



City of Kyle, Texas

Request for Proposals

No. 2020-01-PM

Grant Administration Services for  
Windy Hill Road Improvements at Richmond Branch

DUE DATE: January 15, 2020 at 10:00 A.M. (CST)

**REQUEST FOR PROPOSALS (RFP)**

**Request for  
Proposals for the  
Procurement of  
Grant Administration Services for the  
Windy Hill Road Improvements at Richmond Branch  
"RFP No. 2020-01-PM"**

The City of Kyle has been awarded \$1.8M in funding from the Community Development Block Grant (CDBG) program administered by the Texas General Land Office for a project to reconstruct a portion of Windy Hill Road at Richmond Branch. The City will contribute an additional \$1.6M of its own funds toward the project. The award will fund infrastructure projects and property buyouts/acquisitions to address severe flooding conditions.

The City of Kyle seeks proposals for Grant Administration Services to oversee and manage the project the Windy Hill Road Improvements at Richmond Branch project. The City of Kyle will accept sealed proposals until 10:00 A.M., January 15, 2020 in the City's Engineering Department, located at City Hall at 100 W. Center Street, Kyle Texas. Proposals received after this time will not be considered.

Proposals will be acknowledged on January 16, 2020 at 8:00 A.M. All interested persons are invited to attend the acknowledgement at City Hall, Falcon Room. **Attendance is not required.**

All questions or requests for information relating to this RFP may be directed to Leon Barba, the City of Kyle Engineer, via email at [cityengineer@cityofkyle.com](mailto:cityengineer@cityofkyle.com), no later than 12:00 noon Friday, January 10, 2020. Responses via Addenda will be posted on City of Kyle's website.

Proposals must be enclosed in a sealed envelope labeled: "RFP No. 2020-01-PM for Windy Hill Road Grant Administration Services", and delivered to the attention of Mr. Leon Barba, PE, City Engineer, 100 W. Center Street, Kyle, Texas 78640 (physical location).

The City of Kyle is not responsible in the event that the U.S. Postal Service or any other courier system fails to deliver the sealed proposals to the City by the given deadline above. **Facsimile of proposals will not be accepted.**

The City of Kyle reserves the right to reject any or all responses and to waive irregularities contained therein and to accept any response deemed most advantageous to the City of Kyle.

Section 3 Residents, Minority Business Enterprises, Small Business Enterprises, and Women Business Enterprises are encouraged to submit proposals. The City of Kyle is an **Equal Opportunity Employer** and does not discriminate in its employment practices on the basis of age, race, religion, sex, color, national origin, or disability.

Leon Barba, P.E.  
City Engineer

Publish:           Wednesday, December 18, 2019  
                          Wednesday, December 25, 2019  
                          Wednesday, January 1, 2020  
                          Wednesday, January 8, 2020

## TERMS AND CONDITIONS

### **Submittal**

Four (4) complete bound copies and one (1) electronic copy (flash drive) of the qualifications and cost for overall management, administrative, financial, environmental, and right of way services are required.

The complete submittals shall be enclosed in a sealed envelope and plainly marked on the outside of the envelope or on any carrier's envelope:

**Request for Proposals  
for the Procurement of  
Grant Administration Services for the  
Windy Hill Road Improvements at Richmond Branch  
Kyle, Texas  
"RFP No. 2020-01-PM"**

### **Deadline**

Proposals are to be delivered by 10:00 a.m., **Wednesday, January 15, 2020** to Leon Barba, City Engineer, City of Kyle, 100 W. Center St., Kyle, Texas 78640. **Packages delivered after the deadline will not be accepted.**

### **Addenda**

Technical questions concerning the RFP may be submitted to Leon Barba, City Engineer at Kyle City Hall offices at 100 W. Center St., Kyle Texas 78640 or by email at [lbarba@cityofkyle.com](mailto:lbarba@cityofkyle.com).

The submission deadline date for questions, clarifications, or **request for general information is 12:00 noon, January 10, 2020**. Any requests received after this date will be returned and not addressed. Note that all questions, clarifications, or request for general information must **be in writing and can be submitted via email or other mail carrier** to the City Engineer.

Any interpretation, correction or change of the RFP will be made by written ADDENDUM. Changes or corrections will be issued by the City Engineer and posted on the City's website.

Addenda will be issued as expeditiously as possible. It will be the responsibility of all respondents to contact the City prior to submitting a response to the RFP to ascertain if any addenda have been issued, and to obtain any /or all addenda, execute them, and return addenda with the response to the RFP. The Addenda shall be acknowledged in a proposal cover/transmittal letter.

### **Proposals**

Firms shall provide all information as required by this RFP. Failure to provide this information may result in rejection of the proposal. Qualifications shall provide a straightforward, concise description of the respondent's ability to meet the requirements. Emphasis shall be on quality, completeness, clarity of content, responsiveness to the requirements, and understanding of the City's needs. Firms shall endeavor to limit the submittal to eleven (11) sheets front and back {22 sides), excluding resumes and cover /transmittal letter. Firms or individuals should have past

experience with federally funded CDBG programs.

The proposal scope of work should be organized by the categories of General Administrative Services, General Administrative Services Infrastructure; General Environmental Services Infrastructure; General Right of Way Services Infrastructure.

The proposal must include verification that the firm and the firm's principal, is not listed (debarred) through the System for Award Management ([www.SAM.gov](http://www.SAM.gov)). The proposal must include a printout of the search results. The proposal must also include a copy of the firm's current certificate of insurance for professional liability.

The proposal must provide an all-inclusive maximum not-to-exceed fee amount for the overall grant administrative services requested under this RFP.

## **I. GENERAL REQUIREMENTS**

The City of Kyle seeks a qualified grant administrator firm to assist the City in administration of the Windy Hill Road Improvements at Richmond Branch project for compliance with all applicable requirements under the CDBG-Disaster Recovery program. Grant Administration services may include all responsibilities associated with CDBG infrastructure development duties, but not limited to program oversight, coordination with City and consultants engaged by the City, all reporting, financial reports, right of way acquisition documents, environmental documentation preparation, environmental clearance obtainment, citizen participation, and compliance with Davis-Bacon Labor Standards. The submittals received in response to this request will be utilized by the City to select a firm to provide these services for the Windy Hill Road at Richmond Branch project.

## **II. TECHNICAL EXPERTISE**

The City of Kyle has identified a project to improve the drainage capacity along Windy Hill Road at Richmond Branch. The existing two lane facility at Richmond Branch will be fully reconstructed and widened from 500 feet west of Cherrywood to 500 feet east of Purple Martin Avenue. Ditches will be reshaped and the drainage capacity at Richmond Branch will be increased to convey at minimum a ten year frequency event.

The General Land Office has a strict adherence to project development and construction completion of twenty-four months. The City's contract with the GLO terminating November 15, 2021.

## **III. SCOPE OF WORK**

### **Grant Administration Services - General**

#### **1. Administrative Duties:**

- a. Coordinate, as necessary, between subrecipient and any other appropriate service providers (i.e. Engineer, Environmental, etc.), contractor, subcontractor and GLO to effectuate the services requested.
- b. May assist in public hearings.

- c. Will work with GLO' s system of record.
  - d. Provide monthly project status updates.
  - e. Funding release will be based on deliverables identified in the contract.
2. Labor and procurement duties:
- a. Provide all Labor Standards Officer (LSO) Services.
  - b. Ensure compliance with all relevant labor standards regulations.
  - c. Ensure compliance with procurement regulations and policies.
  - d. Maintain document files to support compliance.
3. Financial duties:
- a. Prepare and submit all required reports (Section 3, Financial Interest, etc.).
  - b. Assist subrecipient with the procurement of audit services.
  - c. Assist subrecipient in establishing and maintaining a bank account for disaster recovery funds.
  - d. Implementation and coordination of Affirmatively Furthering Fair Housing (11 AFFH 11 requirements as directed by U.S. Department of Housing and Urban Development, (HUD) and the GLO.
  - e. Implementation and coordination of Section 504 requirements.
  - f. Program compliance.
  - g. Ensure that fraud prevention and abuse practices are in place and being implemented.
  - h. Prepare and submit all closeout documents.
  - i. Submit all invoices no later than 60 days after the expiration of the contract. All outstanding funds may be swept after 60 days. The provider may request an extension of this requirement in writing.
  - j. Assist in preparation of contract revisions and supporting documents including but not limited to:
    - i. Amendments/modifications
    - ii. Change orders.

### **Grant Administration Services - Infrastructure**

1. Administrative Duties:
- a. Ensure program compliance including all CDBG-DR requirements and all parts therein, current Federal Register, etc.
  - b. Assist subrecipient in establishing and maintaining financial processes.
  - c. Obtain and maintain copies of the subrecipient's most current contract including all related change requests, revisions and attachments.
  - d. Establish and maintain record keeping systems.
  - e. Assist subrecipient with resolving monitoring and audit findings.
  - f. Serve as monitoring liaison.
  - g. Assist subrecipient with resolving third party claim s.
  - h. Report suspected fraud to the GLO.
  - i. Submit timely responses to the GLO requests for additional information.
  - j. Complete draw request forms and supporting documents.

- k. Facilitate outreach efforts, application intake, and eligibility review.
  - l. Perform any other administrative duty required to deliver the project.
  - m. Utilize and assist with GLO's system of record to complete milestones, submit documentation, reports, draws, change requests, etc.
  - n. Submit change requests and all required documentation related to any change requests.
2. Acquisition Duties:
- a. Submit acquisition reports and related documents.
  - b. Establish acquisition files (if necessary).
  - c. Complete acquisition activities (if necessary).
3. Environmental Services
- a. Assist detailed scope of services
    - i. Review each project description to ascertain and/or verify the level of environmental review required: Exempt, Categorical Exclusion not Subject to 58.5, Categorical Exclusion Subject to 58.5, Environmental Assessment, and Environmental Impact Statements;
    - ii. Prepare, complete and submit HUD required forms for environmental review and provide all documentation to support environmental findings;
    - iii. Consult and coordinate with oversight/regulatory agencies to facilitate environmental clearance;
  - b. Be able to perform or contract special studies, additional assessments, or permitting to secure environmental clearance. These may include, but are not limited to biological assessments, wetland delineations, asbestos surveys, lead-based paint assessments, archeology studies, architectural reviews, Phase I & II Environment Site Assessment, USACE permits, etc.;
  - c. Prepare all responses to comments received during comment phase of the environmental review, including State/Federal Agency requiring further studies and/or comments from public or private entities during public comment period;
  - d. Maintain close coordination with local officials, project engineer and other members of the project team to assure appropriate level of environmental review is performed and no work is conducted without authorization;
  - e. Complete and submit the environmental review into GLO's system of record;
  - f. At least one site visit to project location and completion of a field observation report
  - g. Prepare and submit for publication all public notices including, but not limited to the Notice of Finding of No Significant Impact (FONSI), Request for Release of Funds floodplain/wetland early and final notices in required order and sequence;
  - h. Provide documentation of clearance for Parties Known to be Interested as required by 24 CFR 58.43;
  - i. Process environmental review and clearance in accordance with NEPA;
  - j. Advise and complete environmental re-evaluations per 24 CFR 58.47 when evidence of further clearance or assessment is required;
  - k. Prepare and submit Monthly Status Report; and
  - l. Participate in regularly scheduled progress meetings.

### **ADDITIONAL INFORMATION**

A preliminary layout of proposed project limits and plan information for previous work performed on Windy Hill Road is available on the City's Website.

### **RFP SCHEDULE**

The City anticipates the following schedule associated with this RFQ:

Issue RFP	12/18/2019
Deadline for questions/clarifications	1/10/2020 (12:00 noon)
Submittals	1/15/2020 (10:00 a.m.)
Proposals Acknowledged	1/16/2020 (8:00 a.m.)
City Council Approval	2/04/2020

## SELECTION PROCESS

City staff will analyze and evaluate the submittals. Firms shall completely respond to all components of this RFP or firm will not be considered. Interviews may be conducted as deemed necessary by City staff.

By submitting a response to this RFP, firm accepts the evaluation process as outlined in the following section and acknowledges and accepts the determination of the "most advantageous" firm may require subjective judgments by the City.

## REQUIREMENTS FOR SUBMITTAL

Respondents shall carefully read the information in the following evaluation criteria and submit a complete submittal to all questions in this RFP as formatted below:

### **Item 1: Qualifications and Availability (10%):**

- a) Provide the following information:
  - Legal name of firm.
  - Location of office conducting the work.
  - Contact persons.
  - Date of firm formation.
  - Legal business description (Individual, Corporation, Joint Venture, etc.).
- b) Provide a statement on the availability and commitment of the firm, its principal(s) and assigned professionals to undertake the project, reporting responsibilities and how the firm will interface with the City. Bi-weekly meetings may be required.
- c) Provide a statement of interest for the project including a narrative and unique qualifications as they pertain to this project.

### **Item 2: Proposed Staff (15%):**

- a) Organizational chart for personnel who may work on this project including licensure information.
- b) Names and roles of key personnel proposed to work on this project and their primary office location.
- c) Include resumes for all key personnel and indicate any individuals who have had previous experience on similar projects.
- d) Provide staffing size by area of expertise.
- e) Provide current workload of prime firm.
- f) Provide staff availability to perform services.

### **Item 3: Project Experience (30%):**

- a) Provide an overview and brief history of the firm/individual.
- b) Expand on environmental background, functions performed as grant administrator.
- c) Expand on right of way acquisition background, functions performed as grant administrator.
- d) Provide verifiable examples of at least three (3) similar projects undertaken with CDBG funding completed in the last five (5) years by the principal and subconsultants, including:
  - Project name and location.
  - Name of Project Manager.
  - Services provided.
  - Description of the project. Date of completion or project status.



- Client name and contact person.
- History of accomplishing services within established time and budget.
- Project photos are encouraged.

**Item 4: Project Approach (25%):**

- a) Describe any potential issues when receiving the assignment and the firm's approach to address those issues.
- b) Identify project leadership, reporting responsibilities and how the firm will interface with the City.
- c) Describe how the firm will expedite project development to comply with established GLO timelines.

**Item 5: Cost (20%):**

- a) Proposed cost is in line with independent estimates for grant administrator services (general) and compared with all cost proposals received. Estimated at 690 hours for manager, grant administrator, administrative tech.
- b) Proposed cost is in line with independent estimate for grant administrative services - Infrastructure - environmental services and compared with all cost proposals received. Estimated at 175 hours for environmentalist and administrative tech.
- c) Proposed cost is in line with independent estimate for grant administrative services - Infrastructure - right of way acquisition services and compared with all cost proposals received. Estimated for four parcels, excluding certified appraisals, and surveyor fees.
- d) Proposed cost is in line with independent estimate for grant administrative services - administrative duties and compared with all cost proposals received. Estimated at 300 hours for manager, grant administrator, administrator tech.
- e) Proposed cost is in line with independent estimate for grant administrative services - infrastructure - environmental special services and compared with all cost proposals received. Estimated archaeological services may be required.

Please specify a complete list of tasks with descriptions anticipated to be performed in your response proposal by work activity/phase.

#### **IV. RESPONSE INSTRUCTIONS**

The submittal must follow the format established within this RFP. Proposals will be scored based on the evaluation factors described in the RFP. The evaluation team will decide whether interviews should be conducted. After interviews are performed, if needed, the evaluation team may request the finalists to submit a Best and Final Offer (BAFO).

Should negotiations be unsuccessful, the City shall enter into negotiations with the next, highest ranked Vendor. The process shall continue until an agreement is reached with a qualified Vendor.

This RFP does not commit the City to pay for any direct and/or indirect costs incurred in the preparation and presentation of a response. All finalist(s) shall pay their own costs incurred in preparing for, traveling to and attending interviews.

The City reserves the right to negotiate the final fee prior to recommending to Council any Vendor for a contract. Upon the award of this contract, profit (either %/actual cost) must be identified and negotiated as a separate element of the price for any contract. The proposal must provide an all-inclusive maximum not-to-exceed fee amount for the services requested under this solicitation (RFP).

Failure to complete any portion of this request may result in rejection of a proposal.

#### **V. CONTACT WITH AGENCY EMPLOYEES**

To ensure a fair and objective evaluation of all proposals, firms are required to submit all inquiries to the project contact noted in this RFP.

#### **VI. COSTS OF PREPARATION AND SUBMISSION**

Each firm shall bear responsibility for all costs incurred in order to prepare and submit their response to this RFP.

#### **VII. PROPOSAL REVIEW**

All applicable information will be subject to public disclosure in accordance with the Freedom of Information Act, at award of contract, cancellation of this RFP, or within 180 days, whichever occurs first.

#### **VIII. PRESENTATIONS**

Firms may be required to make presentations and/or provide written clarifications of their responses at the request of the City.

#### **IX. REQUIRED CONTRACT PROVISIONS**

If awarded a contract as a result of this RFP, at a minimum, the firm selected must comply with certain related federal/state, local statutes and regulations including, but not limited to:

- 2 CFR 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards;
- Texas Government Code 2270.002 – Verification of no Boycott to Israel;
- Texas Government Code 2252.908 – Interested Parties;
- Texas Government Code 2252.152 – Sudan List; Iran List;
- Local Government Code Chapter 176 – Conflicts of Interest;
- City of Kyle Ordinances; and
- City of Kyle Purchasing Policies and Guidelines.

#### **X. REQUIRED FORMS (EIGHT FOLLOWING)**

**Cost of Services**

Please indicate **No Cost Proposal** if your firm is not proposing for the services specified on this Cost of Services page.

Provide a complete Price Schedule below based upon respondents proposed staffing plan. The hourly rate should reflect services provided for the duration of the GLO award period estimated at 24 months from the date of contract execution with the GLO.

Maximum amount of grant funds firm is able and/or willing to manage: \$\_\_\_\_\_.

<b>INFRASTRUCTURE</b>		
Grant Award Amount	Cost of Services (maximum)	% of Profit
\$1.8 million		

<b>Hourly Rates</b>	
Work Classification	Hourly Rate
1. Grant Administration Services General	
2. Grant Administration Services - Infrastructure	

## **CITY OF KYLE CONTRACTOR INSURANCE REQUIREMENTS**

Contractors providing goods, materials and services for the City of Kyle, Texas shall, during the term of the contract with the City or any renewal or extension thereof, provide and maintain the types and amounts of insurance set forth herein. All insurance and certificate(s) of insurance shall contain the following provisions:

1. Name the City, its officers, agents and employees as additional insured as to all applicable coverage with the exception of workers compensation insurance.
2. Provide for at least thirty (30) days prior written notice to the City for cancellation, non- renewal, or material change of the insurance.
3. Provide for a waiver of subrogation against the City for injuries, including death, property damage, or any other loss to the extent the same is covered by the proceeds of insurance.

Insurance Company Qualification: All insurance companies providing the required insurance shall be authorized to transact business in Texas and rated at least " A" by AM Best or other equivalent rating service.

Certificate of insurance: A certificate of insurance evidencing the required insurance shall be submitted by the successful Offeror prior to contract execution. If the contract is renewed or extended by the City a certificate of insurance shall also be provided to the City prior to the date the contract is renewed or extended. All coverage amounts listed shall be in United States dollars.

### **TYPE of Contract**

### **TYPE and Amount of Insurance**

Professional Services            General Liability insurance for Personal Injury (including death) and Property Damage with a minimum of \$1 million per occurrence and \$2 million aggregate, including Advertising Injury, Products Coverage.

Professional Liability Insurance with a minimum of \$1 million per occurrence and \$2 million aggregate.

Workers Compensation insurance as required by state law.

# CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

## FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

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).

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.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

### OFFICE USE ONLY

Date Received

**1** Name of vendor who has a business relationship with local governmental entity.

**2**  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.)

**3** Name of local government officer about whom the information is being disclosed.

\_\_\_\_\_  
Name of Officer

**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.

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?

Yes       No

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?

Yes       No

**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.

**6**  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).

**7**

\_\_\_\_\_  
Signature of vendor doing business with the governmental entity

\_\_\_\_\_  
Date

## **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.

**1 Name of vendor who has a business relationship with local governmental entity.**

**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.)

**2 Name of local government officer about whom the information is being disclosed**

Name of Officer

3

4

**5 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.**

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?

Yes

No

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?

Yes

No

**6 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.**

6 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).

7 Signature of vendor doing business with the governmental entity

Date

## **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

(To be submitted with each bid or offer exceeding \$100,000)

The undersigned certifies, to the best of his or her knowledge and belief, that:

(a) 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 an 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.

(b) 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.

(c) The undersigned shall require that the language paragraph 1 and 2 of this anti-lobbying 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 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995).

The Contractor, \_\_\_\_\_, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. § 3801 et seq., apply to this certification and disclosure, if any.

---

Signature of Contractor's Authorized Official

---

Printed Name and Title of Contractor's Authorized Official

---

Date

## 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 follow-up 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.

---

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

Approved by OMB  
0348-0046

