

LEGAL NOTICE

AND

INVITATION TO BID B #061-23

The Brownsville Public Utilities Board will accept sealed bids for the Annual Supply of Concrete Poles, **until 5:00 PM, September 6, 2023,** in the Brownsville PUB Purchasing Office, 1155 FM 511, Olmito, Texas. Bids received after this time will not be considered.

Bids will be publicly opened and read aloud on September 7, 2023 at 10:00 AM. Bidders can request a copy of the bid tabulation by emailing <u>hlopez@brownsville-pub.com</u>. Vendors can call in at 10:00 AM, September 7, 2023 to (956) 214-6020 to listen to the bid opening.

Detailed specifications may be obtained at the following website: <u>https://www.brownsville-pub.com/rfp_status/open/</u>

Please mark on the <u>outside of the envelope and on any carrier's envelope</u>: "B061-23 SEALED BID FOR THE ANNUAL SUPPLY OF CONCRETE POLES, **SEPTEMBER 6, 2023, 5:00 PM**", and send to the attention of Diane Solitaire, Purchasing Department, 1155 FM511, Olmito, Texas 78575.

The Brownsville Public Utilities Board will not be responsible in the event that the U.S. Postal Service or any other courier system fails to deliver the sealed bids to the Brownsville Public Utilities Board, Purchasing Office by the given deadline above. No bids will be accepted via facsimile or electronic transmission.

The Brownsville PUB reserves the right to reject any or all bids and to waive irregularities contained therein and to accept any bid deemed most advantageous to the Brownsville PUB.

BY:

Diane Solitaire Purchasing Brownsville Public Utilities Board (956) 983-6366 - Phone

Please submit this page upon receipt.

Acknowledgment Form B#061-23 Annual Supply of Concrete Poles

For any clarifications, please contact Hugo E. Lopez at the Brownsville Public Utilities Board, Purchasing Department at (956) 983-6375 or e-mail: <u>hlopez@brownsville-pub.com</u>

Please e-mail this page upon receipt of the bid legal notice. If you only received the legal notice and you want the bid package mailed, please provide a method of shipment with account number in the space designated below.

Check one:

() Yes, I will be able to send a bid; obtained bid package from website.

() Yes, I will be able to send a bid; please email the bid package. Email:

() Yes, I will be able to send a bid; please mail the bid package using the carrier & account number listed below:

Carrier: _____

() No, I will not be able to send a bid for the following reason:

If you are unable to send your bid, kindly indicate your reason for "No bid" above and return this form **via email to:** <u>hlopez@brownsville-pub.com</u>. This will ensure you remain active on our vendor list.

| Date | | | |
|----------|--------|-----------|--|
| Company: | | | |
| Name: | | | |
| Address: | | | |
| City: | State: | Zip Code: | |
| Phone: | | | |
| Fax: | | | |
| Email: | | | |

IF SPECIFICATIONS ARE DOWNLOADED FROM WEBSITE PLEASE EMAIL THIS PAGE TO EMAIL LISTED ABOVE

Special Instructions

Contract Information

• Interpretation

Questions concerning terms, conditions, and technical specifications should be directed to:

Hugo E. Lopez, Purchasing Administrator or Diane Solitaire, (956) 983-6375 Purchasing & MaterialsManager (956) 983-6366

• Tentative Time Line

- 1. August 21, 2023 through September 6, 2023 Vendors work on bid.
- 2. September 6, 2023 at 5:00 PM CST Vendor must submit 1 set of bid documents sealed in an envelope to:

Diane Solitaire, Purchasing 1155 FM 511 Olmito, TX 78575

Bid 061-23, Annual Supply of Concrete Poles Due on September 6, 2023 at 5:00 PM CST

The above noted information must be included on bid envelope and on any carrier's envelope/package. The Brownsville Public Utilities Board will not be held responsible for missing, lost or late mail. Brownsville Public Utilities Board will not accept facsimile or electronic transmission of sealed bids.

- 3. September 1, 2023 Last day to submit questions
- 4. September 7, 2023 Open bids at 10:00 AM
- 5. September 8, 2023 September 22, 2023 Evaluate bids
- 6. September 25, 2023 Provide Final Recommendations
- 7. October 9, 2023 Send to Utilities Board for approval
- 8. Term of contract will commence October 2023
- Or Equal

Brand name or manufacturer's reference used in this request is descriptive – not restrictive – it is intended to indicate type and quality desired. Brands of like nature and quality will be considered. If bidding on other than referenced specifications please provide complete descriptive information of said article.

• Pricing

Bid unit price on quantity specified, extend and show total. In case of errors in extension, unit prices shall govern. **Price shall remain firm for a 12 month period after receipt of order.** All fields (UNIT PRICE, TOTAL PRICE, & EST DELIVERY IN DAY) in the Cost Sheet must be filled. The data must be complete to identify the bidding brand.

Failure to submit any of the above information with the sealed bid will disqualify bid.

• Vendor Representative

The successful vendor agrees to send a personal representative with binding authority for the company to the Brownsville Public Utilities Board upon request to make adjustments and/or assist with coordination of all transactions as needed.

• Quality of Products

All items must be new, in first class condition, including containers suitable for shipment and storage. No substitutions in standard grades or lesser quality will be accepted.

• Determining Factors for Award

- 1. Bidders net price on bid items
- 2. Stock availability
- 3. Reputation of brand names offered
- 4. Reputation and location of the bidder
- 5. Time and conditions of delivery
- 6. BPUB financial and legal responsibility evaluations of any identified teaming arrangements involving significant joint ventures, subcontractors and suppliers
- 7. Safety record will be considered when determining the responsibility of the bidder

• Contract with Vendor/Entity Indebted to BPUB

It is a policy of the BPUB to refuse to enter into a contract or other transaction with an individual, sole proprietorship, joint venture, Limited Liability Company or other entity indebted to BPUB.

• Vendor ACH (Direct Deposit) Services

The BPUB has implemented a payment service for vendors by depositing the payment directly to the vendor's bank account. Successful vendor(s) will be required to receive payments directly through Automated Clearing House (ACH) in lieu of a paper check.. The awarded vendor must agree to receive payments via ACH (Direct Deposit).

• Tax Identification Number (TIN)

In accordance with IRS Publication 1220, a W9 form, or a W8 form in cases of a foreign vendor, will be required of all vendors doing business with the Brownsville PUB. If a W9 or W8 form is not made available to Brownsville PUB, the first payment will be subject to income tax withholding at a rate of 28% or 30% depending on the U.S. status and the source of income as per IRS Publication 1220. **The W9 or W8 form must be included with bid response.** Attached are sample forms.

• Taxes

The City of Brownsville and Brownsville Public Utilities Board are exempt from Federal Excise Tax, State Tax and local Taxes. Do not include tax in the bid. If it is determined that tax was included in the bid it will not be included in the tabulation or any awards. Tax exemption certificates will be furnished upon request.

• Signing of Bid

Failure to sign bid will disqualify it. Person signing bid should show title or authority to bind their firm to a contract.

• EEOC Guidelines

During the performance of this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of race, national origin, age, religion, gender, marital or veteran status, or physically challenging condition.

• Living Wage Statement

On April 16, 2007, the BPUB Board of Directors approved a local "living wage" policy that requires all Contractors and Subcontractors performing 100% <u>Non</u>-Federally funded Work for the BPUB to pay a minimum wage rate of \$8.00/hour. The BPUB-requires that all Contractors and Subcontractors comply with this policy.

• As Needed Basis

Quantities are estimated for an annual supply and are to be released on an "as needed" basis and be billed as such. However, successful vendor must keep in stock one (1) truckload of the poles awarded for immediate shipment to the BPUB. Brownsville PUB will not accept the full quantity at one time as specified on Cost Sheet.

• Contract and Purchase Order

The concrete poles shall be delivered FOB Brownsville PUB, **1495 Robinhood Drive**, **Brownsville**, **Texas 78521** with a self unloading truck, between 8:00 AM - 4:00 PM, Monday through Friday. Delivery address may change during the year. The new address is 1155 FM511,

Olmito, TX 78575. A contract for the concrete poles will be placed into effect by means of a purchase order issued by the Brownsville Public Utilities Board after tabulation and final approval by the Brownsville PUB Board of Directors.

• Term of Agreement

One (1) year from the date of award not to exceed the one (1) year or the awarded amount whichever comes first, with the option to renew for an additional (1) one year period if agreed upon in writing by both parties.

• Delivery

Delivery of the material will only be accepted during normal working hours, Monday thru Friday, 8 AM to 4 PM. A delivery ticket must be furnished with each delivery by the carrier. The delivery ticket must show the BPUB's Purchase Order, number of crates, packages, etc. being delivered to BPUB. A packing list must be furnished with each delivery by the carrier. The packing list must include the BPUB's Purchase Order number, a brief description of materials and the total number of crates, size, etc. being delivered to BPUB.

• Brownsville Public Utilities Board Rights

- 1. If only one or no bid is received by "submission date", the BPUB has the right to reject, re-bid, accept and/or extend the bid by up to an additional two (2) weeks from original submission date.
- 2. The right to reject any/or all bids and to make awards as they may appear to be advantageous to the Brownsville Public Utilities Board. The bidder must indicate "all or none" in the bid if the above-stated condition is not acceptable.
- 3. The right to hold bid for 90 days from submission date without action, and to waive all formalities in bidding.
- 4. The right to extend the total bid quote beyond the original 90-day period prior to an award if agreed upon in writing by both parties and if low bid holds firm.
- 5. The right to terminate for cause or convenience all or any part of the unfinished portion of the Project resulting from this solicitation within Thirty (30) calendar days written notice; <u>for cause</u>: upon default by the vendor/contractor, for delay or non-performance by the vendor/contractor; or if it is deemed in the best interest of the BPUB <u>for BPUB's convenience</u>.
- 6. The right to increase or decrease quantities. In bid, stipulate whether an increase or decrease in quantities will affect bid price.
- Corrections

Any interpretation, correction, or change of the invitation to bid will be made by ADDENDUM. Changes or corrections will be issued by the Brownsville PUB Purchasing Department. Addenda will be e-mailed to all who have returned the Bid Acknowledgement form. Addenda will be issued as expeditiously as possible. It is the responsibility of the vendors to determine whether all addenda have been received. It will be the responsibility of all respondents to contact the Brownsville PUB prior to submitting a response to the invitation to bid to ascertain if any addenda have been issued, and to obtain any all addenda, execute them, and return addenda with the response to the invitation to bid. Addenda may also be posted on BPUB's web page.

Special Instructions:

Successful vendor(s) must keep one release of items in stock for immediate shipment to BPUB. Material is to be released as requested and be billed as such. The noted quantities are based on a yearly usage, the Purchase Order quantities are subject to BPUB's right to increase or decrease quantities as deemed necessary. Stipulate below, if an increase or decrease in quantity affects bid price:

(_____) Yes, an increase or decrease in quantity affects bid price

(_____) No, an increase or decrease in quantity will not affect bid price.

Price shall remain firm for 12 months after date of purchase order and this contract shall be for a period of one (1) year with the option to renew for an additional (1) one year period.

COST SHEET

| Item | Quantity | Description | Unit Cost | Total | Deliver in days after PO & Mfg. Warranty |
|------|----------|--|-----------|-------|--|
| 1 | 150 Each | (E1000-00) 35' concrete poles, type 1, square tapered, gray top mount as per attached specifications. Approximately 25 each per truckload See concrete pole drawing below | | | |
| 2 | 150 Each | (E1001-00) 6' aluminum single arm bracket for item #1 above as per attached specifications.See concrete pole bracket arm below | | | |

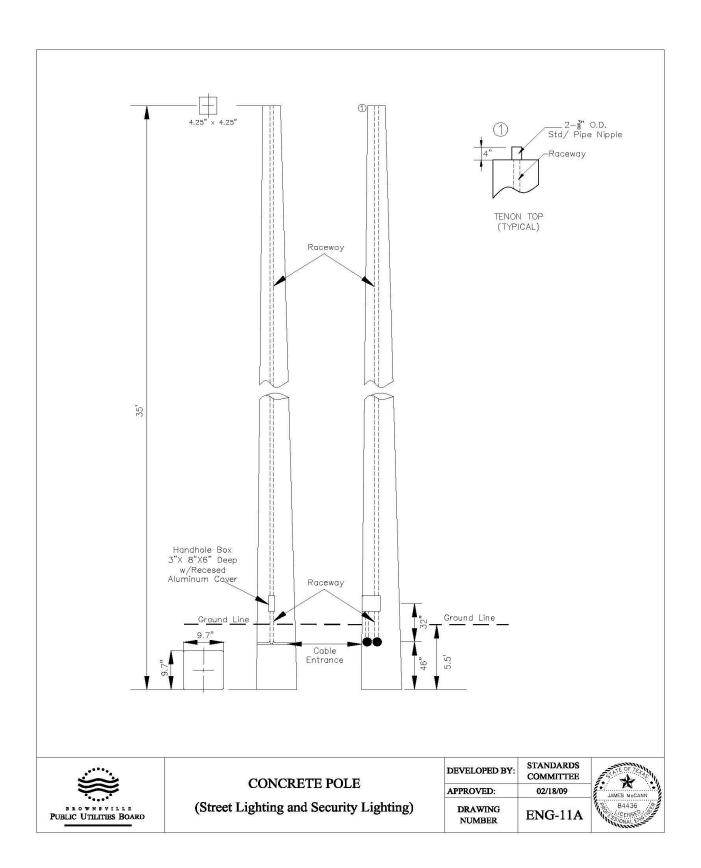
SPECIAL INSTRUCTIONS:

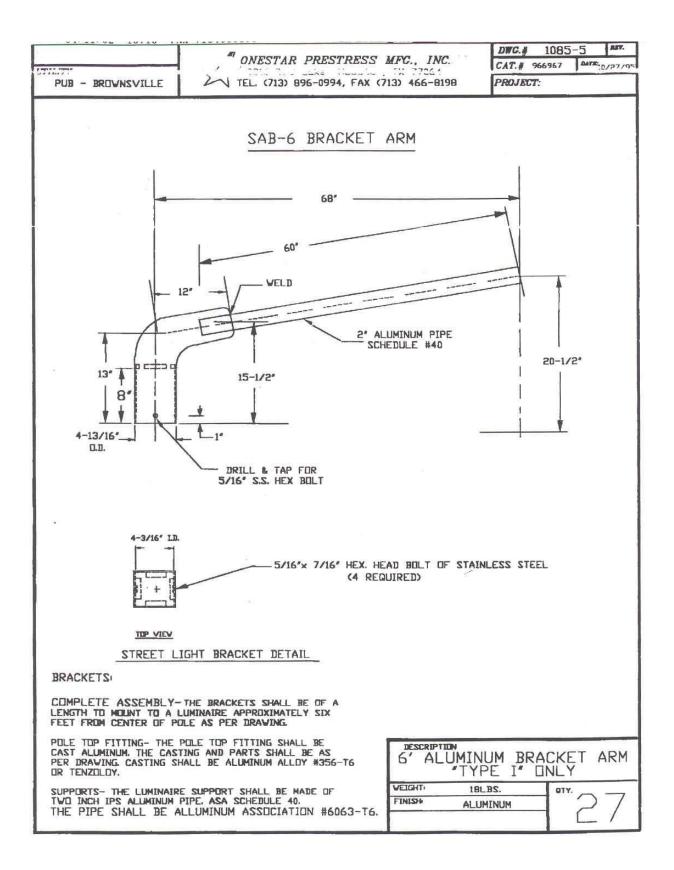
AS PER THE DRAWING SPECIFICATIONS, THE REQUIRED TIP SIZE FOR CONCRETE POLES IS 4.25"X 4.25". BROWNSVILLE PUB WILL NOT DEVIATE FROM THIS SPECIFICATION.

POLES WILL BE RELEASED AND DELIVERED IN TRUCKLOAD QUANTITIES AS NEEDED AND BE BILLED AS SUCH OVER A PERIOD OF ONE (1) YEAR.

IT IS UNDERSTOOD THAT THE VENDOR MUST KEEP IN STOCK ONE (1) TRUCKLOAD OF EACH POLE SIZE AWARDED FOR IMMEDIATE SHIPMENT TO THE BROWNSVILLE PUB. A SECONDARY SUPPLIER MAY BE CALLED IN THE EVENT OF AN EMERGENCY OR IF THE CURRENT VENDOR CANNOT DELIVER IN A TIMELY MANNER.

VENDOR MUST PROVIDE THE EQUIPMENT TO OFFLOAD POLES – KNUCKLE BOOM OR SEPARATE UNLOADING EQUIPMENT. POLES CANNOT BE DUMPED OR SLID OFF THE TRUCK.





REQUIRED FORMS CHECKLIST

The following forms are be submitted as a part of the Bid/RFP/RFQ document

| NAME | FORM DESCRIPTION | | SUBMITTED WITH BID | | |
|----------------------|--|-----|--------------------|--|--|
| | | YES | NO | | |
| | Acknowledgement Form | | | | |
| Legal Notice | Debarment Certification | | | | |
| C | Ethics Statement | | | | |
| | Conflict of Interest Questionnaire | | | | |
| | Certification of Interested Party Form 1295 | | | | |
| | Residence Certification | | | | |
| | State Law Verification | | | | |
| | House bill 89 Verification | | | | |
| | W9 or W8 Form | | | | |
| | Direct Deposit Form (will be provided to the awarded vendor) | | | | |
| | Bid Schedule/Cost sheet completed and signed | | | | |
| Special Instructions | Cashier Check or Bid Bond of 5% of Total Amount of Bid (if applicable) | | | | |
| | OSHA 300 Log (if applicable) | | | | |
| | Contractor Pre-Bid Disclosure completed, signed and notarized (if applicable) | | | | |
| | Sub-Contractor Pre-Bid Disclosure completed, signed, and notarized (if applicable) | | | | |
| References | Complete the Previous Customer Reference Worksheet for each reference provided | | | | |
| Addenda | | | | | |
| | | | | | |

ETHICS STATEMENT (PLEASE COMPLETE AND RETURN WITH BID)

The undersigned bidder, by signing and executing this bid, certifies and represents to the Brownsville Public Utilities Board that bidder has not offered, conferred or agreed to confer any pecuniary benefit, as defined by (1.07 (a) (6) of the Texas Penal Code, or any other thing of value as consideration for the receipt of information or any special treatment of advantage relating to this bid; the bidder also certifies and represents that the bidder has not offered, conferred or agreed to confer any pecuniary benefit or other thing of value as consideration for the recipient's decision, opinion, recommendation, vote or other exercise of discretion concerning this bid, the bidder certifies and represents that bidder has neither coerced nor attempted to influence the exercise of discretion by any officer, trustee, agent or employee of the Brownsville Public Utilities Board concerning this bid on the basis of any consideration not authorized by law; the bidder also certifies and represents that bidder has not received any information not available to other bidders so as to give the undersigned a preferential advantage with respect to this bid; the bidder further certifies and represents that bidder has not violated any state, federal, or local law, regulation or ordinance relating to bribery, improper influence, collusion or the like and that bidder will not in the future offer, confer, or agree to confer any pecuniary benefit or other thing of value of any officer, trustee, agent or employee of the Brownsville Public Utilities Board in return for the person having exercised their person's official discretion, power or duty with respect to this bid; the bidder certifies and represents that it has not now and will not in the future offer, confer, or agree to confer a pecuniary benefit or other thing of value to any officer, trustee, agent, or employee of the Brownsville Public Utilities Board in connection with information regarding this bid, the submission of this bid, the award of this bid or the performance, delivery or sale pursuant to this bid.

THE VENDOR SHALL DEFEND, INDEMNIFY, AND HOLD HARMLESS THE BROWNSVILLE PUBLIC UTILITIES BOARD, ALL OF ITS OFFICERS, AGENTS AND EMPLOYEES FROM AND AGAINST ALL CLAIMS, ACTIONS, SUITS, DEMANDS, PROCEEDING, COSTS, DAMAGES, AND LIABILITIES, ARISING OUT OF, CONNECTED WITH, OR RESULTING FROM ANY ACTS OR OMISSIONS OF CONTRACTOR OR ANY AGENT, EMPLOYEE, SUBCONTRACTOR, OR SUPPLIER OF CONTRACTOR IN THE EXECUTION OR PERFORMANCE OF THIS BID.

I have read all of the specifications and general bid requirements and do hereby certify that all items submitted meet specifications.

| COMPANY: | |
|------------------|---------------------------|
| AGENT NAME: | |
| AGENT SIGNATURE: | |
| ADDRESS: | |
| CITY: | |
| STATE: | ZIP CODE: |
| TELEPHONE: | TELEFAX: |
| FEDERAL ID#: | AND/OR SOCIAL SECURITY #: |

DEVIATIONS FROM SPECIFICATIONS IF ANY:

NOTE: QUESTIONS AND CONCERNS FROM PROSPECTIVE CONTRACTORS SHOULD BE RAISED WITH OWNER AND ITS CONSULTANT (IF APPLICABLE) AND RESOLVED IF POSSIBLE, <u>PRIOR TO</u> THE BID SUBMITTAL DATE. ANY LISTED DEVIATIONS IN A FINALLY SUBMITTED BID MAY ALLOW THE OWNER TO REJECT A BID AS NON-RESPONSIVE.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (THIS FORM MUST BE COMPLETED IN ITS ENTIRETY AND SUBMITTED WITH BID RESPONSE)

Name of Entity:_____

The prospective participant certifies to the best of their knowledge and belief that they and their principals:

- a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency:
- b) Have not within a three year period preceding this bid been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, Local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification; and
- d) Have not within a three year period preceding this application/bid had one or more public transactions (Federal, State, Local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this bid or termination of the award. In addition, under 18 USC Section 1001, a false statement may result in a fine up to a \$10,000.00 or imprisonment for up to five (5) years, or both.

Name and Title of Authorized Representative (Typed)

Signature of Authorized Representative

Date

 \Box I am unable to certify to the above statements. My explanation is attached.

THIS FORM MUST BE COMPLETED IN ITS ENTIRETY & SUBMITTED WITH BID RESPONSE

| 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. | OFFICE USE ONLY |
| 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). | Date Received |
| 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. <i>See</i> 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. | |
| 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 re completed questionnaire with the appropriate filing authority not later than the 7th busines you became aware that the originally filed questionnaire was incomplete or inaccurate.) | s day after the date on which |
| ³ Name of local government officer about whom the information is being disclosed. | |
| Name of Officer | |
| <u>4</u> Describe each employment or other business relationship with the local government offi officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship wit Complete subparts A and B for each employment or business relationship described. Attac CIQ as necessary. | h the local government officer. |
| A. Is the local government officer or a family member of the officer receiving or I other than investment income, from the vendor? | ikely to receive taxable income, |
| Yes No | |
| B. Is the vendor receiving or likely to receive taxable income, other than investment of the local government officer or a family member of the officer AND the taxable local governmental entity? | |
| Yes No | |
| 5 Describe each employment or business relationship that the vendor named in Section 1 m other business entity with respect to which the local government officer serves as an o ownership interest of one percent or more. | |
| 6 Check this box if the vendor has given the local government officer or a family member as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.0 | |
| 7 | |
| Signature of vendor doing business with the governmental entity | Date |
| Form provided by Texas Ethics Commission www.ethics.state.tx.us | Revised 1/1/2021 |

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

 $(\tilde{\textbf{i}})$ 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.

Form provided by Texas Ethics Commission

www.ethics.state.tx.us

Revised 1/1/2021

CERTIFICATE OF INTERESTED PARTIES-FORM 1295

Special message: Please read the Special Notification regarding HB 1295 effective January 1, 2016, implemented by the Texas Ethics Commission, which requires business entities to provide a completed Form 1295 to Brownsville PUB with signed contracts in order to execute them.

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

To implement the law, the Texas Ethics Commission (TEC) adopted new rules necessary to prescribe the disclosure of interested parties form, and post a copy of the form on the commission's website. The commission adopted the Certificate of Interested Parties form, Form 1295, on October 5, 2015. The commission also adopted new rules as part of Chapter 46 of the Texas Administrative Code on November 30, 2015.

On January 1, 2016, TEC made a new filing application available on their website for business entities to use to both create and file Form 1295. Business entities will enter the required information on Form 1295 within the application and print a copy of the completed form, which will include a certification of filing with a unique certification number. An authorized agent of the business entity will need to sign the printed copy of the form and have the form notarized. The completed Form 1295 with the certification of filing must be included with the signed contract to the governmental body or state agency in order for the governmental body to execute the contract.

Brownsville PUB will then notify the commission, using TEC's filing application, of the receipt of the filed Form 1295 with the certification of filing not later than the 30th day after the date the contract binds all parties to the contract.

TEC will then post the business entity's completed Form 1295 to its website within seven (7) business days after receiving notice from Brownsville PUB acknowledging that it was received.

To obtain additional information on HB 1295, to learn more about TEC's process to create a new account or to complete an electronic version of Form 1295 for submission with a signed contract, please go to the following link: https://ethics.state.tx.us/whatsnew/elf_info_form1295.htm

NOTE: IF AWARDED THIS CONTRACT, FORM 1295 WILL BE SUBMITTED AT THETIME THE SIGNED CONTRACT IS SUBMITTED TO BPUB. __YES___NO

| CERTIFICATE OF INT | ERESTED | 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. | | | | | CE USE ONLY |
| 1 Name of business entity filing form, entity's place of business. | and the city, sta | te and country of the bu | siness | | |
| 2 Name of governmental entity or which the form is being filed. | state agency tha | at is a party to the contra | act for | | |
| 3 Provide the identification number u and provide a description of the go | | | | | tify the contract, |
| 4 | | State, Country | Natu | re of Interest | (check applicable) |
| Name of Interested Party | (plac | e of business) | Co | ntrolling | Intermediary |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| 5 Check only if there is NO Interested | Party. | | | | |
| ⁶ UNSWORN DECLARATION | | | | | |
| My name is | | , and my date of | birth is | | · |
| My address is(street) | | , (city) (state) | ,,,, (zip code) | , (cour | ntry) |
| I declare under penalty of perjury that | he foregoing is tr | ue and correct. | | | |
| Executed inCounty, State of, on theday of, 20 (month) (year) | | | | | |
| | | Signature of authorize (Declar | 0 | ontracting busin | ess entity |
| AD | | AL PAGES AS NEC | ESSAR | (| |
| Form provided by Texas Ethics | G Commission | www.ethics.state.tx.us | | Revised 12 | 2/22/2017 |

BROWNSVILLE PUBLIC UTILITIES BOARD RESIDENCE CERTIFICATION

In accordance with Art. 601g, as passed by the 1985 Texas Legislature, the following will apply. The pertinent portion of the Act has been extracted and is as follows:

Section 1. (a)

(1) "Nonresident bidder" means a bidder whose principal place of business is not in this state, but excludes a contractor whose ultimate parent company or majority owner has its principal place of business in this state.

(2) "Texas resident bidder " means a bidder whose principal place of business is in this state, and includes a contractor whose ultimate parent company or majority owner has its principal place of business in this state.

Section 1. (b)

The state or governmental agency of the state may not award a contract for general construction, improvements, services, or public works projects or purchases of supplies, materials or equipment to a nonresident bidder unless the nonresident's bid is lower than the lowest bid submitted by a responsible Texas resident bidder by the same amount that a Texas resident bidder would be required to underbid a nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located.

I certify that_____

| (Company Name) is a resident Texas | bidder as defined in Art. 601g. |
|------------------------------------|--|
|------------------------------------|--|

| Signature: | | | | |
|---------------------------------|------------------------------------|-------------------------|---------------------------|--------------------|
| Print Name: | | | | |
| I certify that (Company Name |) is a nonresident bidder a | as defined in Art. 601g | g. and our principal plac | ce of business is: |
| | (City and State) | | | |
| Signature: | | | | |
| Print Name: | | | | |

Organization Name State Law Verifications

| I, | (Person's name), the undersigned representative |
|-------------------------------|---|
| of (Company or Business name) | |

"Company") being an adult over the age of eighteen (18) years of age, after being duly sworn by the undersigned notary, do hereby depose and verify under oath as follows:

- **IRAN, SUDAN AND FOREIGN TERRORIST ORGANIZATIONS**: By submission of a response to City of Brownsville Public Utilities Board ("BPUB") Request for Qualifications Q018-23 (the "RFQ"), the responding Company represents that, to the extent this proposal submission or any contracts executed in response to this proposal constitutes a governmental contract within the meaning of Section 2252.151 of the Texas Government Code, as amended, solely for purposes of compliance with Section 2252.152 of the Texas Government Code, and except to the extent otherwise required by applicable federal law, neither the responding Company, nor any wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of the Company is a company listed by the Texas Comptroller of Public Accounts under Sections 806.051, 807.051, or 2252.153 of the Texas Government Code.
- ANTI-BOYCOTT ISRAEL VERIFICATION: By submission of a response to the BPUB RFQ, the responding Company represents that, to the extent this proposal submission, or any contracts executed in response to this proposal, constitutes a contract for goods or services within the meaning of Section 2271.002 of the Texas Government Code, as amended, solely for purposes of compliance with Chapter 2271 of the Texas Government Code, and subject to applicable federal law, including without limitation, 50 U.S.C. Section 4607, the responding Company, as well as any wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of the Company, (1) does <u>not</u> boycott Israel and (2) will <u>not</u> boycott Israel through the term of any such contract. The term "boycott Israel" as used in this paragraph has the meaning assigned to such term in Section 808.001 of the Texas Government Code, as amended.
- VERIFICATION REGARDING NO DISCRIMINATION AGAINST FIREARMS: By submission of a response to the BPUB RFQ, the responding Company represents that, to the extent this proposal submission, or any contracts executed in response to this proposal, constitutes a contract for goods or services for which a written verification is required under Section 2274.002, Texas Government Code (as added by Senate Bill 19, 87th Texas Legislature, Regular Session), as amended, the responding Company hereby verifies that it, as well as any wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of the Firm, (1) does <u>not</u> have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and (2) will <u>not</u> discriminate during the term of any such contract against a firearm entity or firearm trade association. The foregoing verification is made solely to comply with Section 2274.002, Texas Government Code (as added by Senate Bill 19, 87th Texas Legislature, Regular Session), as amended, to the extent such section does not contravene applicable Texas or

federal law. As used in the foregoing verification, "discriminate against a firearm entity or firearm trade association" shall have the meaning assigned to such term in Section 2274.001, Texas Government Code (as added by Senate Bill 19, 87th Texas Legislature, Regular Session).

• VERIFICATION REGARDING NO ENERGY COMPANY BOYCOTTS: By submission of a response to the BPUB RFQ, the responding Company represents that, to the extent this proposal submission, or any contracts executed in response to this proposal, constitutes a contract for goods or services for which a written verification is required under Section 2274.002, Texas Government Code (as added by Senate Bill 13, 87th Texas Legislature, Regular Session), as amended, the responding Company hereby verifies that the responding Company, as well as any wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of the Firm, (1) does <u>not</u> boycott energy companies and (2) will <u>not</u> boycott energy companies during the term of any such contract. The foregoing verification is made solely to comply with Section 2274.002, Texas Government Code (as added by Senate Bill 13, 87th Texas Legislature, Regular Session), as amended, to the extent such section does not contravene applicable Texas or federal law. As used in the foregoing verification, "boycott energy companies" shall have the meaning assigned to such term in Section 809.001(1), Texas Government Code.

| DATE | SIGNATURE OF COMPANY REPRESENTATIVE |
|-------------------------------|--|
| On this the day of | , 20, personally appeared |
| duly sworn, did swear and con | , the above-named person, who after by me being firm that the above is true and correct. |
| NOTARY SEAL | |

NOTARY SIGNATURE

Date

Organization Name House Bill 89 Verification

I, _____(Person name), the undersigned representative

of (Company or Business name)_____

______(hereafter referred to as company) being an adult over the age of eighteen (18) years of age, after being duly sworn by the undersigned notary, do hereby depose and verify under oath that the company named- above, under

the provisions of Subtitle F, Title 10, Government Code Chapter 2270:

1. Does not boycott Israel currently; and

2. Will not boycott Israel during the term of the contract providing that:

(1) "company" does not include a sole proprietorship; and

(2) the law applies only to a contract that:

(a) is between a governmental entity and a company with 10 or more full-time employees; and

(b) has a value of \$100,000 or more that is to be paid wholly or partly from public funds or the governmental entity

Pursuant to Section 2270.001, Texas Government Code:

1. "Boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes; and

2. "Company" means a for-profit sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or any limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of those entities or business associations that exist to make a profit.

| DATE | SIGNATURE OF COMPANY REPRESENTATIVE |
|-------------------------------|---|
| On this the day of | , 20, personally appeared |
| being duly sworn, did swear a | , the above-named person, who after by me and confirm that the above is true and correct. |
| NOTARY SEAL | |
| NOTARY SIGNATURE | |

Date



Material submitted on this form is intended to verify the product suitability for use as part of the service area throughout the city of Brownsville. BPUB Electrical Engineering Department will evaluate the product to determine if product meets BPUB's requirements, needs, and quality. Request shall include, but shall not be limited to a list of all standards (TCLP, ANSI, ICEA, ASTM, ACSR), and any certification (UL, ASSE, etc.) of the material.

The proposed material shall include the specification sheet with product detail and manufacturer information.

Request for Material Approval

| Requestor Name: Company Name : | | Date: | | | |
|------------------------------------|--------------|--|-----------------------|--------------|--|
| | | | | | |
| Street Address: | | | | | |
| City/ State/ Zip code: | | | | | |
| Phone #: | | | | | |
| Fax #: | | | | | |
| | Material and | Manufacturer Pr | oduct | | |
| Description | Part Number | History in Market Utilities Related | Reference Information | Approved by: | |
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CONFIDENTIAL

| Form W - (Rev. October 2) Department of the Internal Revenue | Treasury ► Go to www.irs.gov/FormW9 for instructions and the latest information. | 8 | reque | Form tester. E to the |)o not | |
|--|--|---------------------------|---|--------------------------|-----------|--|
| | as shown on your income tax return). Name is required on this line; do not leave this line blank. | | | | | |
| 2 Busin | ss name/disregarded entity name, if different from above | | | | | |
| or abord follow duo set sir sir | appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of th ng seven boxes. vidual/sole proprietor or C Corporation S Corporation Partnership Trust/estate gle-member LLC | certain en instruction | 4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) | | | |
| vrint or 1 Instruc | ited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► e: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not chec if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC i ther LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC th | s pode /if or | | TCA repo | orting | |
| is ecitio E | isregarded from the owner should check the appropriate box for the tax classification of its owner. er (see instructions) ► | (Applies to acc | ounts mainta | ined outside | the U.S.) | |
| 6 City, | es (number, street, and apt. or suite no.) See instructions. ate, and ZIP code count number(s) here (optional) | | | | | |
| Part I | Taxpayer Identification Number (TIN) | | | | | |
| backup withho resident alien, | n the appropriate box. The TIN provided must match the name given on line 1 to avoid ding. For individuals, this is generally your social security number (SSN). However, for a sole proprietor, or disregarded entity, see the instructions for Part I, later. For other ur employer identification number (EIN). If you do not have a number, see <i>How to get</i> a or | security numb | - | | | |
| | count is in more than one name, see the instructions for line 1. Also see What Name and Employ to the Requester for guidelines on whose number to enter. | yer identificati | on numb | er | | |
| Part II | Certification | | | | | |
| 1. The number 2. I am not suf Service (IRS no longer su 3. I am a U.S. | a of perjury, I certify that: shown on this form is my correct taxpayer identification number (or I am waiting for a number to be ect to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not beer that I am subject to backup withholding as a result of a failure to report all interest or dividends, or oject to backup withholding; and itizen or other U.S. person (defined below); and code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct. | n notified by | he Inter | | | |

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

| Sign Here | Signature of U.S. person ► | Date ► | | | |
|---|--|--|--|--|--|
| Gene | eral Instructions | Form 1099-DIV (dividends, including those from stocks or mutual funds) | | | |
| Section references are to the Internal Revenue Code unless otherwise noted. | | Form 1099-MISC (various types of income, prizes, awards, or groproceeds) | | | |
| Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted | | Form 1099-B (stock or mutual fund sales and certain other transactions by brokers) | | | |
| rter they | vwere published, go to www.irs.gov/FormW9. | Form 1099-S (proceeds from real estate transactions) | | | |
| Purpc | se of Form | Form 1099-K (merchant card and third party network transactions) | | | |
| | dual or entity (Form W-9 requester) who is required to file an on return with the IRS must obtain your correct taxpayer | Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition) | | | |
| identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number | | Form 1099-C (canceled debt) | | | |
| | | Form 1099-A (acquisition or abandonment of secured property) | | | |
| IN), to r | eport on an information return the amount paid to you, or other eportable on an information return. Examples of information | Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN. If you do not return Form W-9 to the requester with a TIN, you migh be subject to backup withholding. See What is backup withholding, later. | | | |
| eturns ir | clude, but are not limited to, the following. 099-INT (interest earned or paid) | | | | |

Cat. No. 10231X

Form **W-9** (Rev. 10-2018)

CONFIDENTIAL

| v. O | W-8BEN-E | Un ► For use by | Certificate ited States Ta | ax Withh | nolding | and Rep | orting (E | ntities) | OMB No. 1545-1621 |
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| | ment of the Treasury I Revenue Service | P For use by | ✓ entities. Individuals must ▶ Go to www.irs.gov ▶ Give this form to | /FormW8BEA | VE for instr ling agent of | uctions and t or payer. Do r | he latest inform ot send to the | nation. IRS. | |
| NC | OT use this form fo | r: | | | | | | | Instead use Forr |
| .S. | entity or U.S. citizer | n or resident | t | | | | | | W |
| for | reign individual . | | | | | | | W-8BEN | l (Individual) or Form 823 |
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| | ess claiming treaty b | , | | | | | | | W-8E0 |
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| | · · · | | y (including a qualifie | | ary acting | as a qualifie | d derivatives d | dealer) | W-8IM |
| | | | Beneficial Own | er | | | | | |
| 1 | Name of organizat | tion that is th | ne beneficial owner | | | | 2 Countr | y of incorporation of | or organization |
| 3 | Name of disregarc | ded entity re | ceiving the payment | (if applicable | e, see inst | ructions) | | | |
| 4 | Chapter 3 Status | (entity type) | (Must check one bo) | (only): | | oration | | Partnership | |
| • | Simple trust | (0,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, | Tax-exempt orga | | | olex trust | | | nment - Controlled Entit |
| | Central Bank | of Issue | Private foundation | | Estate | | | _ | nment - Integral Part |
| | Grantor trust Disregarded entity International org | | | | | nization | | | |
| | If you entered disrega | rded entitv. pa | tnership, simple trust, or | | | • | | aim? If "Yes." complete | Part III. 🗌 Yes 🗌 No |
| 5 | | | us) (See instructions | • | - | | · · | · · · · · | |
| | Nonparticipating FFI (including an FFI related to a Reporting IGA FFI other than a deemed-compliant FFI, participating FFI, or exempt beneficial owner). | | | | Nonrepo | orting IGA FFI. government, g | Complete Part XII. | S. possession, or foreig | |
| | Participating FFI. | | | | | International organization. Complete Part XIV. | | | |
| | Reporting Model 1 FFI. | | | | | Exempt retirement plans. Complete Part XV. | | | |
| | Reporting Model 2 FFI. | | | | | | | | |
| | Registered deemed-compliant FFI (other than a reporting Model 1 | | | | Entity w | nolly owned by | exempt beneficial o | wners. Complete Part XV | |
| | Registered de | | bliant FFI (other than | a reporting N | Model 1 | _ · | | exempt beneficial c tution. Complete P | |
| | FFI, sponsore | emed-comp d FFI, or no | bliant FFI (other than hreporting IGA FFI co | | | | financial insti | | art XVII. |
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