

CITY OF HOUSTON
REQUEST FOR QUALIFICATION (RFQ)
SOLICITATION NO.: S63-Q25536

Date Issued: September 11, 2015

Pre-Submission Conference: September 29, 2015 @ 4:00 P.M.
United Way Houston
50 Waugh Drive
Houston, TX 77007

**Pre-Submission Questions
Deadline:** October 1, 2015 @ 4:00 P.M

Solicitation Due Date: October 8, 2015 @ 4:00 P.M., CST

Solicitation Contact Person: Yesenia Chuca
yesenia.chuca@houstontx.gov
832-393-8727

Project Summary: Two (2) year contract for small contractors to participate in a pilot rotation program.

Project Description: This RFQ is for the provision of pre-qualifying contractors for a Small Contractors Rotation Program.

NIGP Code: 913-71, 910-51, 913-19, 913,82, 910-24, 962-73, 913-92



Carolyn Hanahan,
Acting Chief Procurement Officer

9/9/2015

Date

TABLE OF CONTENTS

PART I – GENERAL INFORMATION..... 4

 General Information... 4

 Solicitation Schedule..... 4

PART II – SCOPE OF WORK / TECHNICAL SPECIFICATIONS..... 5

 A. Overview..... 5

 B. Specifics 5

PART III – EVALUATION AND SELECTION PROCESS..... 8

 A. Responsiveness of Submission 8

 B. Technical Requirements / Compliance..... 8

 C. Selection Process..... 8

PART IV – SUBMISSION OF RESPONSE..... 10

 A. Instructions for Submission..... 10

 B. Submission Requirements..... 10

PART V – SPECIAL CONDITIONS..... 11

 A. No Contact Period 11

 B. Equal Opportunity Employment 11

 C. Protests 12

PART VI – INSTRUCTIONS TO RESPONDENTS..... 12

 A. Pre-Submission Conference... 13

 B. Letter(s) of Clarification..... 13

 C. Examination of Documents and Requirements 13

 D. Exceptions to Terms and Conditions 13

 E. Post-Submission Discussions with Respondent(s)..... 14

PART VII – REQUIRED FORMS/DOCUMENTS TO BE SUBMITTED 14
EXHIBIT I – FAIR CAMPAIGN ORDINANCE 15
EXHIBIT II: AFFIDAVIT OF OWNERSHIP OR CONTROL..... 18
EXHIBIT III – CONFLICT OF INTEREST QUESTIONNAIRE 21

PART VIII – APPLICATION/FORM (ATTACHMENTS)

- EXHIBIT “A” – STATEMENT OF QUALIFICATION AND FINANCIAL CONDITION FOR CONTRACTORS
- EXHIBIT “B” – FINANCIAL STATEMENT

PART IX – STANDARD SPECIFICATIONS (ATTACHMENTS)

- EXHIBIT “A” – WATER LINES
- EXHIBIT “B” – PAVEMENT REPAIR AND RESTORATION
- EXHIBIT “C” – POINT REPAIRS AND OBSTRUCTION REMOVALS
- EXHIBIT “D” – SITE RESTORATION
- EXHIBIT “E” – ASPHALTIC CONCRETE PAVEMENT
- EXHIBIT “F” – CURB, CURB AND GUTTER, AND HEADERS
- EXHIBIT “G” – CONCRETE SIDEWALKS

PART I – GENERAL INFORMATION

A. General Information

The City of Houston (“City”) wishes to pre-qualify small contractors to participate in a pilot capacity development program under the City’s Department of Public Works & Engineering, hereinafter referred to as the “Rotation Program”. Pre-qualification status means that the contractor has submitted certain general information, which may lead to an invitation to bid on one or more work order on a rotational basis.

B. Program Background

The Rotation Program is a two (2) year pilot program that aims to rotate small work order opportunities for those contractors selected to participate. Participants in the Program will gain access to bonding and financial partners in the program. The Program will provide its participants an opportunity to sharpen skills necessary to compete in larger City projects. Such skills include, but are not limited to estimating, bidding, project management, and exposure to City requirements.

In consideration of capacity and performance, the City does not intend to award more than one work order at a time to a contractor or if work for a previously awarded work order has not yet been completed and accepted. That is, a contractor can only work on one work order at a time and the quality of the work performed shall be such that the work can be accepted by the City. To remain in the Program, contractors must meet the performance requirements regarding quality of work, schedule, and overall management of the work order.

C. Schedule

The City may hold interviews for the benefit of clarifying responses for the benefit of the department interest. Respondents shall be prepared to accommodate the schedule requirements throughout the procurement process so as not to unreasonably extend the length of the procurement process. Respondent may be required to provide additional information before the City select responses that best meet the RFQ requirements.

D. Solicitation Schedule

Listed below are the important dates for this Request for Qualification (RFQ).

EVENT	DATE
Date of RFQ	September 11, 2015
Pre-Submission Conference	September 29, 2015
Questions from Respondents Due to City	October 1, 2015
Submissions Due from Respondents	October 8, 2015
Notification of Pre-Qualification (Estimated)	November 3, 2015
Council Agenda Date (Estimated)	November 11, 2015
Contract Start Date (Estimated)	November 19, 2015

PART II – SCOPE OF WORK/TECHNICAL SPECIFICATIONS

A. Purpose

The purpose of the Rotation Program is to:

1. Enable small contractors to compete for City business while strengthening its ability to obtain financing and bonding;
2. Build capacity of contractors that are already in the relevant trades and wish to gain experience in City Work;
3. Qualify contractors that have an established business, and have the necessary experience to perform small jobs. Jobs to be performed will be located within the “Houston Metropolitan Area”.

B. General Requirements

The City of Houston will rely upon the contractor to verify that any prospective participating vendors and subcontractors are appropriately licensed, insured, and has arranged to work with a bonding company as well as financial institution; provide quality work; and meet all other requirements specified by the construction contract pursuant to procedures and policies of the City. The City reserves the right to add, delete, or modify any requirements at its discretion.

1. Licensing: The contractor must be licensed as required to perform the type of work indicated.
2. Insurance: The contractor will be required to procure the types of insurance and the limits required on a project-by-project basis. Those requirements may vary as the City deems appropriate.
3. Bonding: The contractor will be required to work with a bonding company for coaching and training purposes and build relationships for future bondability.
4. Financial Capacity: The financial statements of the contractor will be reviewed to determine availability of resources to successfully undertake projects. Contractor shall have enough cashflow to finance the first work order. Contractors may elect to work with financial partners in the Rotation Program to secure the necessary resources to complete the work on a timely basis.
5. Indemnification: The general contractor awarded any contract by or on behalf of the City shall be required to comply with the indemnification as provided for in the Agreement.
6. Legal Requirements: The contractor shall comply with all legal requirements whether stated or implied in the work order or purchase order issued.
7. Project Personnel: The contractor will be required to comply with all time commitments for project personnel specified in the applicable work order.
8. Payment Applications: The contractor will be required to submit monthly payment applications on the date assigned by the City. Payment applications must be compliant with requirements specified in the Agreement. Contractor should work with financial partners in the program to secure sufficient cash flow to continue to pay subcontractors and suppliers prior to contractor having received payment from the City. Contractors may avoid or minimize cash flow issues by submitting timely, compliant payment applications to the City.

9. Subcontracts: Subcontracts entered into by the Contractor shall incorporate the terms and conditions of the CITY OF HOUSTON. Also, subcontracts shall not include a “pay when paid” clause.

C. Categories of Work

Pre-qualified contractors in the Program will perform work in designated categories, which includes asphalt repair, concrete panel replacement, curb and gutter repair, wheelchair ramps, sidewalk repairs, point repairs, restorations, small diameter waterline repairs and other related work. The City of Houston’s Standard Specifications requirements for each category can be found in **Exhibits A thru G** to the RFQ.

D. Partner/Contractor Relationship and Training

The City of Houston has established partner relationships with various financial institutions and bonding companies to assist with contractor development.

The financial institutions will provide financial training and coaching to the participating contractors at the onset of and throughout the Rotation Program. In addition to training and coaching, the financial institution will provide funds to the contractor within three days after receiving written proof of payment authorization from the City of Houston. Each participating contractor will select a financial institution with whom to do business. Thereafter, the contractor will sign a “Notice of Assignment” authorizing the COH Controller’s Office to make payment directly to the corresponding financial institution.

The bonding company will also provide financial training and coaching to the participating contractors at the onset of and throughout the Rotation Program. The bonding company will vet the participating contractors for bonding upon successful completion of the Program or at any other time deemed appropriate by the bonding company.

The required training for the participants will include three (3) 4-hour sessions at the onset of the Rotation Program. These sessions will be conducted by partnering banks and the bonding company as well as COH departments as appropriate. The ongoing coaching, while mandatory, will take place throughout the Program in a manner that will allow the contractors to continue working and enhancing their performance history.

E. Pre-Qualification Process Overview

Following are some highlights of the pre-qualification program:

1. Pre-qualification Process: An evaluation committee will review the statement of qualifications and financial condition submitted by Respondents and will evaluate them based upon the criteria described herein. Following the evaluation process, the names of the pre-qualified contractors will be shared with the banking and bonding partners in the Program. When bidding opportunities arise for the Program, notices will be sent to those on the pre-qualified pool.
2. Work: Contractor will be pre-qualified for designated categories of work. Contractor must demonstrate that it has experience in performing small civil jobs or comparable jobs to qualify for the Program. The City will consider a combination of public and private experience in relevant work such as: concrete, resurfacing, street patching, water restoration, parking lots, striping, private streets construction and/or resurfacing. Subcontractor work experience is acceptable. The Contractor must have two (2) years of relevant experience with public sector work or at least five (5) years of experience in private sector work. In the event that the contractor has less than (2) two years of public sector experience, it must demonstrate that it has sufficient private sector experience to meet the experience requirements.

3. **Term:** Pre-Qualification will be valid for a period of twenty-four (24) months. The effective date of the pre-qualification period is the date of countersignature by the City Controller on the Agreement between the City of Houston and the participating contractor. Pre-qualification may be renewed annually by submitting an updated copy of the "Statement of Qualifications and Financial Condition for Construction Contractors" with all required attachments.
4. **Performance:** Firms seeking pre-qualification must submit references on comparable projects. The renewal of pre-qualification status will be dependent upon acceptable performance on City of Houston projects. If a pre-qualified contractor fails to perform in accordance with City of Houston's contract documents, directives, policies, or regulations, the City may remove contractor from the pre-qualified list. A contractor removed from a pre-qualified list must first demonstrate that it has taken corrective action and made adjustments in its operations and management to prevent similar performance issues in the future. Once contractor has demonstrated to the City's satisfaction that it can comply with the City's requirements, then it may be considered for re-qualification. This remedy may be in addition to the remedies available to the City in the contract.
5. **Financial Evaluation:** The financial condition of the firm will be evaluated at the onset of the Rotation Program and annually if Respondent is deemed eligible for pre-qualification. Each pre-qualified firm will be advised of its financial rating. Financial rating will serve as a benchmark to evaluate contractor's financial capacity to undertake a project. The financial rating will be an indicator of the dollar value of work that the contractor may undertake at any one time. If at the time of bid the contractor falls short in financial capacity based on the bid evaluation, the contractor will be advised how it may better its financial situation to undertake the project, provided that all other requirements are met.
6. **Bidding:** The City will solicit quotes for specific work orders from pre-qualified firms. Work order documents will describe the nature or character of the work, scope of work, location of project, completion date for the work, insurance and any other information necessary to apprise the bidders of the obligations of the contract. Quotes and bidders will be evaluated as part of the bid review to determine responsiveness and responsibility to undertake the project at the time the bids are presented. Following review of the quotes by the City, the work order will be awarded to the lowest responsive and responsible bidder. The City will take into consideration the bidder's prior record for completing work orders, as appropriate, financial condition and capacity, and other factors necessary to perform the work successfully.
7. **Eligibility:** The contractor shall have a City of Houston MBE, WBE or SBE certification. A contractor who is able to otherwise obtain work through the regular bidding process or that is somehow involved in the design or management of the work is not eligible to participate in the Rotation Program. While pre-qualified firms may be eligible to bid on certain City projects, contractor understands and agrees that it may not meet all requirements to perform the work on a particular project at a given time. A bidder may be deemed non-responsible for a specific project if it fails to meet the requirements of the project and/or it fails to demonstrate that it has the resources necessary to perform the work successfully.
8. **Construction Contracts:** All projects are subject to the terms and conditions for construction determined applicable for the project.

F. General Responsibilities

Pre-Qualified Contractors that are awarded work orders for small City projects will be responsible for providing all required labor and materials, equipment, supervision, and administration necessary to complete the scope of work described in the bid solicitations for those projects. The work will be supervised and administered by City personnel or a project manager designated by the City. The Rotation Program's bonding or financing partners may from time to time request performance information from the City.

Construction Work will be performed in compliance with all applicable rules, codes and regulations and will consist of the specific obligations described in each work order issued under this Program. Specific work for assigned projects may include but not be limited to the following as shall be determined by the City:

1. Documenting project scopes, as required.
2. Procuring all materials, equipment, labor, and vendor services.
3. Providing general conditions work.
4. Completing the punch list corrective work and turnover requirements.
5. Submitting samples, shop drawings, and reports.
6. Procuring all permits, licenses, and approvals.
7. Providing warranties, testing, and operations manuals.
8. Testing and removing environmental contaminants.
9. Providing insurance and performance and payment bonds.
10. Complying with all directives and policies of the City.
11. Participating in periodic project coordination meetings.
12. Meeting with the representatives of the City, as required.
13. Preparing and submitting timely reports concerning the progress of work.
14. Planning, coordinating, and supervising the work.
15. Performing contract administration tasks.
16. Submitting compliant payment applications to the City on a timely basis.
17. Compensating subcontractors/suppliers on a timely basis.
18. Closing out work orders expeditiously.

PART III – EVALUATION AND SELECTION PROCESS

The City representatives will review qualification submittals in accordance with the evaluation criteria set forth herein. City representatives may also request additional documentation in order to seek clarification of the submittal, and/or request one or more meetings with Respondents, and/or perform site visits in order to clarify Respondents' qualifications and capabilities for this Program. After evaluating all information, the City representatives will determine pre-qualification eligibility of each respondent.

Once the evaluation committee completes the evaluation, it will make recommendation to the Director of the Department of Public Works and Engineering. The initial order of the Contractor Rotation list will be based upon the ranking of the contractors by the evaluation committee. A maximum of ten (10) contractors will be recommended for participation in the Program.

The City reserves the right to reject any and all qualification submittals and to waive any informality in the submitted qualification submittals whenever it determines such rejection or waiver is in its best interest.

The City reserves the right to cancel this procurement process whenever the best interests of the City is served. The City shall not be liable for costs incurred by respondents associated with this procurement process.

A. Interviews

The City reserves the right to request and require that each Respondent participate in an interview to discuss its submission at a scheduled date and time. No Respondent is entitled to this opportunity, and no Respondent will be entitled to attend interviews of any other Respondent.

B. Selection Process

Upon review of all information provided by shortlisted respondents, the evaluation committee will make a recommendation for selection to City officials. The City reserves the right to check references on any projects performed by the respondent whether provided by the respondent or known by the City. Selected submission will be submitted for approval by the appropriate City officials. The City of Houston intends to select Responses that best meets the requirements of the Rotation Program. Upon approval of the selected Respondents, a contract will be executed by the appropriate City officials.

C. EVALUATION CRITERIA

The City shall review and evaluate the qualifications of each Respondent in accordance with the following criteria:

1. Responsiveness of Submission

Submissions shall be responsive to all material requirements that will enable the evaluation committee to evaluate submissions in accordance with the evaluation criteria so as to make a recommendation to City officials.

2. Technical Competence

1. Demonstrate SBE, MBE or WBE certification(s), and is listed in the City of Houston Office of Business Opportunity directory of certified companies.
2. Qualifications of Firm and construction experience necessary for the satisfactory performance of City projects as evidence by relevant projects and past performance.
3. Demonstrate the firm's possession of the technical equipment necessary to perform the relevant category of work or have the ability to obtain the equipment.
4. Quality of proposed management plan to manage quality and timely completion of work orders.
5. Qualifications of key personnel and their experience performing maintenance type construction work including but not limited to asphalt repair, concrete panel replacement, curb, and gutter repair, ADA wheelchair ramps, sidewalk repairs, point repairs, restoration, small diameter waterline repairs, and similar work on other successfully completed projects.
6. Demonstrate a minimum of (two) 2 years of relevant experience with the public sector or at least five (5) years of experience in private sector work. Relevant experience is maintenance type construction work including but not limited to asphalt repair, concrete panel replacement, curb and gutter repair, ADA wheelchair ramps, sidewalk repairs, point repairs, restorations, small diameter waterline repairs and similar work on other successfully completed projects.
7. Financial Capacity - Past performance as contractor on other projects as it relates to the firm's ability to successfully administer, manage, schedule, and coordinate projects in order to control cost, quality, and comply with work order requirements.

PART IV – SUBMISSION OF RESPONSES

A. Instructions for Submission

1. Number of Copies. Please submit **one (1)** original signed in BLUE ink and one (1) copy of your submission. Optional: submission may be submitted on electronic thumb drive. Submissions are to be submitted in a sealed envelope bearing the assigned Solicitation Number, located on the first page of the RFQ document to:

Strategic Procurement Division
901 Bagby, Suite B300
Houston, Texas 77002

The City of Houston shall bear no responsibility for submitting responses on behalf of any Respondent. Respondent(s) may submit their submission to the Strategic Procurement Division any time prior to the stated deadline.

2. Time for submission. Submissions shall be submitted no later than the date and time indicated for submission in this RFQ. Late submittals will not be considered and will be returned unopened.
3. Format. Submission should be left-bound with information on both sides of the page when appropriate. Material should be organized following the order of the submission requirements separated by labeled tabs. Expensive paper and bindings are discouraged since no materials will be returned.
4. Complete submission. Respondents are advised to carefully review all the requirements and submit all documents and information as indicated in this RFQ. Incomplete submissions may lead to a submission being deemed non responsive. Non-responsive submissions will not be considered.
5. Packaging and Labeling. The outside wrapping/envelope shall clearly indicate the RFQ Title and date and time for submission. It shall also indicate the name of the respondent. All other submission requirements shall be included with the Technical Proposal.
6. Timely delivery of Submissions. The Submittal, including the Technical Proposal, must be delivered by hand or sent to the City of Houston, Strategic Procurement Division through U.S. Mail or other available courier services to the address shown on the cover sheet of this RFQ. Include the RFQ number on any package delivered or sent to the Strategic Procurement Division and on any correspondence related to the Submittal. If using an express delivery service, the package must be delivered to the designated building. Packages delivered by express mail services to other locations might not be re-delivered in time to be considered.
7. Late Submissions. The respondent remains responsible for ensuring that its Submission is received at the time, date, place, and office specified. The City assumes no responsibility for any Submission not so received, regardless of whether the delay is caused by the U.S. Postal Service, the courier delivery service, or some other act or circumstance.

B. Submission Requirements

The City is requesting qualified contractors for the Small Contractor Rotation Program to submit their Response. The respondent must submit the following information/documents:

1. Cover letter: The cover letter shall be signed by an authorized representative of the Respondent. The letter should indicate the Respondent's commitment to provide the services proposed.

2. Executive Summary: Respondent must provide an Executive Summary which explains its understanding of the overall purpose of the program.
3. Management Plan: Respondent must provide a proposed management plan to manage quality and timely completion of work orders.
4. Qualification of Firm: Provide construction experience necessary for the satisfactory performance of City projects as evidence by relevant projects and past performance.
5. Qualification of Key Personnel: Provide their experience and expertise performing maintenance type construction work including but not limited to asphalt repair, concrete panel replacement, curb, and gutter repair, ADA wheelchair ramps, sidewalk repairs, point repairs, restoration, small diameter waterline repairs, and similar work on other successfully completed projects.
6. Statement of Qualification and Financial Condition for General Contractor Application
7. Forms: Complete all forms and certifications as appropriate.

PART V – SPECIAL CONDITIONS

A. No Contact Period

Neither Respondent(s) nor any person acting on Respondent(s)'s behalf shall attempt to influence the outcome of the award by the offer, presentation or promise of gratuities, favors, or anything of value to any appointed or elected official or employee of the City of Houston, their families or staff members. All inquiries regarding the solicitation are to be directed to the designated City Representative identified on the first page of the solicitation. Upon issuance of the solicitation through the pre-award phase and up to the date the City Secretary publicly posts notice of any City Council agenda containing the applicable award, aside from bidder's formal response to the solicitation, through the pre-award phase, written requests for clarification during the period officially designated for such purpose by the City Representative, neither Respondent(s) nor persons acting on their behalf shall communicate with any appointed or elected official or employee of the City of Houston, their families or staff through written or oral means in an attempt to persuade or influence the outcome of the award or to obtain or deliver information intended to or which could reasonably result in an advantage to any bidder. However, nothing in this paragraph shall prevent a bidder from making public statements to the City Council convened for a regularly scheduled session after the official selection has been made and placed on the City Council agenda for action, or to a City Council committee convened to discuss a recommendation regarding the solicitation.

B. Equal Opportunity Employment

The City of Houston Ordinance Section 15-17 establishes Equal Employment Opportunity Contract Compliance requirements for all City of Houston contracts involving the expenditure of Fifty Thousand Dollars (\$50,000) or more. Any contract for professional services that results from this RFQ will provide that the failure to carry out the requirements set forth in the City of Houston Equal Employment Opportunity Program shall constitute a breach of contract and may result in termination of the agreement or contract. In addition, the City may take any such additional remedy as deemed appropriate.

D. Protests

A protest shall comply with and be resolved, according to the City of Houston Procurement Manual http://purchasing.houstontx.gov/docs/Procurement_Manual.pdf and rules adopted thereunder. Protests shall be submitted in writing and filed with both, the City Attorney and the Solicitation contact person. A pre-award protest of the RFQ shall be received five (5) days prior to the solicitation due date and a post-

award protest shall be filed within five (5) days after City Council approval of the contract award.

1. A protest must be filed in accordance with the timing requirements set forth herein and must include:
 - a. the name, address, telephone number and email address of the protestor;
 - b. the number of the solicitation;
 - c. all information confirming that the protestor is an interested party;
 - d. a written statement of the grounds for the protest and the law, ordinance, or policy alleged to have been violated. The statement should be accompanied by relevant supporting documentation and the relief requested.
 - e. all information confirming the timeliness of the protest; and
 - f. the signature of the protestor

Protests shall be submitted to:
City Purchasing Agent
City of Houston
901 Bagby, B100
Houston, TX 77002

2. The City recognizes three types of protests:
 - a. Protests regarding solicitation (Pre-Bid Protest)
Any protest regarding a solicitation published by the City shall be filed no later than five (5) days before the opening of bids (if a competitive bid) or due date for submittals or proposals (if an RFP/RFQ), as appropriate. Any protest filed after the due date raising issues regarding the solicitation will not be considered.
 - b. Protests regarding the evaluation of bids, qualifications, or proposals (Pre-Award Protest)
Any protest regarding the evaluation of bids, qualifications, or proposals by the City must be filed no later than ten (10) days after:
opening of bids (if a bid); or
due date (if RFQ/RFP); or
notification that the interested party's bid or proposal has been rejected.
Any protest received after the deadline will not be considered.
 - c. Protests regarding award of contract (Post-Award Protest)
Upon receipt of a timely and properly filed protest regarding the award of a contract, the City will not issue a notice to proceed or submit an order for goods until the protest has been resolved, provided such delay will not be detrimental to the interests of the City.

PART VI – INSTRUCTIONS TO RESPONDENTS

A. Pre-Submission Conference

A Pre-Submission Conference will be held at the date, time, and location as indicated on the first page of the RFQ document. Interested Respondent(s) should plan to attend. It will be assumed that potential Respondent(s) attending this meeting have reviewed the RFQ in detail, and are prepared to bring up any substantive questions not already addressed by the City.

B. Additional Information and Specification Changes

Requests for additional information and questions should be addressed to the Finance Department, Strategic Procurement Division Buyer Yesenia Chuca, 832-393-8727, fax 832-393-8759, or email (preferred method to) yesenia.chuca@houstontx.gov no later than 4:00 P.M., CST October 1, 2015. The City of Houston shall provide written responses to all questions received in writing before the submittal deadline. Questions received from all Respondent(s) shall be answered and sent to all Respondent(s) who are listed as having obtained the RFQ. Respondent(s) shall be notified in writing of any changes in the specifications contained in this RFQ.

C. Letter(s) of Clarification

1. All Letters of Clarification and interpretations to this Solicitation shall be in writing. Any Letter of Clarification(s) or interpretation that is not in writing shall not legally bind the City of Houston. Only information supplied by the City of Houston in writing or in this RFQ should be used in preparing Submission responses.
2. The City does not assume responsibility for the receipt of any Letters of Clarification sent to Respondent(s).

D. Examination of Documents and Requirements

1. Each Respondent shall carefully examine all RFQ documents and thoroughly familiarize themselves with all requirements prior to submitting a Submission to ensure that the Submission meets the intent of this RFQ.
3. Before submitting a Submission, each Respondent shall be responsible for making all investigations and examinations that are necessary to ascertain conditions and affecting the requirements of this RFQ. Failure to make such investigations and examinations shall not relieve the Respondent from obligation to comply, in every detail, with all provisions and requirements of the RFQ.

E. Exceptions to Terms and Conditions

1. All exceptions included with the Submission shall be submitted in a clearly identified separate section of the Submission in which the Respondent clearly cites the specific paragraphs within the RFQ where the Exceptions occur. Any Exceptions not included in such a section shall be without force and effect in any resulting contract unless such Exception is specifically referenced by the City Purchasing Agent, City Attorney, Director(s) or designee in a written statement. The Respondent's preprinted or standard terms will not be considered by the City as a part of any resulting contract.
2. All Exceptions that are contained in the Submission may negatively affect the City's Submission evaluation based on the evaluation criteria as stated in the RFQ, or result in possible rejection of Submission.

F. Post-Submission Discussions with Respondent(s)

It is the City's intent to commence final negotiation with the Respondent(s) deemed most advantageous to the City. The City reserves the right to conduct post-Submission discussions with any Respondent(s).

PART VII – REQUIRED FORMS TO BE SUBMITTED WITH SUBMISSION

- A. Fair Campaign Ordinance Form “A” (Exhibit I)
- B. Affidavit of Ownership or Control (Exhibit II)
- C. Conflict of Interest Questionnaire (Exhibit III)

EXHIBIT I
FAIR CAMPAIGN ORDINANCE

The City of Houston Fair Campaign Ordinance makes it unlawful for a Contractor to offer any contribution to a candidate for City elective office (including elected officers and officers-elect). All respondents to this invitation to bid must comply with Houston Code of Ordinances Chapter 18 as amended relating to the contribution and solicitation of funds for election campaigns. Provisions of this ordinance are provided in part in the paragraphs that follow. Complete copies may be obtained from the office of the City Secretary.

Candidates for city office may neither solicit nor receive contributions except during a period commencing 270 calendar days prior to an election date for which a person is a candidate for such office and ending 90 calendar days after the election date, including run-off elections if such candidate is on the ballot.

Further, it shall be unlawful either for any person who submits a Bid or Submission to contribute or offer any contribution to a candidate or for any candidate to solicit or accept any contribution from such person for a period commencing at the time of posting of the City Council Meeting Agenda including an item for the award of the Contract and ending upon the 30th day after the award of the Contract by City Council.

For the purposes of this Ordinance, a **Contract** is defined as each Contract having a value in excess of \$30,000 that is let by the City for professional services, personal services, or other goods or services of any other nature whether the Contract is awarded on a negotiated basis, request for Submission basis, competitive Submission basis or formal sealed competitive Bids. The term **Contractor** includes proprietors of proprietorships, partners having an equity interest of 10% or more of partnerships, (including limited liability partnerships and companies), all officers and directors of corporations (including limited liability corporations), and all holders of 10% or more of the outstanding shares of corporations.

A STATEMENT DISCLOSING THE NAMES AND BUSINESS ADDRESSES EACH OF THOSE PERSONS WILL BE REQUIRED TO BE SUBMITTED WITH EACH BID OR SUBMISSION FOR A CITY CONTRACT.

Completion of the attached form entitled "**Contractor Submission List**" will satisfy this requirement. Failure to provide this information may be just cause for rejection of your Bid or Submission.

List all officers of the corporation (if none state "none"):

Name _____
Officer Address

Name _____
Officer Address

Name _____
Officer Address

List all individuals owning 10% or more of outstanding shares of stock of the corporation (if none state "none"):

Name _____
Address

Name _____
Address

Name _____
Address

I certify that I am duly authorized to submit this list on behalf of the firm, that I am associated with the firm in the capacity noted below and that I have personal knowledge of the accuracy of the information provided herein.

Preparer

Printed Name

Title

Note: This list constitutes a **government record** as defined by § 37.01 of the Texas Penal Code.

8/23/01

**EXHIBIT II:
AFFIDAVIT OF OWNERSHIP OR CONTROL**

ORIG. DEPT.: _____

FILE/I.D. NO.: _____

INSTRUCTION: ENTITIES USING AN ASSUMED NAME SHOULD DISCLOSE SUCH FACT TO AVOID REJECTION OF THE AFFIDAVIT. THE FOLLOWING FORMAT IS RECOMMENDED: CORPORATE/LEGAL NAME DBA ASSUMED NAME.

STATE OF _____ §

§

AFFIDAVIT OF OWNERSHIP OR CONTROL

COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared

_____ [FULL NAME] (hereafter "Affiant"),

_____ [STATE TITLE/CAPACITY WITH CONTRACTING ENTITY] of

_____ [CONTRACTING ENTITY'S

CORPORATE/LEGAL NAME] ("Contracting Entity"), who being by me duly sworn on oath stated as follows:

1. Affiant is authorized to give this affidavit and has personal knowledge of the facts and matters herein stated.

2. Contracting Entity seeks to do business with the City in connection with _____ [DESCRIBE PROJECT OR MATTER] which is expected to be in an amount that exceeds \$50,000.

3. The following information is submitted in connection with the proposal, submission or bid of Contracting Entity in connection with the above described project or matter.

4. Contracting Entity is organized as a business entity as noted below (check box as applicable).

FOR PROFIT ENTITY:

NON-PROFIT ENTITY:

SOLE PROPRIETORSHIP

NON-PROFIT CORPORATION

CORPORATION

UNINCORPORATED ASSOCIATION

PARTNERSHIP

LIMITED PARTNERSHIP

JOINT VENTURE

LIMITED LIABILITY COMPANY

OTHER (Specify type in space below)

5. The information shown below is true and correct for the Contracting Entity and all owners of 5% or more of the Contracting Entity and, where the Contracting Entity is a non-profit entity, the required information has been shown for each officer, *i.e.*, president, vice-president, secretary, treasurer, etc. **[NOTE: IN ALL CASES, USE FULL NAMES, LOCAL BUSINESS AND RESIDENCE ADDRESSES AND TELEPHONE NUMBERS. DO NOT USE POST OFFICE BOXES FOR ANY ADDRESS. INCLUSION OF E-MAIL ADDRESSES IS OPTIONAL, BUT RECOMMENDED. ATTACH ADDITIONAL SHEETS AS NEEDED.]**

Contracting Entity

Name: _____

Business Address **[NO./STREET]** _____

[CITY/STATE/ZIP CODE] _____

Telephone Number (____) _____

Email Address **[OPTIONAL]** _____

Residence Address **[NO./STREET]** _____

[CITY/STATE/ZIP CODE] _____

Telephone Number (____) _____

Email Address **[OPTIONAL]** _____

5% Owner(s) or More (IF NONE, STATE "NONE.")

Name: _____

Business Address **[NO./STREET]** _____

[CITY/STATE/ZIP CODE] _____

Telephone Number (____) _____

Email Address **[OPTIONAL]** _____

Residence Address **[NO./STREET]** _____

[CITY/STATE/ZIP CODE] _____

Telephone Number (____) _____

Email Address **[OPTIONAL]** _____

6. Optional Information

Contracting Entity and/or _____ [***NAME OF OWNER OR NON-PROFIT OFFICER***] is actively protesting, challenging or appealing the accuracy and/or amount of taxes levied against _____ [***CONTRACTING ENTITY, OWNER OR NON-PROFIT OFFICER***] as follows:

Name of Debtor: _____
Tax Account Nos. _____
Case or File Nos. _____
Attorney/Agent Name _____
Attorney/Agent Phone No. (____) _____
Tax Years _____

Status of Appeal [***DESCRIBE***] _____

Affiant certifies that he or she is duly authorized to submit the above information on behalf of the Contracting Entity, that Affiant is associated with the Contracting Entity in the capacity noted above and has personal knowledge of the accuracy of the information provided herein, and that the information provided herein is true and correct to the best of Affiant’s knowledge and belief.

Affiant

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 20_____.

(Seal)

Notary Public _____

NOTE:

This affidavit constitutes a **government record** as defined by Section 37.01 of the Texas Penal Code. Submission of a false government record is punishable as provided in Section 37.10 of the Texas Penal Code. Attach additional pages if needed to supply the required names and addresses.

**EXHIBIT III
CONFLICT OF INTEREST QUESTIONNAIRE**

CONFLICT OF INTEREST QUESTIONNAIRE:

Chapter 176.006 of the Local Government Code (“the code”) requires a Vendor/Contractor to file a Conflict of Interest Questionnaire (CIQ) with the City.

NOTE: Vendors/Contractors or Agents should **not** complete the CIQ if a conflict, as described below, **does not exist. Only Vendors/Contractors or Agents that actually have a conflict, as described below, must file a CIQ.**

Who must file a CIQ?

A Vendor/Contractor or Agent of a Vendor/Contractor does not have to file a CIQ unless they intend to enter or is considering entering into a contract with the City or:

1. has an employment or other business relationship with the Local Government Officer/Family Member;
or
2. has given the Local Government Officer/Family Member one or more gifts with the aggregate value exceeding \$250.00.

When must the Vendor/Contractor or Agent file a CIQ?

The completed CIQ must be filed with the City Purchasing Agent not later than the 7th business day after the date the Vendor/Contractor or Agent:

1. begins discussions or negotiations to enter into a contract with the City;
2. submits an application to the City in response to a request for proposals or bids, correspondence, or any other writing related to a potential contract with the City;
3. becomes aware of an employment or other business relations with the Local Government Officer/Family Member;
4. becomes aware that he/she has given one or more gifts to the Local Government Officer/Family Member that exceeds \$250.00; or
5. an event that would make the CIQ incomplete or inaccurate.

What is a business relationship?

Under Chapter 176, business relationship means a connection between two or more parties based on the commercial activity of one of the parties. The term does not include:

1. a transaction that is subject to a rate or fee regulation by a governmental entity;
2. a transaction conducted at a price and subject to terms available to the public; or
3. a purchase or lease of goods or services from a person who is chartered by a state or federal agency and is subject to regular examination and reporting to that agency.

The Conflict of Interest Questionnaire is available for downloading from the Texas Ethics Commission’s website at <http://www.ethics.state.tx.us/forms/CIQ.pdf> .

The Original Conflict of Interest Questionnaire shall be filed with the Administration and Regulatory Affairs Department’s Record Administration Vendors and Contractors required to file shall include a copy of the form as part of the Submittal package. **Any questions about filling out this form should be directed to your attorney.**

**EXHIBIT III
CONFLICT OF INTEREST QUESTIONNAIRE**

<p>CONFLICT OF INTEREST QUESTIONNAIRE</p> <p>For vendor or other person doing business with local governmental entity</p>	<p>FORM CIQ</p>
<p>This questionnaire reflects changes made to the law by H.B. 1491, 80th Leg., Regular Session.</p> <p>This questionnaire is being filed in accordance with Chapter 176, Local Government Code by a person who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the person 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 person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code.</p> <p>A person commits an offense if the person knowingly violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.</p>	<p>OFFICE USE ONLY</p>
<p>1 Name of person who has a business relationship with local governmental entity.</p> 	<p>Date Received</p>
<p>2 <input type="checkbox"/> Check this box if you are filing an update to a previously filed questionnaire.</p> <p>(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 the originally filed questionnaire becomes incomplete or inaccurate.)</p>	
<p>3 Name of local government officer with whom filer has employment or business relationship.</p> <p align="center">_____</p> <p align="center">Name of Officer</p> <p>This section (item 3 including subparts A, B, C & D) must be completed for each officer with whom the filer has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.</p> <p>A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the filer of the questionnaire?</p> <p align="center"><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>B. Is the filer of the questionnaire receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section AND the taxable income is not received from the local governmental entity?</p> <p align="center"><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?</p> <p align="center"><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>D. Describe each employment or business relationship with the local government officer named in this section.</p>	
<p>4</p> <p align="center">_____</p> <p align="center">Signature of person doing business with the governmental entity</p> <p align="right">_____</p> <p align="right">Date</p>	