City of Brownsville
Purchasing and Contract Services Department

REQUEST FOR
STATEMENTS OF QUALIFICATIONS
FOR ENGINEERING & SURVEYING
SERVICES FOR TRAFFIC DESIGN
SIGNALS

S.O.Q. # TDE-17-0218

S.O.Q. DUE DATE: March 27, 2018
S.O.Q. DUE TIME: 3:00 P.M.
# Request for Statements of Qualifications for Engineering & Surveying Services

**SOQ # TDE-17-0218**

**March 27, 2018 at 3:00 P.M.**

## City of Brownsville Purchasing / Contracting Department

### INVITATION

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

<table>
<thead>
<tr>
<th>Description</th>
<th>NUMBER</th>
<th>OPENING</th>
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<tr>
<td>Request for Statements of Qualifications for Engineering &amp; Surveying Services for Traffic Signal Design</td>
<td>&quot;Q&quot;</td>
<td>S.O.Q. Due Date &amp; Time</td>
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<td>TDE-17-0218</td>
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<td>March 27, 2018 at 3:00 P.M.</td>
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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) 548-6087, e-mail: purchasing@cob.us.

Copies of the bids/proposals/qualifications documents consisting of detailed specifications, general requirements or other information may be viewed at the Purchasing Department.

Interested Bidders/Proposer/Firms are invited to attend the Bid/Proposal/Qualifications acknowledgement 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](http://www.cob.us)
- [https://www.bidnetdirect.com](https://www.bidnetdirect.com)

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**Roberto C. Luna, Jr**  
Purchasing and Contract Services Director
Request for Letters of Professional Qualifications

Qualified 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.

Request for Statement of Qualifications for Engineering & Surveying Services for Traffic Signals Design

SOQ # TDE-17-0218

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 by e-mail or faxed to:

Mr. Roberto C. Luna, Jr, Purchasing Director
Purchasing and Contract Services Department
City of Brownsville
1001 E. Elizabeth St., 1st Floor, Suite 101, P.O. Box 911
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://www.cob.us  https://www.bidnetdirect.com
SECTION 1. – GENERAL

The City of Brownsville is seeking statements of qualifications from Traffic Engineering Firms interested in performing Engineering & Surveying services for Traffic Signals Design. The successful firm will be asked to submit a request for proposal to perform the work.

A. SINGLE PROPOSAL:

In the event a single proposal is received, the City will, at its option, conduct a price and/or cost analysis of the proposal and negotiate the award, or reject the proposal and re-advertise. A price analysis would be performed by comparing price quotations submitted on other current quotations, current price lists, or other established or competitive prices.

B. CANCELLATION OF PROCUREMENT

The City of Brownsville reserves the right to cancel the procurement, at any time for any reason before the Contract is fully executed and approved on behalf of the City.

C. AVAILABILITY OF FUNDS

This procurement is subject to the availability of funding. The City’s obligation hereunder is contingent upon the availability of appropriated funds from which payment for the Contract purposes can be made. No legal liability on the part of the City for any payment shall arise until funds are made available to the Contracting Officer for this Contract and until the Contractor receives notice of such availability, to be confirmed in writing by the Contracting Officer. Any award of Contract hereunder will be conditioned upon said availability of funds for the Contract.

SECTION 2. - SCOPE OF WORK

The selected firm will be responsible for providing the survey and preparation of actual working drawings for the construction of Traffic Signals. A description of the project for which Traffic Engineering & Surveying services will be provided on a work order basis. The successful firm shall be capable of at a minimum; Performance of warrant study; Preparation of coordinated signal timings; Survey of the site(s); Coordination with affected underground and overhead utilities; Preparation of construction plans; Preparation of bidding documents to the standards of the City and/or TxDot-Pharr as applicable; Attendance at pre-bid and pre-construction meetings; Construction experience; Pre-turn on verification with the contractor; and Recommendation for acceptance into the City System.
SECTION 3. - PROJECT SCHEDULE

Surveying and drawings shall be prepared to allow for a timely and efficient project commencement and completion schedule. Therefore, each prospective applicant firm must be able to commit resources to this project as indicated above.

SECTION 4. - CONTRACT TYPE

The contract between the successful firm and the City of Brownsville will be based on a percentage of the estimated construction cost.

SECTION 5. - QUALIFICATIONS

The selected Engineer must possess the ability, experience, and reputation for quality service necessary to produce high-quality and functional projects. The following minimum qualifications must be met:

- Firm must have a minimum of 10 years experience in dealing with City Governments and Texas Department of Transportation with the ability to direct, coordinate and prepare transportation engineering enhancements for the City of Brownsville.

- Must be capable of providing engineering plans for Traffic Signals and related street construction for public use including provisions for public utilities, paving, and drainage.

- Must be capable of using traffic studies to prepare timing patterns for linked signals.

- Must be capable of engineering emergency traffic signal communication devices.

- Must be capable of preparing pedestrian and traffic studies for educational facilities.

- Must have a Licensed Professional Engineer required for each specific service on the project and currently licensed in the State of Texas specifically a PTOE.

- Must be capable of control and topographical work to define in the field all necessary constraints and impediments to the work.

- Firm must carry adequate professional liability insurance.

- Must be experienced in City Transportation Engineering with the demonstrative ability to make engineering presentations at Public Forums.
• Must be experienced in the preparation of Warrant Studies for Traffic.

• Must carry adequate professional liability insurance and require same of any sub consultant.

SECTION 6. EVALUATION CRITERIA

Proposals will be evaluated on the basis of the following criteria, among others:

1. Completeness and accuracy of the proposal in providing all of the information required by this Request for Statement of Professional Qualifications.

2. Demonstrated understanding of the services to be provided and demonstrated ability to prepare a successful proposal for the realization of the project.

3. Competence, knowledge, and experience of the proponent and the consultants as indicated by the number of years of experience, type of experience, number and type of projects successfully completed on Traffic Signals in the State of Texas.

4. Competence, knowledge, and ability of the key individuals which will be assigned to the project as indicated by the number of years of experience, type of experience, number and type of projects successfully completed, and number of similar projects completed.

5. Demonstrated ability to successfully undertake similar projects.

SECTION 7. - SELECTION

A selection committee will select three firms from those responding to this request for statement of qualifications – request for proposals, which appear best qualified relative to the evaluation criteria listed herein. The committee will then rank the firms in order of preference.

Negotiations will be initiated with the number one ranked firm 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 the first ranked firm, negotiations will be terminated with that firm and the negotiation process will be initiated with the second ranked firm. 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.
SECTION 8. - 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**
  Describing the approach to be taken in addressing the proposed scope of work. This is to include delineation of specific tasks to be undertaken.

- **Management and staffing**
  Describing 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 the United States within the past three (3) years. Emphasis will be given to firms on projects of TxDot Pharr and the City of Brownsville.

    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 contract with one firm and to hold that firm solely responsible for the execution of the entire project. The selected firm shall perform a majority of the engineering services. It is recognized and expected that the firm may desire or need the services of sub-contractors to undertake various elements and items of these studies. In the event that such sub-contractors are anticipated, the statement of qualifications should identify the proposed sub-contractors 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.
SECTION 9. - D. B. E. PARTICIPATION

The project may be required to meet all DBE Participation requirements by the Texas Department of Transportation and the City of Brownsville during the design and construction. This project is subject to DBE requirements with a 10% goal.

SECTION 10. – TERM OF CONTRACT

Contract shall commence upon award by City Commission action and will be for a term of three years. The City of Brownsville reserves the unilateral right and option to extend the life of the contract for two (2) additional one (1) year periods thereafter; if mutually acceptable to the supplier and the City of Brownsville Traffic Department.

SECTION 11. - COMPLIANCE

- All design and construction shall comply with the following:
- All applicable environmental requirements.
- Regulations regarding erosion sediment control.
- Rules for Discharge into the Waters of the United States.
- AASHTO and Texas MUTCD requirements
- Firm shall be able to make submissions and secure approval from TxDot-Pharr and the City of Brownsville.

SECTION 12. - DEADLINE

One (1) Original and Five (5) copies and one electronic version in Adobe Acrobat (PDF File), on CD or USB Drive of the statement of qualifications are to be submitted in a sealed manner (or electronically up to 24 Hrs. after SOQ due date and time), bearing the name and address of the firm, and should be clearly marked "Statements of Qualifications – Engineering & Surveying Services for Traffic Signals Design Services”. Statements of qualifications are to be submitted no later than March 27, 2018 at 3:00 p.m. at the Purchasing and Contract Services office located at;

(Do not send bids by registered or certified mail.)
Roberto C. Luna, Jr., Purchasing Director
Purchasing & Contract Services Department
City of Brownsville
City Hall 1001 E. Elizabeth St., First Floor, Suite 101
P. O. Box 911 - Brownsville, TX, 78520
Mark Envelope & on the Outside of any carrier’s box/envelope:
Request for Statements of Qualifications for Engineering & Surveying Services for Traffic Signals

S.O.Q # TDE-17-0218

A. Telegraphic bids will not be considered.
B. Statement of Qualifications may not be withdrawn after the opening.
C. The forms of bids are outlined under the following section.
   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.

• QUESTIONS REGARDING THIS REQUEST FOR QUALIFICATIONS

Questions regarding this project shall be submitted via E-Mail and directed to:

: Roberto C. Luna, Jr, Purchasing and Contract Services Director
   Telephone: (956) 548-6087   Fax: (956) 546-2711
   Email: Purchasing@cob.us

Inquiries requesting clarification regarding the Request for Statements of Qualifications, or the content therein must be made in writing and/or electronically and must be received prior to the end of business day on Tuesday, March 20, 2018, before 4:00 P.M. Any questions regarding this SOQ will be handled as promptly and as directly as possible. If a question requires only clarification of instructions or specifications, it will be handled verbally. If any question results in a change or addition to the SOQ, the changes or additions will be forwarded to all registered firms as quickly as possible by addendum.

Amendments or revisions of this Request for Qualifications 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 Department.
ADDENDA

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

Addendum No. .......................... Dated--------------------------------------
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Firms/Respondents must remain in full compliance with Article 5, Administrative Provisions, Sub-Section 4, Qualifications of the City of Brownsville City Charter:

“The mayor, commissioners, and other officers and employees shall not hold any other public office of emolument and shall not be interested in the profits or emoluments of any contracts, job, work, or service for the municipality, or interested in the sale to the city of any supplies, equipment, material, or articles purchased.”

For more information please review the full text at: https://library.municode.com/tx/brownsville/codes/code_of_ordinances?nodeId=PTICH

- Interested firms are **encouraged** to review the project and make an on-site review of the different aspects involved in the project.
# Evaluation Criteria Score Sheet

<table>
<thead>
<tr>
<th>Name:</th>
<th>Max. Points</th>
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<tr>
<td>1. Capability to perform all or most aspects of the project.</td>
<td>10 1.</td>
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<tr>
<td>2. Recent experience with municipal government(s) comparable to the proposed project.</td>
<td>10 2.</td>
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<tr>
<td>3. Reputation for personal and professional integrity and competence.</td>
<td>10 3.</td>
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<tr>
<td>4. Key personnel's professional background and caliber and availability for the proposed project.</td>
<td>10 4.</td>
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<td>5. Current workload.</td>
<td>5 5.</td>
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<td>6. Demonstrated ability to meet schedules or deadlines.</td>
<td>10 6.</td>
</tr>
<tr>
<td>7. Capability to complete projects without having major cost escalation or overruns.</td>
<td>10 7.</td>
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<tr>
<td>8. Quality of projects previously undertaken.</td>
<td>10 8.</td>
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<tr>
<td>9. Demonstrate an understanding of the project's potential problems and the City's special concerns.</td>
<td>20 9.</td>
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<td>10. A description of your firm’s ability with regard to project inspection and management.</td>
<td>5 10.</td>
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| TOTAL POINTS | 100 |

Comments:
GENERAL INFORMATION REQUIRED FROM ALL FIRMS

The undersigned agrees, if this SOQ is accepted, to furnish any and all items/materials/services upon which prices are offered, at the price(s) and upon the terms and conditions contained in the scope of services and/or specifications. The period for acceptance of this SOQ will be thirty (30) calendar days unless a different period is noted by the Firm/respondent.

The undersigned affirms that they have read and do understand the specifications and any attachments contained in this SOQ package.

Date: ____________

COMPANY NAME: __________________________________________________________

AUTHORIZED REPRESENTATIVE:________________________________________________

TITLE:______________________________________________________________

ADDRESS:

__________________________________________________________________________

CITY, STATE, ZIP: ______________________________________________________________________

TELEPHONE NO: _________________________ FAX NO. ____________________
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 reverse side for definitions.

FIRM NAME:
________________________________________________________________

STREET:___________________________________________________________

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.”

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<tr>
<th>Name</th>
<th>Title</th>
<th>Department</th>
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S.O.Q. # TDE-17-0218

Respondent’s Initials: ____________________
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.”

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<th>Name</th>
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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.”

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<th>Name</th>
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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: __________
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 THE INFORMATION REQUIRED AND SUBMIT TO:

THE CITY OF BROWNSVILLE
PURCHASING DEPARTMENT
P. O. BOX 911
BROWNSVILLE, TEXAS 78520
AUTHORIZED CONTACT FORM:

This *IFB/RFP/SOQ has been issued by City of Brownsville Purchasing & Contract Services Department. The Purchasing & Contract Services Department shall be the vendor’s sole point of contact with regard to the IFB/RFP/SOQ, its content, and all issues concerning it.

All communication regarding this IFB/RFP/SOQ shall be directed to an authorized representative of City Purchasing & Contract Services Department. The Purchasing Director or Assistant Director facilitating this IFB/RFP/SOQ is identified on the cover page, along with his or her telephone number, and he or she shall be the primary point of contact for discussions or information pertaining to the IFB/RFP/SOQ. Contact with any other City representative, including elected officials, for the purpose of discussing this IFB/RFP/SOQ, its content, or any other issue concerning it, is prohibited unless authorized by the Purchasing & Contract Services Department Director or Assistant Director. Violation of this clause, by the vendor having unauthorized contact (verbally or in writing) with such other City representatives, may constitute grounds for rejection by the Purchasing & Contract Services Department of the vendor’s quotation.

The above stated restriction on vendor contact with City representatives shall apply until the City has awarded a purchase order or contract to a vendor or vendors.

SIGNATURE ___________________________ TITLE ___________________

COMPANY ___________________________ DATE _________________

State of ____________________, County of _________________________

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

Notary Public ___________________________
My Appointment Expires: _______________________

* IFB – Invitation for Bids
  RFP – Request for Proposals
  SOQ – Statements of Qualifications

S.O.Q. # TDE-17-0218

Respondent’s Initials: ___________________
CITY OF BROWNSVILLE
NON-COLLUSIVE BIDDING CERTIFICATION

I/We have read instructions to bidder and specifications. My/Our SOQ conforms with all SOQ specifications, conditions, and instructions as outlined by CITY OF BROWNSVILLE. Signing the Acknowledgment Form confirms that our Firm will enter into a contract with CITY OF BROWNSVILLE for item(s) awarded to our Firm. I/We have read instructions to respondents and scope of services. The undersigned Firm/respondent, by signing and executing this SOQ, certifies and represents to the CITY OF BROWNSVILLE that Firm/respondent has not been offered, conferred or agreed to confer any pecuniary benefit, as defined by §1.07(a)(6) of the Texas Penal Code, or any other thing of value as consideration for the receipt of information or any special treatment or advantage relating to this SOQ; the Firm/respondent also certifies and represents that Firm/respondent has not offered, conferred or agreed to confer any pecuniary benefit or other things of value as consideration for the recipient's decision, opinion, recommendation, vote or other exercise of discretion concerning this SOQ; the Firm/respondent certifies and represents that Firm/respondent has neither coerced nor attempted to influence the exercise of discretion by any officer, trustee, agent of employee of the CITY OF BROWNSVILLE concerning this SOQ on the basis of any consideration not authorized by law; the Firm/respondent also certifies and represents that Firm/respondent has not received any information not available to other Firm/respondent so as to give the undersigned a preferential advantage with respect to this SOQ; the Firm/respondent further certifies and represents that Firm/respondent has not violated any state, federal or local law, regulation or ordinance relating to bribery, improper influence, collusion or the like and that Firm/respondent will not in the future offer, confer, or agree to confer any pecuniary benefit or other thing of value to any officer, trustee, agent or member of the CITY OF BROWNSVILLE in return for the person having exercised the person's official discretion, power or duty with respect to this SOQ; the Firm/respondent certifies and represents that it has not now and will not in the future offer, confer, or agree to confer a pecuniary benefit or other thing of value to any officer, trustee, agent or member of CITY OF BROWNSVILLE in connection with information regarding this SOQ, the submission of this SOQ, the award of this SOQ or the performance, delivery or sale pursuant to this SOQ.

Date: ___________________ Company Name: ____________________________

Signature: ____________________________

Title: ____________________________
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: ___________________________
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/proposal deadline or receipt of bids/proposal 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/proposal 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 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
(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 the City of Brownsville or the federal government.
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
Certificate of Interested Parties
House Bill 1295

A. 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.

B. 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.

C. 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
## 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.

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.

### Name of Interested Party | City, State, Country (place of business) | Nature of Interest (check applicable)
--- | --- | ---

#### 4. Name of Interested Party

- [ ] Controlling
- [ ] Intermediary

5. **Check only if there is NO Interested Party.**

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

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**Add Additional Pages As Necessary**

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S.O.Q. # TDE-17-0218

Respondent’s Initials: ________________

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