



**REQUEST FOR QUALIFICATIONS**

**23-06**

**FOR**

**PROFESSIONAL ENGINEERING SERVICES**

**FOR**

**KINGSVILLE MSW TYPE I LANDFILL  
DRAINAGE IMPROVEMENTS, ACCESS ROAD ALIGNMENT,  
CONSTRUCTION, AND PERMITTING**

JUNE 27, 2023

**CITY OF KINGSVILLE  
PURCHASING MANAGER**

**CHARLIE SOSA**

400 West King Ave.  
KINGSVILLE, TEXAS 78363  
(361) 595-8025

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### **1. REQUEST FOR QUALIFICATIONS (RFQ) INSTRUCTIONS**

#### **1.1 Public Notice**

The City of Kingsville (City) intends to enter into an agreement with a Professional Engineering Services firm and is seeking Statements of Qualifications (SOQ) from firms whose combination of resources, experience and expertise will provide capable and timely delivery of professional services.

The City is always conscious and extremely appreciative of the respondent’s efforts and time investment in the preparation of submittal information. The City will receive Qualification Statements at Kingsville City Hall until 2:00 p.m. Tuesday, June 27<sup>th</sup>, 2023. Information related to this solicitation, including any addenda, will be posted to the City website at

<https://www.cityofkingsville.com/departments/purchasing/rfp-bid-openings-fy-2023/>. For questions related to this RFQ, contact:

City of Kingsville  
Charlie Sosa Purchasing Manager,  
400 West King Ave.,  
Kingsville, Texas 78363  
361-595-8025  
[csosa@cityofkingsville.com](mailto:csosa@cityofkingsville.com)

**1.2 Purpose and Project Overview**

This RFQ is issued by Kingsville to obtain information about professional engineering firms interested in providing services to the City to implement construction of access road alignment, construction, drainage improvements as well as assist with TCEQ permitting approval for MSW Type I landfill located at the same facility. Engineering firms with extensive experience in landfill design and construction as well as TCEQ permitting and funding are invited to respond to this request for qualifications (RFQ).

**1.3 RFQ Schedule and Package Submission**

Anticipated schedule of events.

Action	Date
Advertisement of RFQ:	Thursday, June 1 <sup>st</sup> and June 8 <sup>th</sup> , 2023
Deadline for RFQ Inquiries:	Tuesday, June 16, 2023, at 5 p.m.
<b>DUE DATE &amp; TIME FOR PROPOSALS:</b>	<b>Tuesday, June 27, 2023 at 2p.m.</b>
Proposal Evaluations:	Thursday, July 6 <sup>th</sup> – Friday, July 7 <sup>th</sup> , 2023 (anticipated)
Selection Announcement:	Monday, July 10 <sup>th</sup> , 2023 (anticipated)

Enclose SOQs in a sealed envelope or package, addressed to the City of Kingsville. Place firm name, address, and RFQ Title outside the package. Include all items required for a responsive SOQ. It is respondent’s sole responsibility to ensure SOQ package is received no later than established due date, time, and location. SOQs received after the due date and time will not be considered. SOQs submitted by facsimile or other electronic means will not be accepted. ***To avoid delivery-related complications, please consider personally submitting your Qualifications Package at least one hour before the deadline.***

Submit and Deliver to: Charlie Sosa Purchasing Manger  
City of Kingsville City Hall  
400 West King Ave.  
Kingsville, Texas 78363

#### 1.4 Changes to the Solicitation by Addenda

The City reserves the right to make changes to the RFQ by written addendum, issued to all who obtained the RFQ by hand pickup, electronic, or regular mail through the City of Kingsville Purchasing Manager. Any addenda issued will also be made available on the City's website: <https://www.cityofkingsville.com/departments/purchasing/rfp-bid-openings-fy-2023/>

Respondents are advised to check the City website regularly for addenda.

A prospective Respondent may request a change in the RFQ by submitting a written request. Requests must specify the RFQ provision in question and contain an explanation of requested change. All requests for changes to the RFQ must be submitted to or received by the City no later than 2 p.m., June 27<sup>th</sup>, 2023.

The City will evaluate any requests submitted, but reserves the right to determine whether to accept the requested change. Any changes accepted by the City will be issued in the form of an addendum to the RFQ.

All addenda shall have the same binding effect as though contained in the main body of the RFQ. Oral instructions or information concerning scope of work or project, are not binding.

No addenda will be issued later than the date set, except an addendum, if necessary, postponing date for receipt of qualifications, withdrawing the invitation, modifying elements of the qualification packet resulting from delayed process, or requesting additional information, clarification, or revisions of qualifications.

**Each Respondent is responsible for obtaining any/all addenda before submitting a qualifications package. Acknowledge receipt of each addendum (if issued) in writing as part of submission packet.**

#### 1.5 Qualifications

Firm consideration is based on meeting the following minimum qualifications:

- a. Firm shall be properly registered with the Texas Board of Professional Engineers.
- b. Firm shall have completed landfill design, specifications, and evaluation services and have at least 20 years of collective experience in the design and evaluation of solid waste landfills.
- c. Firm shall staff at least three (3) licensed Professional Engineers, registered in Texas, which have participated in landfill master planning and overseen the design, specifications, construction, evaluation and permitting of landfills.
- d. Firm shall showcase experience and expertise in working closely with contractors, the Texas Commission on Environmental Quality and with facility owners (specifically municipalities) for landfill drainage construction and entrance access road alignment, meeting state reporting requirements and for client relations. Owner contact references shall be submitted.
- e. Firm shall submit a list of all similar and relevant landfill projects completed or currently underway within the last five years. Owner contact references shall be submitted.

## 1.6 Evaluation and Selection Criteria

All submitted SOQs will be evaluated by an Evaluation Committee. SOQ review will be based on the following selection criteria.

### 1. Criteria

- A. Project Understanding: Provide a description of the Respondent's understanding of the project. Points will also be affected by the firm's identification of a general project approach demonstrating a clear understanding of the scope of this project.
- B. Work Plan: Provide a well-defined work plan and detailed approach to the components of this project. Points will be awarded based on the ability of each Respondent to provide a clear and concise work plan, schedule, and focused approach related specifically to this project. Firms should demonstrate knowledge of city business and work practices under this subsection. Include any specific thoughts, enlightenments, or recommendations the firm desires to bring forward which are not necessarily discussed in this RFQ, and that will further demonstrate the firm's capabilities exceed those of mutually competing firms.
- C. Experience: Provide directly relevant and concise information regarding the experience of the proposed project team. Include actual, verifiable information demonstrating past performance of team members. Identify the experience and performance of key staff assigned to this project. Points will be awarded based on the evaluation committee's perception of quality and relevance of sited experience, project team, key staff, and demonstrated performance. Points will be deducted from the Respondent's score if the committee feels the information provided is unrelated to the scope described in this RFQ.
- D. Quality of Response: Respondent shall provide a qualifications packet free of spelling, punctuation, and grammar mistakes. Each Respondent shall exhibit the ability to submit a quality proposal communicating a realistic approach, technical soundness, and enhancements to elements outlined in this Request for Qualifications. Points may be deducted in this category if the SOQ contains errors in spelling, punctuation, or grammar. Points may be affected by SOQ formatting and organizational mistakes.

<b>SCORING OVERVIEW</b>			
<b>Evaluation Criteria</b>	<b>%</b>		<b>%</b>
Project Understanding	25%	Experience	40%
Work Plan	25%	Quality of Response	10%
<b>Total</b>	<b>50%</b>		<b>50%</b>

The City will utilize an evaluation committee whose responsibilities include performing independent evaluations of qualifications packages and making selection recommendations based on the evaluation criteria provided. Evaluations will focus on identifying relative strengths, weaknesses, deficiencies, and risks associated with each SOQ. Interviews with individual firms may be held at the evaluation committee's discretion. The City may obtain clarification or additional information from any firm in regards to a submission.

The City reserves the sole right to select the most qualified firm based on the highest-ranked overall qualifications package deemed most beneficial and advantageous to the City.

Firms submitting qualifications will be notified of the selection results.  
Final recommendation of any selected firm is subject to the approval of City of Kingsville City Commission. The City reserves the right to accept or reject any or all submissions, and to waive any informalities or irregularities in the RFQ process.

## **1.7 Selection Process**

The evaluation committee will evaluate and rank each respondent's submitted experience, technical competence, capability to perform, past performance of the respondent's team and team members, and other appropriate factors submitted. Cost-related or price-related evaluation factors will not be considered.

1. Each respondent must certify each licensed professional engineer listed was selected based on a history of demonstrated competence and qualifications as provided by Sections 2254.003 and 2254.004, Government Code. The City shall review the written responses and rank Respondents on demonstrated competence, qualifications, and responsiveness to the RFQ.

- A. Section 2254.003 of the Government Code States:

"Sec. 2254.003. SELECTION OF PROVIDER; FEES.

- (a) A governmental entity may not select a provider of professional services or a group or association of providers or award a contract for the services on the basis of competitive bids submitted for the contract or for the services, but shall make the selection and award:
  - (1) on the basis of demonstrated competence and qualifications to perform the services; and
  - (2) for a fair and reasonable price.
- (b) The professional fees under the contract may not exceed any maximum provided by law."

- B. Section 2254.004 of the Government Code States:

"Sec. 2254.004. CONTRACT FOR PROFESSIONAL SERVICES OF ARCHITECT, ENGINEER, OR SURVEYOR.

- (a) In procuring architectural, engineering, or land surveying services, a governmental entity shall:
  - (1) first select the most highly qualified provider of those services on the basis of demonstrated competence and qualifications; and
  - (2) then attempt to negotiate with that provider a contract at a fair and reasonable price.
- (b) If a satisfactory contract cannot be negotiated with the most highly qualified provider of architectural, engineering, or land surveying services, the entity shall:
  - (1) formally end negotiations with that provider;
  - (2) select the next most highly qualified provider; and
  - (3) attempt to negotiate a contract with that provider at a fair and reasonable price.
- (c) The entity shall continue the process described in Subsection (b) to select and negotiate with providers until a contract is entered into."

2. The licensed Engineer member(s) of the firm will have full responsibility for complying with all legal requirements, including those of Chapter 1001, Subtitle A of the Texas Occupations Code (Regulation of Engineering and Related Practices).
3. The City may, but is not obligated to, request additional information regarding; demonstrated competence and qualifications, the feasibility of implementing project(s) as proposed, the ability of the respondent to meet schedules or other factors as deemed appropriate by the City.
4. The successful Respondent will enter into a Professional Services Agreement with the City. If mutual agreement of the scope of services and compensation cannot be reached, negotiations with the firm shall cease and the City will open negotiations with the next ranked firm.
5. Upon execution of an Agreement, the Respondent must show the ability to provide the City with any required insurance and/or bonding.

## **1.8 Respondent's Acceptance of Evaluation Methodology**

WAIVER OF CLAIMS: Each Respondent, by submission of a response to this RFQ, waives any claims it has or may have against the City or its consulting engineers, and their respective employees, officers, members, directors and partners connected with or arising from this RFQ, including, RFQ administration, RFQ evaluation, and selection of qualified Respondents to receive an RFQ. Submission of qualifications indicates a Respondent's acceptance of the evaluation technique(s) and Respondent's recognition that some subjective judgments must be made by the City during the determination of qualifications. Without limiting the generality of the foregoing, each Respondent acknowledges that the basis of selection and that the evaluation rankings shall be made public in accordance with applicable law and waives any claim it has or may have, due to information contained in such evaluations.

## **1.9 Response Format**

Interested firms must submit four (4) bound qualifications packets, and one USB flash drive containing a digital copy of the complete qualifications package in PDF. Please begin file name of PDF copy with the Respondent's firm name.

To achieve a uniform review process and obtain the maximum degree of comparability, SOQs must be organized as specified. SOQs are limited to maximum 15 single-sided, numbered pages including the Table of Contents and Letter of Transmittal. Resumes, tabs/dividers, and cover sheet do not count toward page limit.

Print SOQs on 8-½ x 11-inch paper, although pages containing organizational charts, matrices, or large diagrams may be printed on larger paper to preserve legibility. Type size shall be no smaller than 11 point for narrative sections, but may be reduced for captions, footnotes, etc. as required while maintaining legibility. Submissions not conforming to requirements listed herein may be scored poorly and removed from consideration at the sole discretion of the City of Kingsville.

## **1.10 Response Content**

Responses shall be arranged as follows:

1. **Coversheet: General Information**  
Show date, RFQ title, firm name, address, phone number(s), name of contact person.
2. **Table of Contents**  
Clearly identify submittal contents by section and page number.
3. **Letter of Transmittal**

- A. Briefly state the firm's understanding of services performed and make a solid commitment to provide services specified.
- B. Give name(s) of person(s) authorized to make representations for the firm, their titles, address(es), and phone numbers.
- C. Transmittal letter must be signed by a corporate officer or other individual with authority to bind the firm. The letter must also be signed by the project manager.

4. **Contents**

**Tab 1: Engineering Firm's Understanding of Project.**

- A. Discuss the firm's understanding of the project objectives and the anticipated work.
- B. Describe general project approach to deliver services in an effective, timely and professional manner.
- C. Describe any support needed from City staff in order to execute the services.

**Tab 2: Engineering Firm's Specific Approach and Work Plan.**

- A. Outline project plans, specifications, and services and how/when services are provided.
- B. Describe firm's detailed project approach and a focused work plan for this specific project. Description should fully and completely demonstrate firm's intended methodology for servicing project requirements.
- C. Describe the firm's project management and quality control procedures.

**Tab 3: Qualifications, certifications, and abilities of key staff identified in SOQ Package.**

- A. Provide a firm description including origin, background, current size, financial capacity, available resources, general organizational structure, and firm headquarters. Identify name and title of the person(s) authorized to enter into an agreement(s) with the City.
- B. Describe firm's interest in this RFQ and unique advantage firm and team bring to the City of Kingsville.
- C. Provide an organizational chart to clearly identify key members of the project team. Include sub-consultants, if any. **Specifically identify individual(s) who will serve as project manager(s) and points of contact.** Provide the following information for the project manager(s) and key team members:
  - Name, title, licensures;
  - Office and email Addresses, phone number(s)
  - Role in and name of similar past projects; and
  - Name of company employing project manager for each past project listed.
- D. Submit resumes for each proposed key team member. Resumes do not count towards page limit.
- E. State any possible conflicts of interest your firm or any key team member may have with performing work for the City of Kingsville.
- F. Discuss the team's ability to handle multiple concurrent projects in terms of resources, including equipment, staff availability, and scheduling capacity.

**Tab 4: Experience of the firm providing similar services for similar projects.**

- A. Provide a description of a minimum of five (5) landfill design, permitting and/or evaluation projects, currently in progress or completed **in the past five years**, including any projects with the City, containing work demonstrating the skills and abilities of the key team members as follows:



1. List only projects involving key team members or subs proposed for this project.
2. List projects in order by date with newest projects listed first and include:
  - a) Brief project description, including recent experience with other municipal projects and with state agencies.
  - b) Owner's representative having knowledge of the firm's work. Include contact names, phone numbers, email, and physical addresses;
  - c) Name(s) of key team member(s) involved; including any changes to project team and/or key team member(s) after project initiation, and if key team member(s) completed, or did not complete, the project. Include project's current status if not yet completed. If experience for a key team member is listed from a previous employer, fully disclose with what firm the work was performed.
  - d) A list highlighting skills demonstrated by key team member(s).
  - e) Identify if the project was involved in any construction claims, how any claims were resolved and what the role of the key team members were for resolution.
3. For services including construction drawings, discuss the percentage the engineer's opinion of probable construction cost was within initial bid award and final construction amounts. Include an explanation for differentials greater than ten (10) percent.

## **2 REPRESENTATIONS, CONDITIONS, AND OTHER SUBMITTAL REQUIREMENTS**

### **2.1 Duties and Obligations of Firms in the RFQ Process**

Interested firms are expected to fully inform themselves as to all conditions, requirements and specifications of this RFQ before submitting a response. Firms are expected to promptly notify the City in writing to report any ambiguity, inconsistency or error in this RFQ. Failure to notify the City accordingly will constitute a waiver of claim of ambiguity, error or inconsistency.

### **2.2 Addenda**

To clarify or modify any part of this RFQ, addenda may be issued and posted at the City's official website: <https://www.cityofkingsville.com/departments/purchasing/rfp-bid-openings-fy-2023/>

Submit any requests for information or clarification in writing to contacts listed in this RFQ by the deadline for questions.

### **2.3 No Collusion, Bribery, Lobbying, or Conflict of Interest**

By responding to this RFQ, firm is deemed to have represented and warranted proposal is not made in connection with any competing firm submitting a separate response to this RFQ, and is without collusion or fraud. Furthermore, firm certifies neither it, any affiliates or subcontractors, nor any employees of foregoing bribed or lobbied, or attempted to bribe or lobby, or has a conflict of interest with an officer or employee of the City in connection with this RFQ.

### **2.4 Public Records**

Upon receipt by the City, each response becomes the property of the City and considered a public record. Responses will be reviewed by the City's evaluation committee.

### **2.5 Cost of Proposal Preparation**

The City shall not be liable for any expenses incurred by any firm responding to this RFQ. Firms submitting a response agree submittals are prepared at firm's own expense with express understanding the firm cannot make any claims whatsoever for reimbursement from the City for costs and expense associated with preparing and submitting a response. Each firm shall hold the City harmless and free from any and all liability, costs, claims, or expenses incurred by, or on behalf of, any person or firm responding to this RFQ.

## **2.6 Advertising**

In submitting an RFQ, respondent agrees not to use results therefrom as part of any commercial advertising without prior written approval of the City of Kingsville.

## **2.7 Financial Capacity; Insurance Requirements**

Selected firm must have financial capacity to undertake work and assume associated liability. Selected firm(s) may be required to provide certificates of insurance evidencing coverage for professional liability in minimum amount of \$1,000,000; auto liability in minimum amount of \$1,000,000; commercial general liability in minimum amount of \$1,000,000; and workers' compensation insurance as required by Texas statutes.

## **2.8 Ownership of Work Products**

The City shall have exclusive ownership of all intellectual property rights in all designs, plans and specifications, documents and other work product prepared by, for, or under the direction of the selected firm pursuant to any agreement under this RFQ (collectively, "Intellectual Property"), including without limitation the right to copy, use, disclose, distribute, and make derivations of the Intellectual Property for any purpose or to assign such rights to any third party. Intellectual Property shall be prepared in the City's name and the sole and exclusive property of the City, whether work contemplated therein is performed. The City grants the firm a royalty-free, non-exclusive license to use and copy the Intellectual Property to the extent necessary to perform the work in the agreement.

## **2.9 City Rights and Reservations**

The City anticipates selection of a firm, but reserves the right to request substitutions of any team member, including key staff and subcontractors. The City reserves the right to contact any firm/team for any additional information including, but not limited to experience, qualifications, abilities, resources, facilities, and financial standing. The City reserves the right to modify any part of this RFQ as issued with an addendum. The City, at its sole discretion, reserves the right to reject any or all responses to RFQ, cancel RFQ, re-advertise for new RFQ responses with identical or revised specifications, or accept any RFQ response, in whole or part, deemed in the best interest of the City. The City reserves the right to waive technicalities and informalities.

A response to this RFQ shall not be construed as an agreement.

The City of Kingsville reserves the sole right to award an agreement or agreements to the most qualified firm(s) on the basis of best overall response deemed to be most advantageous to the City.

## **2.10 Professional Services Agreement**

RFQ contents and all provisions of successful response deemed responsive by the City of Kingsville may be incorporated, in whole or in part, into a Professional Services Agreement and become legally binding when approved and executed by both parties.

Engineering services shall be performed in a prompt and professional manner and per the standards of the profession.

All work, unless otherwise specified, shall be completed to the satisfaction of the City Manager, Director of Public Works, City Engineer, Landfill Supervisor, or designee within time periods allocated, as mutually agreed upon at the beginning of the assignment. Engineer shall prepare a detailed scope of work, a payment schedule, and a schedule of deliverables for review and approval by the City.

**2.11 References**

**List at least three (3) companies or governmental agencies (preferably municipalities) where same/similar products and/or services as contained in this package were recently provided.**

---

**COMPANY NAME**

---

Contact Person

Title

---

Address

PO Box

City

---

State

Zip

e-mail

---

Phone Number

Fax Number

---

**COMPANY NAME**

---

Contact Person

Title

---

Address

PO Box

City

---

State

Zip

e-mail

---

Phone Number

Fax Number

---

**COMPANY NAME**

---

Contact Person

Title

---

Address

PO Box

City

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**EXHIBIT A**  
**SCOPE OF WORK**  
**DRAINAGE IMPROVEMENTS, ACCESS ROAD ALIGNMENT, AND PERMITTING PROJECT**

**GENERAL INFORMATION**

All work accomplished under the agreement shall be in accordance with federal, state, and local manuals, standards, guidelines, standard specifications, and standard procedures. Although every effort is made to fully describe the scope of services, the scope may evolve through discussions with professionals and changes may be required during the course of the project to accommodate input from the public and/or other agencies within and outside the City. Changes to the scope of work required to provide a complete project shall be negotiated and authorized. Changes made to the proposed project team must be approved by written notice from the City.

**I. DRAINAGE IMPROVEMENTS, ACCESS ROAD ALIGNMENT AND PERMITTING PROJECT**

This project will be structured in TWO phases where the first phase includes a facility evaluation and the drainage improvements, access road alignment for the landfill.

The second phase of the project includes all required work associated with assembling detailed technical plans and specifications for the construction of the drainage improvements, access road alignment located at the City of Kingsville Landfill, as well as assistance with the associated TCEQ permitting requirements for MSW Type I Landfill.

Follow-up services may include, at the City's option, related construction phase services for on-site project representation, observation, review and documentation of work progress.

**CONFLICT OF INTEREST QUESTIONNAIRE**  
**For vendor doing business with local governmental entity**

**FORM CIQ**

<p><b>This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.</b></p> <p>This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).</p> <p>By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.</p> <p>A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.</p>	<p><b>OFFICE USE ONLY</b></p>
<p><b>1 Name of vendor who has a business relationship with local governmental entity.</b></p>	<p>Date Received</p>
<p><b>2</b> <input type="checkbox"/> Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)</p>	
<p><b>3 Name of local government officer about whom the information is being disclosed.</b></p> <p style="text-align: center;">_____</p> <p style="text-align: center;">Name of Officer</p>	
<p><b>4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.</b></p> <p style="text-align: center;">A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?</p> <p style="text-align: center;"><input type="checkbox"/> Yes      <input type="checkbox"/> No</p> <p style="text-align: center;">B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?</p> <p style="text-align: center;"><input type="checkbox"/> Yes      <input type="checkbox"/> No</p>	
<p><b>5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.</b></p>	
<p><b>6</b> <input type="checkbox"/> Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).</p>	
<p><b>7</b></p> <p style="text-align: center;">_____</p> <p style="text-align: center;">Signature of vendor doing business with the governmental entity      Date</p>	

**CONFLICT OF INTEREST QUESTIONNAIRE**  
**For vendor doing business with local governmental entity**

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

**Local Government Code § 176.001(1-a):** "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

**Local Government Code § 176.003(a)(2)(A) and (B):**

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

\*\*\*

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

- (i) a contract between the local governmental entity and vendor has been executed;
- or
- (ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

**Local Government Code § 176.006(a) and (a-1)**

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

- (1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);
- (2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or
- (3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

- (A) begins discussions or negotiations to enter into a contract with the local governmental entity; or
- (B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

- (A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);
- (B) that the vendor has given one or more gifts described by Subsection (a); or
- (C) of a family relationship with a local government officer.

### CERTIFICATION REGARDING LOBBYING

Applicants should also review the instructions for certification included in the regulations before completing this form. Signature on this form provides for compliance with certification requirements under 15 CFR Part 28, "New Restrictions on Lobbying." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Commerce determines to award the covered transaction, grant, or cooperative agreement.

#### LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 15 CFR Part 28, for persons entering into a grant, cooperative agreement or contract over \$100,000 or a loan or loan guarantee over \$150,000 as defined at 15 CFR Part 28, Sections 28.105 and 28.110, the applicant certifies that to the best of his or her knowledge and belief, that:

- (1) 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 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.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid 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 this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure occurring on or before October 23, 1996, and of not less than \$11,000 and not more than \$110,000 for each such failure occurring after October 23, 1996.

**As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above applicable certification.**

NAME OF APPLICANT	AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

**Disclosure of Lobbying Activities**

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352  
(See reverse for public burden disclosure)

<p><b>1. Type of Federal Action:</b>  a. contract  _____ b. grant  c. cooperative agreement  d. loan  e. loan guarantee  f. loan insurance</p>	<p><b>2. Status of Federal Action:</b>  a. bid/offer/application  _____ b. initial award  c. post-award</p>	<p><b>3. Report Type:</b>  a. initial filing  _____ b. material change</p> <p><b>For material change only:</b>  Year _____ quarter _____  Date of last report _____</p>
<p><b>4. Name and Address of Reporting Entity:</b>  _____ Prime _____ Subawardee  Tier _____, if Known:</p> <p><i>Congressional District, if known:</i></p>		<p><b>5. If Reporting Entity in No. 4 is Subawardee,</b>  Enter Name and Address of Prime:</p> <p><i>Congressional District, if known:</i></p>
<p><b>6. Federal Department/Agency:</b></p>	<p><b>7. Federal Program Name/Description:</b></p> <p>CFDA Number, if applicable: _____</p>	
<p><b>8. Federal Action Number, if known:</b></p>	<p><b>9. Award Amount, if known:</b>  \$ _____</p>	
<p><b>10. a. Name and Address of Lobbying Registrant</b>  <i>(if individual, last name, first name, MI):</i></p>	<p><b>b. Individuals Performing Services</b> <i>(including address if different from No. 10a)</i>  <i>(last name, first name, MI):</i></p>	
<p><b>11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.</b></p>		
<p><b>Federal Use Only</b></p>		<p><b>Authorized for Local Reproduction</b>  Standard Form - LLL (Rev. 7-97)</p>



## INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity 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 a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitations for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Included prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.  
  
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

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According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503

**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.	<b>OFFICE USE ONLY</b>
<b>1</b> Name of business entity filing form, and the city, state and country of the business entity's place of business.	
<b>2</b> 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 services, goods, or other property to be provided under the contract.

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

**ADD ADDITIONAL PAGES AS NECESSARY**