimum of five (5) firms on a rotation list basis as required and to hold all firms solely responsible for the execution of the entire project. It is recognized and expected that the firm(s) may desire or need the services of sub-contractors to undertake various elements and items of these services/studies. In the event that such sub-contractor(s) are anticipated, the statement of qualifications should identify the proposed sub-contractor(s) and the specific elements and items for which **each** will be responsible. For any sub-consultant anticipated to receive 20 percent or more of the dollar volume of the work under this contract, said sub-consultant shall provide the same relevant experience information requested with respect to the primary firm. Firms that do not provide information on sub-consultant(s) receiving more than 20 percent of the dollar amount as stipulated above will not be considered. This S.O.Q shall include M.E.P's, Environmental and Structural Engineering Services.

Statement of Qualifications



Term Contract for Engineering and Surveying Services for Street and Drainage Improvement Projects and Miscellaneous City Projects
S.O.Q # QES-25-0417 **March 23, 2017 at 3:00 P.M.**

SECTION 10. - D. B. E. PARTICIPATION

Some projects may require DBE participation during the design and construction phases as required by the Texas Department of Transportation.

SECTION 11. - COMPLIANCE

- ◆ All construction design shall comply with the following:
 - Americans with Disabilities Act, Texas Accessibility Standards of the Architectural Barriers Act, and Life Safety Code.
 - All applicable environmental requirements.
 - Regulations regarding erosion sediment control.
 - Rules for Discharge into the Waters of the United States.

SECTION 12. - DEADLINE

One (1) original (marked "Original "), six (6) copies, and one (1) electronic version (Acrobat PDF format only, to be submitted up to 24 hours after the SOQ due date and time). of the statement of qualifications are to be submitted in a sealed manner bearing the name and address of the firm, and should be clearly marked "Statements of Qualifications – "Term Contract for Engineering and Surveying Services for the City of Brownsville Street and Drainage Improvement Projects and Miscellaneous City Projects".

Statements of Qualifications are to be submitted no later than **March 23, 2017 at 3:00 p.m.**

Physical Address:
City of Brownsville
City Hall 1001 E. Elizabeth St., First Floor, Suite No. 101
Brownsville, TX 78520
Attention: Roberto C. Luna, Jr., - Purchasing and Contract Services Director
Telephone: (956) 548-6087 - Fax: (956) 546-2711

Only timely received submittals meeting the requirements of this request for qualifications shall be considered. No submittal shall be considered or accepted which is submitted by a firm that is in default under the terms of any existing agreement with the City of Brownsville, or which has failed to perform its obligations faithfully under any previous agreement with the City. An authorized representative of the firm shall sign submittals.

Statement of Qualifications



Term Contract for Engineering and Surveying Services for Street and Drainage Improvement Projects and Miscellaneous City Projects
S.O.Q # QES-25-0417 March 23, 2017 at 3:00 P.M.

QUESTIONS REGARDING THIS REQUEST FOR QUALIFICATIONS

Questions regarding this project shall be submitted in writing and or electronically and directed to:

City of Brownsville
Purchasing and Contracting Services
City Hall 1001 E. Elizabeth St.
First Floor, Suite No. 101, Brownsville, TX 78520
Attention: Roberto C. Luna, Jr., - Purchasing and Contract Services Director
Purchasing@cob.us Telephone: (956) 548-6087 - Fax: (956) 546-2711

Amendments or revisions of this Request for Qualifications and Request for Proposals resulting from written questions will be developed as expeditiously as possible, and will be distributed to all parties requesting the original proposal package or on the original mailing list at the Purchasing office. Interested firms are encouraged to review the project and make an on-site review of the different aspects involved in the project.

Within 10 days after the date of opening the responses, the City shall evaluate and rank each statement of qualifications submitted in the criteria set forth in the Request for S.O.Q.'s.

ADDENDA

The following Addenda have been received. The modifications to the Contract Documents noted therein have been considered and all services thereto are included in the SOQ.

Addendum No. Dated

Addendum No. Dated

Addendum No. Dated

Addendum No. Dated

Statement of Qualifications



**Term Contract for Engineering and Surveying Services for Street and Drainage Improvement
Projects and Miscellaneous City Projects**
S.O.Q # QES-25-0417 **March 23, 2017 at 3:00 P.M.**

The City of Brownsville reserves the right to reject any and all SOQ's.

Evaluation Score Sheet

Name:	Max Points	
1. Capability to perform all or most aspects described in the Scope of Work section of this document	<u>15</u>	
2. Key personnel's professional background and caliber and availability for the proposed project	<u>10</u>	
3. Past and present performances and experience by firm/team with similar work and Quality of projects previously undertaken	<u>15</u>	
4. Current workload.	<u>6</u>	
5. Demonstrated ability to meet schedules or deadlines.	<u>10</u>	
6. Capability to complete projects without having major cost escalation or overruns.	<u>8</u>	
7. References.	<u>6</u>	
8. Demonstrates an understanding of the project's potential problems and the City's special concern.	<u>8</u>	
9. Fully describes and disclose any sub-contractor relationships or joint ventures.	<u>6</u>	
10. Fully describe firm's ability to manage and inspect project construction.	<u>8</u>	
11. Knowledge of all applicable laws, statutes, ordinances, rules, regulations or requirements of the United States Government, State of Texas, and local governments or any agency thereof which relate to or in any manner affect the project and the performance of the agreement or contract between the City of Brownsville and the firm/team.	<u>8</u>	
TOTAL POINTS	100	

Statement of Qualifications



Term Contract for Engineering and Surveying Services for Street and Drainage Improvement Projects and Miscellaneous City Projects
S.O.Q # QES-25-0417 March 23, 2017 at 3:00 P.M.

CITY OF BROWNSVILLE
DISCLOSURE OF INTERESTS

City of Brownsville, Texas requires all persons or firms seeking to do business with the City to provide the following information. Every question must be answered. If the question is not applicable, answer with "NA." Corporations whose shares are publicly traded and listed on national or regional stock exchanges or over-the-counter markets may file a current Securities and Exchange Commission Form 10-K with the City in lieu of answering the questions below. See next page for definitions.

Date: _____

FIRM NAME: _____

ADDRESS: _____

FIRM is: 1. Corporation () 2. Partnership () 3. Sole Owner ()
4. Association () 5. Other () _____

DISCLOSURE QUESTIONS

If additional space is necessary, please use the reverse side of this page or attach separate sheet.

1. State the names of each "employee" of the City of Brownsville having an "ownership interest constituting 10% or more of the voting stock or shares of the business entity or ownership of \$2,500 or more of the fair market value of the business entity or employed by the above named "firm."

Name	Title	Department

2. State the name of each "official" of the City of Brownsville having an "ownership interest" constituting 10% or more of the ownership in the above named "firm", or employed by the above named "firm."

Name	Title	Department

Statement of Qualifications



Term Contract for Engineering and Surveying Services for Street and Drainage Improvement Projects and Miscellaneous City Projects
S.O.Q # QES-25-0417 March 23, 2017 at 3:00 P.M.

3. State the names of each "board member" of the City of Brownsville having an "ownership interest" constituting 10% or more of the ownership in the above named "firm", or employed by the above named "firm."

Name	Board, Commission, or Committee

CERTIFICATE

I certify that all information provided is true and correct as of the date of this statement that I have not knowingly withheld disclosure of any information requested; and that supplemental statements will be promptly submitted to the City of Brownsville, Texas as changes occur.

Certifying Person: _____

Title: _____
(Type or Print)

Signature of Certifying Person: _____

Date: _____
(Type or Print)

Statement of Qualifications



**Term Contract for Engineering and Surveying Services for Street and Drainage Improvement
Projects and Miscellaneous City Projects**
S.O.Q # QES-25-0417 **March 23, 2017 at 3:00 P.M.**

DEFINITIONS

The following definitions of terms should be used in answering the questions set forth below:

- a. **“Board member.”** A member of any board, commission, or committee appointed by the City Commission of the City of Brownsville, Texas.
- b. **“Employee.”** Any person employed by the City of Brownsville, Texas either on a full or part-time basis, but not as an independent contractor.
- c. **“Firm.”** Any entity operated for economic gain, whether professional, industrial or commercial, and whether established to produce or deal with a product or service, including but not limited to, entities operated in the form of sole proprietorship, as self-employed person, partnership, corporation, joint stock company, joint venture, receivership or trust, and entities which for purposes of taxation are treated as non-profit organizations.
- d. **“Official.”** The Mayor, members of the City Commission, City Manager, Assistant City Managers, Department and Division Heads, and Municipal Court Judge of the City of Brownsville, Texas.
- e. **“Ownership interest.”** Legal or equitable interest, whether actually or constructively held, in a firm, including when such interest is held through an agent, trust, estate or holding entity. “Constructively held” refers to holdings or control established through voting trusts, proxies, or special terms of venture of partnership agreements.”

PLEASE FILL IN INFORMATION NEEDED AND SUBMIT TO:

THE CITY OF BROWNSVILLE
PURCHASING DEPARTMENT
P. O. BOX 911
BROWNSVILLE, TEXAS 78520

Statement of Qualifications



Term Contract for Engineering and Surveying Services for Street and Drainage Improvement
Projects and Miscellaneous City Projects
S.O.Q # QES-25-0417 March 23, 2017 at 3:00 P.M.

CITY OF BROWNSVILLE
STATEMENT OF NON-COLLUSION

The undersigned affirms that they are dully authorized to execute this contract, that this company, corporation, firm, partnership or individual has not prepared this bid in collusion with any other Bidder, and that the contents of this bid as to prices, terms or conditions of said bid have not been communicated by the undersigned nor by any employee or agent to any other person engaged in this type of business prior to the official opening of this bid.

Date _____

Company _____

Address _____

Phone _____

Fax Number _____

E-mail address _____

Bidder
(Signature) _____

Bidder
(Print Name) _____

Position
with Company _____

Signature of Company
Official Authorizing This
Bid _____

Company Official
(Print Name) _____

Official
Position _____

Note: This form must be filled in and submitted with the sealed bid.

Statement of Qualifications



**Term Contract for Engineering and Surveying Services for Street and Drainage Improvement
Projects and Miscellaneous City Projects**
S.O.Q # QES-25-0417 March 23, 2017 at 3:00 P.M.

Restrictions on Lobbying Activity

A. Prohibited Contacts During Contract Evaluation

A vendor/contractor or a vendor's/contractor's agent/representative is prohibited from contacting city officials, including elected officials, and employees regarding a proposed contract from the time a Request for Proposal (RFP), a Request for Statements of Qualifications (RFQ-SOQ), a Bid Solicitation (IFB) or other solicitation has been released until the contract has been acted on by the City Commission. If contact is required, such contact will be done in accordance with procedures incorporated into the solicitation document. Violation of this provision by contractors, respondents or their agents, including lobbyists, may lead to disqualification of the respondent's offer.

B. A Lobbyists or Vendor/ Contractor May Not Place City Official Under Personal Obligation

A Lobbyist or a Vendor/Contractor or any of their agents may not do any act or refrain from any act for the express purpose and intent of placing any city official under personal obligation to the Lobbyist or Vendor/ Contractor.

C. False Statements

A lobbyist or the vendor/contractor or any of their agents/representatives cannot intentionally or knowingly make any false or misleading statement of fact to any city official, or cause a copy of a document with false information to be received by an official without notifying the official in writing of the truth. Likewise, a registrant who learns that a statement in a registration form or activity report during the previous 3 years is false must correct that statement within 30 days by written notification to the Office of the City Secretary.

D. Use of False Identification

A lobbyist or the vendor/contractor or any of their agents/representatives cannot communicate with a city official in the name of any fictitious person or in the name of any real person, without that person's consent.

E. Improper Influence

A lobbyist or the vendor/contractor or any of their agents/representatives cannot cause or influence the introduction of any ordinance, resolution, appeal, application, petition, nomination, or amendment for the purpose of later being employed as a lobbyist to secure its granting, denial, confirmation, rejection, passage, or defeat.

F. Improper Representation

A lobbyist or the vendor/contractor or any of their agents/representatives cannot represent that the person can control or obtain the vote or action of any city official.

1 City Official – the Mayor, members of the City Commission, City Manager, Assistant City Managers, Department and Division Heads, and Municipal Court Judge of the City of Brownsville.

Statement of Qualifications



Term Contract for Engineering and Surveying Services for Street and Drainage Improvement Projects and Miscellaneous City Projects
S.O.Q # QES-25-0417 **March 23, 2017 at 3:00 P.M.**

Disclosures and Requirements for City Vendors/Contractors

Lobbyists are often retained for the purpose of assisting vendor/contractor seeking to do business with the city. The standards of conduct applicable to city contractors or other vendor/contractor of lobbyists are discussed below.

A. Prohibited Contacts During Contract Evaluation

A vendor/contractor or a vendor's/contractor's agent is prohibited from lobbying activities with city officials, including elected officials, and employees regarding a proposed contract from the time a Request for Proposal (RFP), a Request for statements of Qualifications (RFQ-SOQ), a Bid Solicitation (IFB) or other solicitation has been released until the contract is posted as a City Commission agenda item. If contact is required, such contact will be done in accordance with procedures incorporated into the solicitation document. Violation of this provision by respondents or their agents, including lobbyists, may lead to disqualification of the respondent's offer. There is a parallel no-contact provision for lobbyists and their agents.

B. The City's Discretionary Contracts Disclosure Form

When seeking a discretionary^{1[2]} city contract, the contractor must submit a form disclosing:

- the identity of all parties to the contract;
- subcontractors;
- partners, parent or subsidiary business entities of any party to the contract;
- any lobbyist or public relations firm that has been employed for a purpose related to the contract.

The vendor/contractor must also disclose all political contributions^{2[3]} totaling more than \$100 made by the parties or the other individuals or entities listed on the form made directly or indirectly to:

- any current or former member of City Commission, including the Mayor;
- any candidate for City Commission, including the Mayor;
- any political action committee (PAC) that contributes to City Commission elections.

Indirect contributions include contributions made by an individual's spouse or by the officers, owners, attorneys, or registered lobbyists of the entity.

Indirect contributions do not include contributions by owners of a business entity who hold less than 5% of the fair market value or voting stock of the entity. If a publicly traded corporation seeks to contract with the city, it will not be required to list contributions made by its shareholders whose holdings are less than 5%.

² "Discretionary contract" means any contract other than those which by law must be awarded on a low or high qualified bid process. They do not include contracts subject to Section 252.022(a)(7) of the Texas Local Government Code or those contracts not involving an exercise of judgment or choice.

Statement of Qualifications



Term Contract for Engineering and Surveying Services for Street and Drainage Improvement Projects and Miscellaneous City Projects

S.O.Q # QES-25-0417

March 23, 2017 at 3:00 P.M.

³ Political contributions include both campaign and officeholder contributions.

C. Chapter 176 of the Local Government Code

Effective January 1, 2006, Chapter 176 of the Local Government Code requires all vendors or those who seek to contract for the sale or purchase of property, goods, or services with a local governmental entity to submit a completed "conflict of interest questionnaire" with the Office of the City Secretary within seven (7) days after the person:

- 1) begins contract discussions or negotiations; or
- 2) submits an application, response to a request for proposal or bids, correspondence, or another writing related to a potential agreement with the local governmental entity.

The questionnaire requires the vendor/contractor or contract seeker to disclose business or employment relationships with Commissioners, Mayor and the City Manager. The Texas Ethics Commission is responsible for drafting the questionnaire and a link to the form on the Texas Ethics Commission website is posted on the "Forms" page of the city's ethics webpage. It is subject to change and anyone subject to the requirement should consult the TEC website to obtain the most up-to-date form.

Violation of Chapter 176 of the Local Government Code is a class C misdemeanor. Please consult your own legal counsel for questions about compliance.

D. Political Contribution Prohibition

Any person or company official acting as a legal signatory for a proposed "high-profile" city contract cannot make a political contribution to any Commissioner or candidate from the time a Request for Proposal (RFP), Request for Statements of Qualifications (RFQ-SOQ) or Invitation for Bids (IFB) is issued or from the time negotiations or discussions for a contract for which no competitive solicitation begins until thirty (30) days after the contract is awarded.

The designation of "high-profile" is assigned in accordance with the City of Brownsville Purchasing Policy Manual.

4. "High-Profile"- A designation of profile assessment, based on contract value, level of community interest, non-competitive acquisition, and contract complexity.

Statement of Qualifications



Term Contract for Engineering and Surveying Services for Street and Drainage Improvement Projects and Miscellaneous City Projects

S.O.Q # QES-25-0417

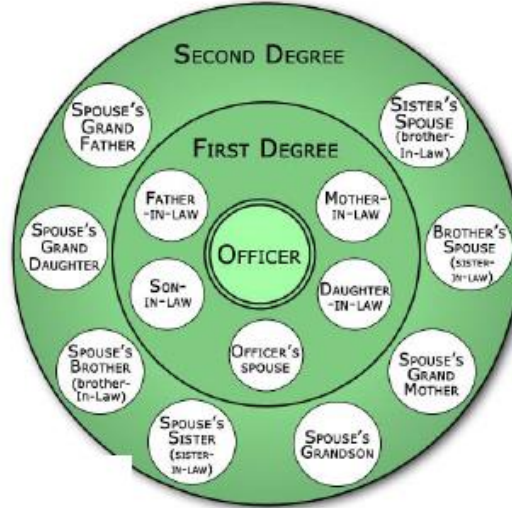
March 23, 2017 at 3:00 P.M.

NEPOTISM CHART

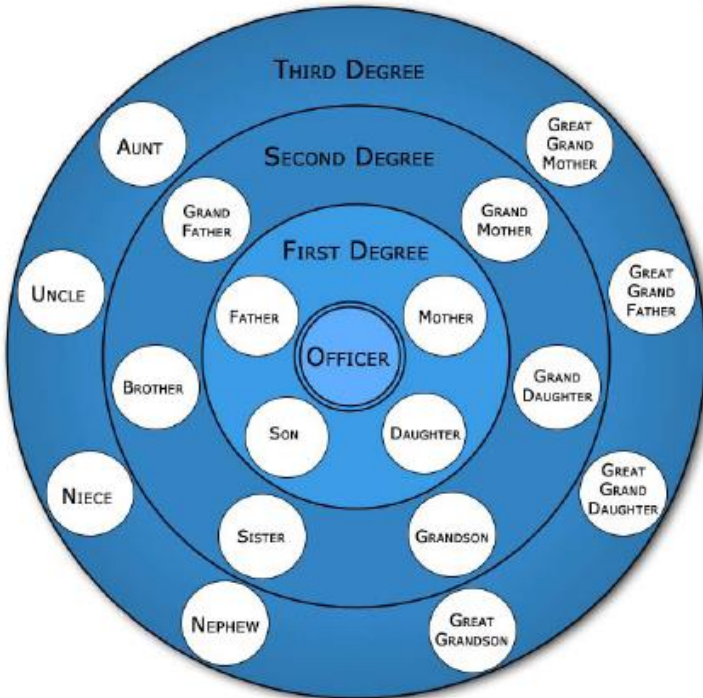
The chart below shows

- **Affinity Kinship** (relationship by marriage)
- **Consanguinity Kinship** (relationship by blood) for purposes of interpreting nepotism as defined in VTCA Government Code, Chapter 573, §§573.021 - .025

AFFINITY KINSHIP Relationship by Marriage



CONSANGUINITY KINSHIP Relationship by Blood



Statement of Qualifications



Term Contract for Engineering and Surveying Services for Street and Drainage Improvement Projects and Miscellaneous City Projects

S.O.Q # QES-25-0417

March 23, 2017 at 3:00 P.M.

INSURANCE: The contractor shall, at no expense to the City, instruct their insurance agent or carrier to furnish a certificate of insurance attesting to the issuance of policies affording coverage as required and listed in this section. Certificates required by this contract shall be submitted prior to award of the contract and should be forwarded to:

City of Brownsville
Purchasing/Contracting Division
City Hall 1001 E. Elizabeth St., 1st Floor, Suite No. 101
P. O. Box 911
Brownsville, Texas 78520
Attention: Mr. Roberto C. Luna, Jr., Purchasing/Contracting Director
S.O.Q # QES-25-0417

- A. The contractor shall furnish and keep in full force during the term of this contract the following insurance coverage:
- A. Worker's Compensation Insurance
 - Amount: Statutory
 - B) Comprehensive General Liability Insurance
 - Amount: \$500,000 Each Occurrence
 - \$1,000,000 General Aggregate
 - C) Comprehensive Automobile Liability Insurance (applicable to owned, non-owned and hired vehicles)
 - Amount: \$500,000 Combined Single Limit
 - D) Professional Liability Insurance (Errors & Omissions Liability)
- B. The premiums to be expended for all of the above enumerated policies of insurance shall be paid by the contractor. The policies of insurance, certificates of insurance and the insurance company(s) issuing such certificates or policies of insurance must be acceptable to the City.
- C. All policies or certificates of insurance must be issued indicating that such policies or certificates are applicable to work being performed under a specific contract or to all work performed by the contractor for the City of Brownsville.
- D. All of the aforementioned policies and certificates of insurance should be issued immediately after the contractor receives notification of award. It should be clearly understood that the contractor is not to commence any work until a written notice to proceed is received from the City. Policies and certificates of insurance must **clearly indicate that they will remain in force for a period of at least twelve (12) months from inception date.**
- E. A minimum of thirty (30) days written notification must be given by an insurer of any alteration, material change or cancellation affecting any certificates or policies of

Statement of Qualifications



**Term Contract for Engineering and Surveying Services for Street and Drainage Improvement
Projects and Miscellaneous City Projects**
S.O.Q # QES-25-0417 **March 23, 2017 at 3:00 P.M.**

insurance as required under this contract. The City of Brownsville is to be named as an additional insured.

- 1) Such required notification must be sent via registered or certified mail to the address indicated in Section 16. above.

Statement of Qualifications



Term Contract for Engineering and Surveying Services for Street and Drainage Improvement Projects and Miscellaneous City Projects

S.O.Q # QES-25-0417

March 23, 2017 at 3:00 P.M.

Certificate of Interested Parties

House Bill 1295

In 2015, the Texas Legislature adopted House Bill 1295, which added section 2252.908 of the Government Code. The law states that a governmental entity or state agency may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency. The law applies only to a contract of a governmental entity or state agency that either (1) requires an action or vote by the governing body of the entity or agency before the contract may be signed or (2) has a value of at least \$1 million. The disclosure requirement applies to a contract entered into on or after January 1, 2016.

The Texas Ethics Commission was required to adopt rules necessary to implement that law, prescribe the disclosure of interested parties form, and post a copy of the form on the commission's website. The commission adopted the Certificate of Interested Parties form (Form 1295) on October 5, 2015. The commission also adopted new rules (Chapter 46) on November 30, 2015, to implement the law. The commission does not have any additional authority to enforce or interpret House Bill 1295.

A business entity must use the application to enter the required information on Form 1295 and print a copy of the completed form, which will include a certification of filing that will contain a unique certification number. An authorized agent of the business entity must sign the printed copy of the form and have the form notarized. The completed Form 1295 with the certification of filing must be filed with the governmental body or state agency with which the business entity is entering into the contract.

Follow the hyperlink below to submit electronic filing application Form 1295 (Must be submitted with bid/proposal package to be considered by the City of Brownsville). The Purchasing/Contracting Department requires "CERTIFICATE OF INTERESTED PARTIES FORM 1295" from your firm in order to be considered as per Government Code section §2252.908

HTTPS://WWW.ETHICS.STATE.TX.US/FILE/

Acknowledged by,

(Name of Bidder)

(Signature)

(Print)

Date

Note: This page must be filled in and submitted with the sealed bid/proposal as an acknowledgement of bid/proposal document requirements by the City of Brownsville

Statement of Qualifications



Term Contract for Engineering and Surveying Services for Street and Drainage Improvement Projects and Miscellaneous City Projects
S.O.Q # QES-25-0417 **March 23, 2017 at 3:00 P.M.**

CERTIFICATE OF INTERESTED PARTIES		FORM 1295	
Complete Nos. 1 - 4 and 6 if there are interested parties. Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.			OFFICE USE ONLY
1 Name of business entity filing form, and the city, state and country of the business entity's place of business.			
2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.			
3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the goods or services to be provided under the contract.			
4	Name of Interested Party	City, State, Country (place of business)	Nature of Interest (check applicable)
			<input type="checkbox"/> Controlling <input type="checkbox"/> Intermediary
5 Check only if there is NO Interested Party. <input type="checkbox"/>			
6 AFFIDAVIT I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.			
_____ Signature of authorized agent of contracting business entity			
AFFIX NOTARY STAMP / SEAL ABOVE			
Sworn to and subscribed before me, by the said _____, this the _____ day of _____, 20_____, to certify which, witness my hand and seal of office.			
_____ Signature of officer administering oath		_____ Printed name of officer administering oath	
_____ Title of officer administering oath			
ADD ADDITIONAL PAGES AS NECESSARY			

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HISTORICALLY UNDERUTILIZED BUSINESSES SUBMITTAL REQUIREMENTS:

It is the policy of the City of Brownsville Purchasing & Contract Services Department to promote and encourage contracting and subcontracting opportunities for Historically Underutilized Businesses (HUB) in all contracts. Accordingly, the Purchasing & Contract Services Department has adopted the State of Texas Statewide HUB Program, administered by the Texas Building and Procurement Commission. If the Purchasing & Contract Services Department determines that subcontracting opportunities are probable, then a HUB Subcontracting Plan is a required element of the contract.

Please follow the following link and choose Cameron County to run a HUB search.

<http://www.window.state.tx.us/procurement/cmb/cmbhub.html>

Centralized Master Bidders List (CMBL) & Historically Underutilized Business (HUB) Search

Search:
 CMBL only, HUBs on CMBL, HUBs not on CMBL
 HUB Mentor Protege, All Vendors

Vendor ID: ?
Vendor Number: ?
Vendor Name: begins with Name: ?
Include Inactive Vendors: ? **Small Businesses Only:** Yes, No

Selection 1: Class Code: Item: District:
Selection 2: Class Code: Item: District:
Selection 3: Class Code: Item: District: ?
[Class Code](#) | [Item Code](#) | [District](#)

Texas County: Cameron
City: begins with
Zip: begins with
Sort by: City
Output as: Detail List
Results: return all matches

Output may contain coded information in [Hub Status](#) and [Reason Off CMBL](#).

[Click this Help icon for information and tips on generating search lists and files](#)

Related Links
[CMBL Registration](#)
[HUB Directory](#)
[HUB Mentor Protege Agreement Listing](#)
[Excluded Parties List System Search](#)
[Debarred Vendors List](#)

Texas Online | Statewide Search from the Texas State Library | State Link Policy | Texas Homeland Security
Susan Combs, Texas Comptroller • Window on State Government • Contact Us
Privacy and Security Policy | Accessibility Policy | Link Policy | Public Information Act | Compact with Texans

Statement of Qualifications



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S.O.Q # QES-25-0417

March 23, 2017 at 3:00 P.M.

Protest Procedure

The protest must outline the specific portion of the specification or IFB procedure that had been violated.

Prospective bidders whose direct economic interest would be affected by the award of a contract or by failure to award a contract may file a protest. The purchaser (City of Brownsville/Airport) will consider all protests requested in a timely manner regarding the award of a contract, whether submitted before or after an award. All protests are to be submitted in writing to: Roberto C. Luna, Jr., Purchasing/Contracting Director, City of Brownsville Purchasing Department, City Hall, 1001 E. Elizabeth St., First Floor, Suite 101 Brownsville, TX 78520. Protest submissions should be concise, logically arranged, and clearly state the grounds for protest. Protest must include the following information:

- (A) name, address, and telephone number of protestor,
- (B) identification of contract solicitation number,
- (C) a detailed statement of the legal and factual grounds of the protest, including copies of relevant documents, and
- (D) a statement as to what relief is requested.

Protest must be submitted to the City of Brownsville Purchasing Department in accordance with these procedures and time requirements must be complete and contain all issues that the protestor believes relevant.

In the procedure outline below, the Purchasing/Contracting Director is considered to be the Contracting Officer.

1.3.1 Protest Before Opening

Protests alleging restrictive specifications or improprieties which are apparent prior to the bid deadline or receipt of bids must be submitted in writing to the Contracting Officer at the address above and must be received at least seven (7) days prior to the bid opening. If the written protest is not received by the time specified in bid package may be received and award made in the normal manner unless the Contracting Officer determines that remedial action is required. Oral protest not followed up by a written protest will be disregarded. The Contracting Officer may request additional information from the appealing party and information or responses from other bidder, which shall be submitted to the Contracting Officer not less than ten (10) days after the date of the City of Brownsville's request. So far as practicable, appeals will be decided based on the written appeal, information and written responses submitted by the appealing party and other proposers. In failure of

Statement of Qualifications



Term Contract for Engineering and Surveying Services for Street and Drainage Improvement Projects and Miscellaneous City Projects

S.O.Q # QES-25-0417

March 23, 2017 at 3:00 P.M.

any party to timely respond to a request form information, it may be deemed by the purchaser that such party does not desire to participate in the proceeding, does not contest the matter, or does not desire to submit a response, and in such case, the protest will proceed and will not be delayed due to the lack of response. Upon receipt and review of written submissions and any independent evaluation deemed appropriate by the purchaser, the Contracting Officer shall either (a) render a decision, or (b) at the sole election of the Contracting Officer, conduct an informal hearing at which the interested parties will be afforded the opportunity to present their respective positions and facts, documents, justification, and technical information in support thereof. Parties may, but are not required to, be represented by counsel at the informal hearing, which will not be subject to formal rules of evidence or procedures. Following the informal hearing, if one is held, the Contracting Officer will render a decision, which shall be final, and notify all interested parties thereof in writing but no later than ten (10) days from the date of the informal hearing.

1.3.2 Protest After Opening/Prior to Award

Proposal protests against the making of an award by the purchaser must be submitted in writing to the Contracting Officer and received within seven (7) days of the award by the purchaser. Notice of the protest and the basis thereto will be given to all proposers. In addition, when a protest against the making of an award by the purchaser is received and it is determined to withhold the award pending disposition of the protest, the proposers whose proposals might become eligible for award shall be requested, before the expiration of the time for acceptance, to extend or to withdraw the proposal. Where a written protest against the making of an award is received in the time period specified, award will not be made prior to seven (7) days after resolution of the protest unless the purchaser determines that:

- (a) the items to be purchased are urgently required
- (b) delivery or performance will be unduly delayed by failure to make an award promptly, or
- (c) failure to make an award will otherwise cause undue harm to City of Brownsville or the federal government.

1.3.3 Protest After Award

In instances where the award has been made, the Contractor shall be furnished with the notice of protest and the basis thereof. If the contractor has not executed the contract as of the date of the protest is received by the City of Brownsville; the execution of the contract will not be made prior to seven (7) days after resolution of the protest unless the City of Brownsville determines that:

- (a) the items to be purchased are urgently required

Statement of Qualifications



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CERTIFICATION FORM

A) COMPLIANCE WITH REQUIREMENTS FOR THE PARTICIPATION OF DISADVANTAGED BUSINESS ENTERPRISES (DBE's)

The bidder hereby certifies that it will not discriminate on the basis or race, color, national origin, or sex in the performance of this contract. The requirements of 49 CFR Part 26 and U.S. DOT-approved Disadvantage Business Enterprise (DBE) program are incorporated in this contract by reference.

B) DEBARMENT, SUSPENSION, AND OTHER INELIGIBILITY AND VOLUNTARY EXCLUSION LOWER TIER COVERED TRANSACTIONS

The bidder certifies that neither the bidder, its third party subcontractors, nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

C) CERTIFICATION REGARDING RESTRICTIONS ON LOBBYING

The bidder certifies that no Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

SIGNATURE _____ TITLE _____

COMPANY _____ DATE _____

State of _____, County of _____

Subscribed and sworn to before me this ____ day of _____, 20__.

Notary Public _____

My Appointment Expires: _____

Note: This page must be filled in and submitted with the sealed bid as an acknowledgement of bid document requirements by the City