



**Request for Proposals**

**For**

**PROFESSIONAL  
RECRUITMENT SERVICES**

**P006-24**

Proposals due by 5:00 p.m. (Central Time), October 18, 2023

**Brownsville Public Utilities Board**  
1425 Robinhood Drive, P.O. Box 3270  
Brownsville, TX 78523-3270  
<http://www.brownsville-pub.com>

**LEGAL NOTICE  
AND  
REQUEST FOR PROPOSALS  
P006-24**

The Brownsville Public Utilities Board (“BPUB”) is requesting Competitive Sealed Proposals (hereon styled “RFP”) for Professional Recruitment Services. BPUB’s Purchasing Office located at 1155 FM 511, Olmito, TX, will accept RFP’s from qualified firms **until 5:00 PM, October 18, 2023. RFP’s received after this time will not be considered.**

RFP’s will be acknowledged by BPUB on October 19, 2023 at 2:00 PM (CST). Firms are invited to listen to the opening via conference call, (956) 214-6020, at 2:00 PM, October 19, 2023.

BPUB RFP documents may be obtained from the BPUB website at [https://www.brownsville-pub.com/rfp\\_status/open/](https://www.brownsville-pub.com/rfp_status/open/)

Please mark on the **outside of the envelope and on any carrier’s envelope: “Sealed Proposal for Professional Recruitment Services, P006-24, October 18, 2023, 5:00 PM”**, c/o Diane Solitaire, Purchasing Department, 1155 FM 511, Olmito, TX 78575.

BPUB will not be responsible in the event that the U.S. Postal Service or any other courier system fails to deliver the sealed proposal package to the BPUB Purchasing Office by the given RFP deadline above. **Electronic transmission or facsimile of RFP’s will not be acceptable.**

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

*Diane Solitaire*  
Purchasing and Materials Manager  
Brownsville Public Utilities Board  
(956) 983-6366 - Phone

**Please submit this page upon receipt**

ACKNOWLEDGEMENT FORM

P006-24

Professional Recruitment Services

For any clarifications, please contact Diane Solitaire at the BPUB Purchasing Department at (956) 983-6366 or via e-mail at [dsolitaire@brownsville-pub.com](mailto:dsolitaire@brownsville-pub.com).

Please email this page upon receipt of the RFP package or legal notice. If you only received the legal notice and you want the RFP 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 an RFP response and obtain the RFP package from website.**

**Yes, I will be able to send an RFP response; please email the RFP package.**

Email: \_\_\_\_\_

**Yes, I will be able to send an RFP response; please mail the RFP package using the carrier & account number listed below:**

Carrier: \_\_\_\_\_

Account: \_\_\_\_\_

**No, I will not be able to send an RFP response for the following reason:**

\_\_\_\_\_  
\_\_\_\_\_

If you are unable to send your RFP response, kindly indicate your reason above and return this form **via email to [dsolitaire@brownsville-pub.com](mailto:dsolitaire@brownsville-pub.com)**. This will ensure you remain active on our vendor list.

Date \_\_\_\_\_

Company: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

## **INTRODUCTION**

### **Introduction**

Brownsville Public Utilities Board (BPUB) is located in Brownsville, Texas and is a community-owned utility providing full-service utility solutions (electric, water, sewer) to our customers. BPUB was formed in 1960 to provide electric, water, and wastewater services to its customers in the Brownsville area. According to the City's Charter, management, operation, and control of the City's combined water, wastewater, and electric utility systems is delegated to the Public Utilities Board, comprised of seven members, six of whom are appointed by the City Commission for four-year terms, and the seventh member being the City's Mayor serving Ex-officio.

The BPUB organization is under the leadership of a General Manager & CEO, who reports to the Board of Directors and oversees three Executive Managers: Assistant General Manager and Chief Operating Officer (COO), Chief Financial Officer (CFO), and Chief Administrative Officer (CAO). Each of the three executive officers oversee a section of the utility (operations, finance, administration) and directly supervises the senior managers (Directors) in the following divisions: Water/Wastewater Operations, Special Projects & Water/Wastewater Engineering & Planning, Environmental Services, Electric Transmission & Distribution, Power Supply, Human Resources, Customer Services, Enterprise Solutions, and Finance. BPUB's workforce consists of 642 budgeted FTEs and approximately 585 occupied positions.

### **Objective**

The objective of this RFP is to select a professional search firm to aid in the recruitment of mid-senior level positions such as a Director of Power Supply, Legal Counsel, and middle management for the utility's engineering departments. Each of these positions is responsible for providing internal and external leadership, coordination, and direction for assigned areas supporting the utility's mission.

### **Instructions to Participating Firms**

BPUB is requesting proposals from firms interested in providing professional recruitment services for mid-senior level positions.

Firms shall be fully staffed with full-time, in-house, experienced personnel in recruitment and talent acquisition. Additionally, firms shall demonstrate they have successfully provided professional recruitment services to those specified in the Scope of Services section of this RFP, with at least five (5) years specifically recruiting in the public utilities sector.

The following instructions should be followed:

1. RFP responses must include a statement that they are valid for a minimum period of ninety (90) days after the RFP Response closing date.
2. Please limit your response to relevant material; additional information must be submitted as an attachment or appendix.

3. Identify the question being answered in the introduction to each response.
4. After the release of this solicitation, the Proposer's contact regarding this RFP with members of the RFP evaluation, interview, or selection panels, and employees of the BPUB or officials of the BPUB other than the Purchasing Manager or Purchasing Staff is prohibited and may result in disqualification from this procurement process. No officer, employee, agent, or representative of the Proposer shall have any contact or discussion, verbal or written, with any members of the BPUB Board of Directors, members of the RFP evaluation, interview, or selection panels, BPUB staff, or directly or indirectly through others, seek to influence any BPUB Board member, BPUB staff regarding any matters about this solicitation, except as herein provided. If a representative of any Proposer violates the foregoing prohibition by contacting any of the above-listed parties with whom contact is not authorized, such contact may result in the Proposer being disqualified from the procurement process.
5. The BPUB is not bound under any contract until it authorizes the General Manager to execute the contract and the contract is executed by both parties.
6. 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.
7. The successful Firm agrees to send a personal representative with binding authority for the company to the BPUB upon request to adjust and/or assist with coordinating all transactions as needed.
8. The BPUB has implemented a vendor payment service 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).
9. Per 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 BPUB. If a W9 or W8 form is not made available to BPUB, the first payment will be subject to income tax withholding at 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 the proposal. Attached are sample forms.
10. The BPUB is exempt from Federal Excise Tax, State Sales Tax and Local taxes. Do not include tax in the proposal. If it is determined that tax was included in the proposal, it will not be included in the tabulation or any awards. Tax exemption certificates will be furnished upon request.

11. Failure to sign the proposal will disqualify it. The person signing the proposal should show title or authority to bind their Firm to a contract.
12. During the performance of this contract, the Firm 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.
13. On April 16, 2007, the BPUB Board of Directors approved a local "living wage" policy that requires all Contractors and Subcontractors performing 100% Non-Federally funded Work for the BPUB to pay not less than a minimum wage rate of \$8.00/hour. The BPUB requires that all Contractors and Subcontractors comply with this policy.
14. The BPUB will contact the prospective Firm's references by telephone or email. Complete the attached "Previous Customer Reference Worksheet" for each reference provided.
15. The Firm agrees to maintain professional errors and omissions liability insurance of not less than one million dollars (\$1,000,000.00) annual aggregate, on a claims-made basis, as long as reasonably available under standard policies.

### **BPUB Rights**

1. If only one or no RFP response is received by the "submission date", the BPUB has the right to reject, re-propose, accept and/or extend the RFP by up to an additional two (2) weeks from the original submission date.
2. The right to reject any/or all RFPs and make award awards as they may appear advantageous to the BPUB.
3. The right to hold the RFP for 90 days from the submission date without action and to waive all formalities in the RFP.
4. The right to extend the total RFP beyond the original 90-day period before an award if agreed upon in writing by both parties and if the RFP holds firm.
5. The right to terminate all or any part of the unfinished portion of the work resulting from this solicitation within thirty (30) days' written notice; upon default by the Firm, for delay or non-performance by the Firm, or if it is deemed in the best interest of the Utilities for convenience.
6. The BPUB reserves the right to request additional information or meet with representatives from responding organizations to discuss points in the RFP before and after submission, all of which may be used to form a recommendation.
7. The BPUB reserves the right to reject all proposals and to accept the proposal it considers in its best interest based upon the requirements and descriptions outlined in this RFP.

Any interpretation, correction, or change of the RFP will be made by ADDENDUM. The Brownsville PUB Purchasing Department will issue changes or corrections. **Addenda will be emailed to all who have returned the RFP Acknowledgement Form.** Addenda will be issued as expeditiously as possible. The vendors are responsible for determining whether all addenda have been received. It will be the responsibility of all respondents to contact the BPUB before submitting a response to the RFP to ascertain if any addenda have been issued, and to obtain any and/ or all addenda, execute them, and return addenda with the response to the RFP. Addenda may also be posted on BPUB's webpage.

### **Scope of Services**

The BPUB is soliciting proposals from interested firms to provide the following professional recruitment services:

1. Provide a timely, high-quality recruitment plan that includes job advertising efforts and the expected schedule for identifying and placing the position of Director of Power Supply (Job description provided in Appendix Exhibit A).
2. Provide a timely, high-quality recruitment plan that includes job advertising efforts and an expected schedule for identifying and placing the position of General Counsel (Job description provided in Appendix Exhibit B).
3. Provide a timely, high-quality recruitment plan that includes job advertising efforts and an expected schedule for identifying and placing the position of Division Manager (Job description provided in Appendix Exhibit C).
4. Develop a candidate profile that outlines the specific areas of technical expertise, management experience, and leadership competencies required by the candidates to be successful in the positions listed above.
5. Conduct a broad and active search for qualified candidates. The Firm shall work with the BPUB in developing a recruitment strategy that includes identifying and recruiting diverse candidates who may be in the job market and those who may not be actively searching for a new position.
6. Perform initial interviews with qualified candidates.
7. Execute a thorough screening process to ensure all candidates presented are well-qualified and actively interested in the positions listed above.
8. Check references and perform preliminary background screening on presented candidates (this may include verification of top candidates' educational and employment background, financial/credit history, news and social media research, driving record, and coordination of criminal and civil litigation history).
9. Present top candidates and propose interview schedules, interview materials, assessments (as needed), and evaluation criteria to BPUB for approval; participate on-site, as needed, for in-person interviews.
10. Assist, as requested, with employment negotiation with BPUB's offer(s) of employment, including consulting on employment compensation and benefits package.
11. Provide a placement guarantee of the final candidate to include:
  - a. If the selected candidate leaves for any reason other than an act of God (such as total incapacitation or death) within the first year, the Firm shall repeat the search at no charge.
  - b. The Firm shall agree to repeat the search, at no additional charge, if the BPUB is

not satisfied with the candidates presented.

- c. In addition, the Firm shall not approach the selected individual for any other position for a period of five (5) years from the hire date. as long as the individual is employed with the BPUB.

12. Prepare requested written and oral reports on the search status and any information regarding the candidates the Firm considered.

### **Proposal Requirements**

BPUB requests Firms provide a response to the following:

1. Provide a sample of a recruitment brochure.
2. If your Firm can offer additional services beyond what is included in this RFP, what are the services and the costs?

### **Proposal Due Date**

Proposals are due **October 18, 2023** by **5:00 PM**, delivered via mail or courier service, to the BPUB Purchasing Department, 1155 FM 511, Olmito, TX 78575. **Proposals received after the deadline will not be considered.**

Proposals will be acknowledged on October 19, 2023 at 2:00 PM.

### **Submission of Proposals**

#### **A. Request for Information**

By submitting a proposal, the respondent agrees to furnish such information as the BPUB may reasonably require. This information includes but is not limited to, information that indicates financial resources and the ability to provide services. To the extent there are any revisions or additions to the information provided or requested in the RFP, an addendum to the RFP will be sent to all respondents that initially received the RFP. Any addenda issued is to be considered part of the specifications of the RFP. The BPUB reserves the right to make investigations regarding the qualifications of the respondent.

#### **B. Proposals Binding**

Any proposal may be withdrawn in writing before the date and time set for receipt of proposals. The BPUB anticipates negotiating and executing an agreement with the selected respondent(s) by December, 2023. However, any proposal submitted and not withdrawn prior to the date and time set for receipt of proposals will be considered valid until the period ending January, 2024.

#### **C. Incurred Expenses**

The BPUB is not responsible for any costs incurred by a respondent to this RFP, including costs of participating in presentations or meetings with the BPUB.



#### **D. Proprietary Information**

All materials submitted to the BPUB in response to this RFP are, upon receipt by the BPUB, the property of the BPUB, may not be returned to the submitting party, and are subject to the Public Information Act, Chapter 522, Texas Government Code (the "Act"). Respondents should familiarize themselves with the provisions of the Act. In no event shall the BPUB, the City, or any of their agents, representatives, consultants, directors, officers or employees be liable to a respondent for the disclosure of all or a portion of the information submitted in response to this RFP.

If a respondent has special concerns about information which it desires to make available to the BPUB but which it believes constitutes a trade secret, proprietary information, or other information excepted from disclosure, such respondent should specifically and conspicuously designate that information by placing "CONFIDENTIAL" in the center header of each such page affected. Blanket, all-inclusive identifications by designation of whole pages or sections as containing proprietary information, trade secrets or confidential commercial or financial information are discouraged and may be deemed invalid.

If the BPUB receives a request for public disclosure of all or any portion of a response, the BPUB will use reasonable efforts to notify the applicable respondent of the request and give such respondent an opportunity to assert, in writing and at its sole expense, a claimed exception under the Act or other applicable law within the time period specified in the notice issued by the BPUB and allowed under the Act.

#### **E. Acceptance/Rejection/Modification to Proposals**

1. The BPUB reserves the right to negotiate modifications to the proposals, to reject any or all proposals, to request and consider additional information from any respondent, and to waive minor irregularities and technical defects. The BPUB will not waive non-compliance with the deadline to submit the response to the RFP.
2. The BPUB reserves the right to seek new proposals when it determines that it is in the BPUB's best interest to do so.
3. The BPUB reserves the right to accept the written proposal as an offer.
4. The BPUB reserves the right to award the contract to other qualified respondent(s) if the primary respondent chosen does not execute an agreement with the BPUB within thirty (30) days of being notified of selection.

## **Evaluation Criteria and Selection Process**

All proposals must be completed and convey all of the information requested to be considered responsive. If the proposal fails to conform to the essential requirements of the RFP, the BPUB alone will determine whether the variance is significant enough to consider the proposal susceptible to being made acceptable and therefore a candidate for further consideration, or not susceptible to being made acceptable and therefore not considered for award. Only the information provided with the proposal, subsequent discussions and clarifications provided in writing, and the proposer's written Best and Final Offer, is used in the evaluation process and award determination. Only these criteria will be considered on the award determination.

A committee of BPUB Staff members will review, score, and rank all the submittals received based on the criteria specified below and may develop a shortlist of Firms.

The shortlist of Firms may be required to make final presentations, including an interview with the BPUB Board of Directors. The BPUB Board of Directors will make the final selection.

The BPUB Board of Directors exercises their discretion in the final selection of a Firm for contract negotiations. It will not be bound by BPUB staff recommendation, scoring, and ranking. The BPUB staff's preliminary reviews and scoring of submittals merely determine top-ranked firms who are most technically qualified as finalists and are eligible for interviews by the BPUB Board of Directors.

### **A. Evaluation Criteria**

The proposals will be reviewed and evaluated internally using a point system. This may result in the selection of a Firm, or a short list of Firms who may be required to provide additional information in writing or via an interview. A demonstration of services may also be requested. Regardless of the criteria met, the BPUB will select the proposal it feels best meets the needs of BPUB and its employees.

The evaluation criteria with corresponding weight will include:

1. Professional Qualifications **Weight: (25 points)**  
Provide a history of your Firm, in terms of length of existence, and the types of services provided. Identify technical details that make the Firm uniquely qualified for this work. List the names of executive and professional personnel by skill and qualification that will be involved in the recruitment efforts outlined in this RFP.
  
2. Involvement and Success Record with Similar Projects **Weight: (35 points)**  
Include a list of specific experience in the project area and indicate proven ability to implement similar projects for the Firm and the individuals involved. A list of client references should be provided, at least three (3) of which are for similar

projects recently completed in the utility industry. The list shall include the organization/agency name, address, telephone number, project title, and contact person.

3. Proposed Methodology and Work Plan Weight: **(25 points)**

Provide a detailed and comprehensive description of how the Firm intends to provide the services requested in this RFP. This description shall include, but not be limited to: how the project(s) will be managed and scheduled, the methods the Firm will use to search and recruit for candidates, outline the interview process, how and when qualified candidates' data will be delivered to BPUB, communication and coordination, the working relationship between the offeror and BPUB staff, and the company's general philosophy in regard to providing the requested services.

4. Proposed Cost Weight: **(15 points)**

BPUB seeks a clear and comprehensive understanding of all costs associated with the services. In this section, the Firm must itemize all costs and the methodology for calculation of fees. Pricing should include a proposed lump sum fee on a not-to-exceed basis for each requirement in the scope of services section, including travel, lodging, and miscellaneous expenses. The information should be included if derived via time estimate and hourly rates.

POSSIBLE MAXIMUM POINTS 100

Any questions regarding this RFP or requests for available materials should be directed in writing via e-mail to:

[dsolitaire@brownsville-pub.com](mailto:dsolitaire@brownsville-pub.com)

Please understand that all fees (including respondent counsel fees, if any) that the BPUB is expected to pay are contingent upon the final approval by the BPUB Board of Directors and that the laws of the State of Texas will govern the obligations of the BPUB.

The BPUB will not release information submitted relative to this RFP during the evaluation process or before contract award, unless the BPUB is required to do so by law.

## **B. Tentative Schedule**

1. RFP issued October 2, 2023.
2. **Proposals due no later than 5:00 p.m., Central Time, on October 18, 2023.**

3. Anticipated selection of preferred respondent(s) by November, 2023.
4. If applicable, execute an agreement by December, 2023.

### **Format and Content of RFP**

This section of the RFP describes the required format and content for the respondent's proposal. This standardization will facilitate the evaluation of all proposals. Failure to comply with the required organization outlined in this RFP may result in a lowered evaluation. Proposals that are substantially incomplete or lack key information may be rejected. A proposal will be considered incomplete if the response to requested information states that the respondent considers the information proprietary and as such the information is not disclosed.

Proposals should be prepared in a manner that is straightforward, with a concise description of capabilities to satisfy the requirements of the RFP. Emphasis should be placed on completeness and clarity of content.

Proposals should be organized in the order in which the requirements are presented in this RFP. Each paragraph of the response should reference the section of the corresponding section of the RFP. Respondent should respond to all information requested in this RFP or indicate why no response is given. It is also helpful to repeat the text of the requirements as it appears in the RFP before your answer to that question. Proposals that are not organized in this manner risk elimination for consideration if the evaluators cannot determine where the answer to a particular question is located within the response.

#### **A. General Information**

Please provide the following general information about the Firm and contact information for the person who is authorized to answer questions and to negotiate final terms and conditions on behalf of the respondent:

Name of Respondent

Main Office Address

Names and Addresses of Authorized Representatives Telephone  
Number, Facsimile Number, E-mail Address

#### **B. Disclosure Requirements**

For all products, please list any offering documents or other types of disclosure requirements.

#### **C. Ability to Meet the BPUB's Schedule**

Please confirm that the respondent can meet the BPUB's expectations disclosed in the "Tentative Schedule" found on Pages 11-12.

#### **D. Conditions and Covenants**

1. By acceptance of the respondent's proposal, the BPUB reserves the right to negotiate any proposed conditions and covenants.
2. Please provide any conditions and covenants that will affect your response.

#### **E. Information Relating to the Respondent**

Please provide the following:

1. Detail any criminal investigations or pertinent litigation against the respondent, either pending or concluded within the past three years. Specifically, address any litigation or administrative proceedings involving the Department.
2. Disclose any possible conflicts of interest or circumstances that could create the appearance of a conflict of interest. Disclose all contractual or informal business arrangements or relationships, including fee arrangements and consulting agreements, as well as any personal relationships, between your Firm, including professional staff, and any BPUB staff and/or members of the City.

#### **Agreement Terms and Conditions**

The BPUB reserves the right to reject any proposed form of agreement that does not conform to the RFP or any of the BPUB's requirements for agreements and contracts. The conclusion of any agreement resulting from accepting a proposal must be approved by the BPUB.

**PROPOSAL COST SHEET  
P006-24**

Having read and examined the requirements and specifications for the above, the undersigned Firm proposes to perform the services set forth in the Original Proposal. The undersigned Firm hereby proposes to furnish the following product, as described herein, for the hourly rate of:

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>ESTIMATED HOURS TO COMPLETE</b>	<b>HOURLY RATE</b>	<b>LUMP SUM (Not-to-Exceed)</b>
1	Development of recruitment plans as outlined in the Scope of Services above			
2	Development of candidate profiles as outlined in the Scope of Services above			
3	Search for qualified candidates as outlined in the Scope of Services above			
4	Perform initial interviews with qualified candidates			
5	Candidate screening			
6	Check references and perform preliminary background screening of candidates as outlined in the Scope of Services above			
7	Prepare and participate in interview process as outlined in the Scope of Services above			
8	Assist with employment negotiation as outlined in the Scope of Services above			
9	Prepare reports as outlined in the Scope of Services above			

ITEM	DESCRIPTION	ESTIMATED HOURS TO COMPLETE	HOURLY RATE	LUMP SUM (Not-to-Exceed)
10	Miscellaneous Expenses: (list any additional expenses)			

NOTE: Hourly rate should include proposed fees for the items described under the Scope of Services section, to include training, travel, lodging, and miscellaneous expenses as required.

Company Name: \_\_\_\_\_

Authorized Company Representative: \_\_\_\_\_

Authorized Company Representative: \_\_\_\_\_

**Signature (Failure to sign proposal will disqualify it)**

Company Address: \_\_\_\_\_

\_\_\_\_\_

Telephone #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Email: \_\_\_\_\_

## EXHIBIT A



**JOB TITLE:** DIRECTOR OF POWER SUPPLY  
**DEPARTMENT:** ASSIGNED DEPARTMENT  
**REPORTS TO:** ASSISTANT GENERAL MANAGER & COO  
**FLSA STATUS:** EXEMPT  
**DATE:** 04/28/2023

### **SUMMARY**

This is a professional and executive management position defining, developing, implementing, managing, and communicating the effective execution of operational strategies, processes, and programs for Energy Control Center Operations, Fuel & Purchased Energy Supply, and Power Production.

### **ESSENTIAL JOB DUTIES AND RESPONSIBILITIES (include the following)**

1. Develops and implements management philosophies leading to the efficient and highly reliable operation of the Brownsville Public Utilities Board's (BPUB) power generating and energy portfolio, as well as the engineering feasibility of contemplated energy portfolio optimization projects which result in improvements, additions and decommissioning of portfolio resources on a system wide basis and the corresponding design of said facilities.
2. Interfaces with the Public Utility Commission of Texas (PUCT), National Electric Reliability Corporation (NERC), Federal Energy Regulatory Commission (FERC), Texas Reliability Entity (TRE) and the Electric Reliability Council of Texas (ERCOT) on energy related and market participant issues related to the area of assigned responsibility.
3. Develops and implements planning strategies to address short-term and long-term decisions to ensure adequate gas supply and energy resources are available to serve loads and to minimize energy risk exposure including the completion, as needed, of a Load Forecast Study and an Integrated Resource Plan.
4. Is active and represents the utility in state organizations related to assigned functional areas, including state and national utility associations.
5. Is an active representative on the utility's Risk Operating Committee and the Fuel and Purchased Energy Committees to ensure compliance with the Energy Risk Policy and to ensure energy portfolio decisions support low cost and reliable energy services at the lowest possible risk exposure.
6. Coordinates with assigned staff to execute the initiatives, strategies, and directives of the Power Supply Division.
7. Provides strategic support to Executive Management in the areas of planning, research, communications, and project management.



8. Manages the power supply resources of the BPUB including gas supply, owned resources, power supply agreements and short-term purchases of energy.
9. Manages and negotiates contracts for the area of assigned responsibility.
10. Directs the preparation and review of long and short-range capital budget and departmental budget estimates.
11. Plans and directs the activities of managerial and professional employees engaged in a variety of operational and engineering assignments.
12. Reviews and evaluates reports from departments; recommends changes or further research requirements; approves drafts and standard reports.
13. Makes verbal and written presentations regarding assigned functional areas.
14. Investigates and evaluates proposals for new programs and services; confers with departmental directors, recommends changes in policies, organization programs, methods, and procedures.
15. Ensures compliance with all safety, reliability, PUCT, NERC, FERC, TRE, ERCOT and environmental standards and requirements within the area of assigned responsibility.
16. Completes other job duties as assigned.

#### **SUPERVISORY RESPONSIBILITIES**

Responsible for the full range of supervisory activities, including selection, training, evaluation, counseling, and recommendation for dismissal of employees under assigned departments within the Power Supply Division.

#### **EDUCATION AND/OR EXPERIENCE**

Bachelor's degree in Electrical Engineering or closely related field from an Accreditation Board for Engineering & Technology (ABET) accredited university and ten (10) years of progressively responsible experience related to the assigned areas of responsibility, at least five (5) years of which were in a management capacity. A Master's degree is preferred.

#### **KNOWLEDGE, SKILLS, AND ABILITIES**

##### **Knowledge important to perform the functions of the job include:**

1. Thorough knowledge of principles and practices of public utilities.
2. Comprehensive knowledge of electrical engineering, especially as it relates to power production and utility facilities and systems.
3. Knowledge of the PUCT, NERC, FERC, TRE, and ERCOT policies and practices relating to the area of assigned responsibility.
4. Knowledge of public relations principles and practices.
5. Extensive knowledge of municipal utility accounting, budgeting, and flow of funds.
6. Knowledge of research methods and techniques, and methods of effective report presentation.

**Skills important to perform the functions of the job include:**

1. Considerable interpersonal skills in dealing with assigned staff and utility departments to coordinate the work.
2. Skill in handling conflict and uncertain situations.
3. Computer skills in Microsoft Office programs.
4. Professional oral and written communication skills in English.

**Abilities important to perform the functions of the job include:**

1. Ability to develop long-term plans and programs, and to evaluate work accomplishments.
2. Ability to establish and maintain effective working relationships with division directors, representatives of organizations, and the general public.
3. Ability to prepare and deliver presentations.
4. Ability to set strategy, provide direction, and create plans to meet both functional and departmental goals.
5. Ability to attend BPUB and other meetings outside normal working hours.
6. Ability to travel when necessary.

**CERTIFICATES, LICENSES, REGISTRATIONS**

Requires a valid Texas Driver License or receipt of a valid Texas Driver’s License within 90 days of relocation to Texas and a safe driving record, as measured by company policy.

A Licensed Professional Engineer in the State of Texas in the area of Electrical Engineering is preferred.


**PHYSICAL DEMANDS**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. Limited amount of physical effort required associated with walking, lifting, and carrying light objects (less than 40 lbs.). Work is done in a normal office environment with frequent exposure to outdoor temperatures, dirt and dust, and/or disagreeable sights and odors. Position requires frequent weekend and evening work. Work may require frequent overnight travel.

**SPECIAL REQUIREMENTS**

The Brownsville Public Utilities Board requires that all employees possess or have the aptitude, desire, and ability to be professional and courteous in all their interactions with the public, customers and fellow employees and demonstrate competence in performing all job duties.

**APPROVAL**

  
Marilyn Gilbert (Apr 28, 2023 17:43 CDT)

Marilyn D. Gilbert, MBA  
General Manager & CEO

## EXHIBIT B



B R O W N S V I L L E  
**PUBLIC UTILITIES BOARD**

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**JOB TITLE:** GENERAL COUNSEL  
**DEPARTMENT:** LEGAL SERVICES  
**REPORTS TO:** GENERAL MANAGER & CEO  
**FLSA STATUS:** EXEMPT  
**DATE:** 2/14/2023

### **SUMMARY**

Provides legal counsel and overall direction on all legal matters concerning the Brownsville Public Utilities Board (BPUB) including litigation, criminal prosecution, employment disputes, contract negotiation, drafting, and reviewing legal documentation, regulatory and administrative matters, and legislative affairs. Responsible for the effective execution of operational strategies, processes, and programs for the Records Management Department and Contracts function. Serves as the principal legal counsel to BPUB Board of Directors and Executive Management.

### **ESSENTIAL JOB DUTIES AND RESPONSIBILITIES (include the following)**

1. Provides legal review and advice concerning regulatory matters, compliance issues, real estate negotiations, and all legal proceedings and claims to BPUB Board of Directors and the General Manager & CEO. Attends all BPUB Board meetings.
2. Participates in BPUB's decision-making process and protects the utility's legal interests, ensuring compliance with all applicable laws, regulations, and ordinances.
3. Provides identification, monitoring, reporting, and analysis of significant developments at the Energy Reliability Council of Texas (ERCOT), Federal Energy Regulatory Commission (FERC), Public Utility Commission of Texas (PUCT) and the United States Department of Energy (USDOE) that have significant potential to affect the cost of electricity or natural gas to BPUB customers, and/or the reliability of the supply of electricity or natural gas.
4. Litigates or otherwise appears in proceedings before ERCOT with respect to matters that have significant potential to affect the cost of electricity or natural gas to BPUB customers, and/or the reliability of the supply of electricity or natural gas to BPUB.
5. Attends and/or comments on proceedings with respect to such significant developments, preparing written comments and/or delivering oral testimony or presentations for complex matters that affect BPUB.
6. Coordinates with and monitors outside counsel on litigation matters and provides an effective defense in the event of litigation. Participates in all stages of litigation, from the discovery process through settlement negotiations or trial.
7. Tracks contested cases and stays informed of the issues being addressed.
8. Monitors current trends and issues for communications, electric, water, and wastewater utilities and their industries, and determines potential regulatory effects of these trends.

9. In conjunction with other divisions, prepares complex reports as required by the legislature, Board action, and/or other reports as needed.
10. Serves as a trusted advisor in areas that may extend beyond a strictly legal role.
11. Institutes measures to prevent future litigation and monitors the activity of the utility and its employees.
12. Serves as liaison on all legal matters involving outside legal counsel for all BPUB departments.
13. Provides recommendations of the legal risks and strategies associated with all disputes and settlements.
14. Develops regulatory, litigation, and/or other legal strategies with the overall business objectives of the BPUB.
15. Conducts and/or participates in legal proceedings and other complex legal transactions.
16. Provides legal guidance on numerous other issues presented in the operation and administration of a municipally owned utility.
17. Reviews and evaluates results of program impact; provides summary findings to Executive Management, and recommends options to optimize programs and processes.
18. Monitors and identifies legal requirements, government reporting regulations, and legislative issues and priorities affecting assigned functional areas and determines their respective impacts on current and future operations. Assures policies, procedures and reporting are in compliance.
19. Completes other duties as assigned.

### **SUPERVISORY RESPONSIBILITIES**

Responsible for the full range of supervisory activities, including selection, training, evaluation, counseling, and recommendation for dismissal of all assigned employees.

### **EDUCATION AND/OR EXPERIENCE**

Doctorate of Jurisprudence Degree from an accredited law school by the American Bar Association. License to practice law in the State of Texas with 8 (eight) years' legal experience in in the practice of law as it relates to electric and water/wastewater utilities, including wholesale ratemaking, competitive wholesale markets, transmission planning, transmission cost allocation, and regulatory policy in the electricity and natural gas industries, ERCOT, PUCT, Texas Commission on Environmental Quality (TCEQ), and contractual arrangements in procurement of electricity and market design.

### **KNOWLEDGE, SKILLS, AND ABILITIES**

#### **Knowledge important to perform the functions of the job include:**

1. Thorough knowledge of State, Federal, and common law, constitution law, and compliance and regulations affecting BPUB.
2. Particular expertise in areas pertaining to the Energy Reliability Council of Texas, (ERCOT), Public Utility Commission of Texas, and knowledge of Federal Energy Regulatory Commission (FERC), the United States Department of Energy (USDOE), as well as experience in contractual arrangements in procurement of electricity and market design.
3. Comprehensive knowledge of the laws applicable to the activities, duties, and operations of a home rule municipal government.

4. Comprehensive knowledge of the City resolutions and charter provisions related to the authority and functions of the City departments as they relate to the functions of BPUB.
5. Extensive knowledge of the judicial procedures and rules of evidence.
6. Considerable knowledge of established precedents and source of legal reference applicable to BPUB activities.
7. Basic knowledge of the Texas Local Government Code, the Texas Utilities Code, and other laws relevant to the operation of a municipal utility.
8. Knowledge and experience in formulating policy.

**Skills important to perform the functions of the job include:**

1. Mastery of legal issues central to the success of critical regulatory functions.
2. Exceptional skills in reading, analyzing, interpreting, and writing complex legal documents.
3. Skill in exercising good judgement within defined procedures and practices to determine appropriate action.
4. Exceptional skills at handling multiple complex tasks successfully and meeting tight deadlines.
5. Skill in proficiently utilizing Microsoft Office Programs.

**Abilities important to perform the functions of the job include:**

1. Strong ability to analyze and prepare a variety of legal documents.
2. Ability to prepare cases, research data, interview witnesses, and try cases in all levels of court.
3. Ability to express ideas clearly and concisely in English, both orally and in writing.
4. Fundamental ability to effectively conduct presentations to executive management, public groups, and the board of directors.
5. Ability to establish and maintain effective professional relationships with elected officials, associates, BPUB officials and members of the general public.
6. Ability to set strategy, provides direction, and create plans to meet both functional and departmental goals.
7. Ability to address confidential information and/or subjects with sensitivity.

**CERTIFICATES, LICENSES, REGISTRATIONS**

Requires a valid Texas Driver License or receipt of a valid Texas Driver’s License within 90 days of relocation to Texas and a safe driving record, as measured by company policy.

Possession of a certificate of admission to the Bar of the State of Texas and eligibility to practice law before the courts of the State of Texas and federal courts.

Must be in good standing with the State Bar of Texas.

**PHYSICAL DEMANDS**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. Some physical effort may require lifting and carrying of moderately light boxes or objects. Ability to sit for prolonged periods of time without discomfort with some physical effort that may require frequent bending, lifting, standing, walking, or using a force equal to lifting up to 25 lbs.

**SPECIAL REQUIREMENTS**

The Brownsville Public Utilities Board requires that all employees possess or have the aptitude, desire, and ability to be professional and courteous in all their interactions with the public, customers, and fellow employees and demonstrate competence in performing all job duties.

**APPROVED**

*Marilyn D. Gilbert*

Marilyn D. Gilbert (Feb 14, 2023 16:52 CST)

Marilyn D. Gilbert, MBA  
General Manager & CEO

EXHIBIT C



B R O W N S V I L L E  
**PUBLIC UTILITIES BOARD**

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**JOB TITLE:** DIVISION MANAGER  
**DEPARTMENT:** ASSIGNED DEPARTMENT  
**REPORTS TO:** ASSIGNED DIRECTOR  
**FLSA STATUS:** EXEMPT  
**DATE:** 7/31/2023

**SUMMARY**

This is an advanced level professional and administrative senior management position directing activities within a broad functional area of the utility and defining, developing, implementing, managing, and communicating the effective execution of strategies, processes, and programs for the assigned departments.

**ESSENTIAL JOB DUTIES AND RESPONSIBILITIES (include the following)**

1. Plans, organizes, directs, and guides the execution of strategies, processes, programs, budgets, and business operations within assigned functions and departments.
2. Plans, directs, and evaluates the work of assigned department heads.
3. Maintains current knowledge of organizational and departmental policies and procedures, as well as legal requirements related to assigned departments; makes recommendations to division director of changes in policies, organization programs, methods, and procedures, and communicates changes.
4. Assists in reviewing and evaluating results of program impact; provides summary findings to division director, and recommends options to optimize programs and processes.
5. Assumes project management responsibility for projects within areas of responsibilities and within the assigned division.
6. Leads teams focused on process improvements, system enhancements, industry benchmarking, and organizational learning to drive continuous improvement.
7. Makes verbal and written presentations regarding assigned functional areas.
8. Prepares and reviews reports as part of the process of monitoring and communicating performance result; ensures timely preparation of appropriate regulatory reports or other documents.
9. Assists in upgrading supporting infrastructure, resources, and tools to maximize process efficiencies.
10. Takes direction from and provides strategic and administrative support to the assigned director in the areas of planning, research, communications, project management, and problem solving.

11. Monitors and identifies legal requirements, government reporting regulations, and legislative issues and priorities affecting assigned functional areas and determines their respective impacts on current and future operations. Assures policies, procedures, and reporting are in compliance.
12. May serve as utility representative with local, State, Federal and International agencies concerning utility regulations, grants, operational functions, and procedures.
13. Completes other duties as assigned.

### **SUPERVISORY RESPONSIBILITIES**

Responsible for the full range of supervisory activities, including selection, training, evaluation, counseling, and recommendation for dismissal of all assigned employees. May assume the responsibilities in the absence of the director as assigned.

### **EDUCATION AND /OR EXPERIENCE**

Bachelor's degree from an accredited university in a field related to the job plus eight (8) years of progressively responsible experience, including six (6) years of which were in a management capacity.

A Master's degree or a Professional Certification/License in a field related to the job may substitute for two (2) years of the required, non-managerial experience.

### **KNOWLEDGE, SKILLS, AND ABILITIES**

#### **Knowledge important to perform the functions of the job include:**

1. Thorough knowledge of the principles and practices of public utility administration and its specific application to the administration of assigned areas of responsibility.
2. Thorough understanding of the business dynamics, regulatory issues, competitive issues, and general operating environment surrounding the utility industry.
3. Thorough knowledge of the local, state, and federal laws and regulations relating to the assigned areas of responsibility.
4. Considerable knowledge of theories, strategies, and practices in the field related to the job.
5. Knowledge of planning practices and principles.
6. Knowledge and experience in strategic planning and execution.
7. Knowledge and experience in formulating policy.
8. Knowledge in developing and implementing new strategies and procedures.
9. Knowledge of contracting, negotiating, and change management.
10. Knowledge of public relations principles and practices.
11. Knowledge of budgeting methods and systems.
12. Knowledge of project management practices and principles.

#### **Skills important to perform the functions of the job include:**

1. Professional oral and written communication skills in English; Bilingual in English and Spanish preferred.
2. Customer service, strategic, and critical thinking skills.
3. Interpersonal skills to work effectively with a wide range of constituencies.
4. Skills in handling conflict and uncertain situations.
5. Computer software skills using Microsoft Office.



**Abilities important to perform the functions of the job include:**

1. Ability to make sound decisions and take or guide courses of action in operations.
2. Ability to deliver public presentations.
3. Ability to work with frequent interruptions and changes in priorities.
4. Ability to analyze and resolve irregular events.
5. Ability to work a flexible schedule and to travel.
6. Ability to set strategy, provides direction, and creates plans to meet both functional and departmental goals.
7. Ability to manage multiple strategic and tactical projects.
8. Ability to establish and maintain effective communication and working relationships with internal and external stakeholders.

**CERTIFICATES, LICENSES, REGISTRATIONS**

Requires a valid Texas Driver License or receipt of a valid Texas Driver’s License within 90 days of relocation to Texas and a safe driving record, as measured by company policy.

Licensed as a Professional Engineer in the State of Texas is required for Engineering Management Positions.

**PHYSICAL DEMANDS**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. Limited amount of physical effort required associated with walking, lifting, and carrying light objects (less than 20 lbs.). Work is done in a normal office environment with frequent exposures to outdoor temperatures, dirt and dust, and/or disagreeable sights and odors. Position requires frequent weekend and evening work. Work may require frequent overnight travel.

**SPECIAL REQUIREMENTS**

The Brownsville Public Utilities Board requires that all employees possess or have the aptitude, desire, and ability to be professional and courteous in all their interactions with the public, customers and fellow employees and demonstrate competence in performing all job duties.

**APPROVED**

*Constanza Miner*  
Constanza Miner (Jul 31, 2023 15:27 CDT)  
Constanza Miner, EDFP  
Chief Administrative Officer

## Required Forms CHECKLIST

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

NAME	FORM DESCRIPTION	SUBMITTED WITH BID	
		YES	NO
Legal Notice	Acknowledgement Form	<input type="checkbox"/>	<input type="checkbox"/>
	Debarment Certificate	<input type="checkbox"/>	<input type="checkbox"/>
	Ethic Statement	<input type="checkbox"/>	<input type="checkbox"/>
	Conflict of Interest Questionnaire	<input type="checkbox"/>	<input type="checkbox"/>
	W9 or W8 Form	<input type="checkbox"/>	<input type="checkbox"/>
	Direct Deposit Form (will be provided to the awarded vendor)	<input type="checkbox"/>	<input type="checkbox"/>
	Residence Certification	<input type="checkbox"/>	<input type="checkbox"/>
Special Instructions (if applicable)	Bid Schedule/Cost sheet completed and signed	<input type="checkbox"/>	<input type="checkbox"/>
	Cashier Check or Bid Bond of 5% of Total Amount of Bid	<input type="checkbox"/>	<input type="checkbox"/>
	OSHA 300 Log	<input type="checkbox"/>	<input type="checkbox"/>
	Contractor Pre-Bid Disclosure completed, signed and notarized	<input type="checkbox"/>	<input type="checkbox"/>
	Sub-Contractor Pre-Bid Disclosure completed, signed, and notarized	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
References	Complete the Previous Customer Reference Worksheet for each reference provided	<input type="checkbox"/>	<input type="checkbox"/>
Addenda			

**ETHICS STATEMENT (Complete and Return this form with Response)**

The undersigned firm, by signing and executing this RFP, certifies and represents to the Brownsville Public Utilities Board that firm 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 RFP; the firm also certifies and represents that the firm 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 RFP, the firm certifies and represents that firm 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 RFP on the basis of any consideration not authorized by law; the firm also certifies and represents that firm has not received any information not available to other firms so as to give the undersigned a preferential advantage with respect to this RFP; the firm further certifies and represents that firm has not violated any state, federal, or local law, regulation or ordinance relating to bribery, improper influence, collusion or the like and that firm 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 RFP; the firm 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 RFP, the submission of this RFP, the award of this RFP or the performance, delivery or sale pursuant to this RFP.

**THE FIRM 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 FIRM OR ANY AGENT OR EMPLOYEE OF FIRM IN THE EXECUTION OR PERFORMANCE OF THIS RFP.**

I have read all of the specifications and general RFP 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, PRIOR TO THE PROPOSAL SUBMITTAL DATE. ANY LISTED DEVIATIONS IN A FINALLY SUBMITTED PROPOSAL MAY ALLOW THE OWNER TO REJECT A PROPOSAL AS NON-RESPONSIVE.**

CERTIFICATION REGARDING  
DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY  
MATTERS **(Complete and Return this form with Response)**

Name of Entity: \_\_\_\_\_

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

Are not presently debarred, suspended, proposed for debarment or suspension by The State Bar of Texas or any Federal court.

Have not within a three year period preceding this RFP been convicted of, 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;

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 this paragraph of the certification; and

I understand that a false statement on this certification may be grounds for rejection of this RFP 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

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**

<b>CONFLICT OF INTEREST QUESTIONNAIRE</b> For vendor doing business with local governmental entity		<b>FORM CIQ</b>
<p>This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.</p> <p>This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).</p> <p>By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.</p> <p>A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.</p>	<b>OFFICE USE ONLY</b>	
<p><b>1</b> Name of vendor who has a business relationship with local governmental entity.</p>	Date Received   	
<p><b>2</b> <input type="checkbox"/> Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)</p>		
<p><b>3</b> Name of local government officer about whom the information is being disclosed.</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">Name of Officer</p>		
<p><b>4</b> 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.</p> <p style="text-align: center; margin-top: 20px;">A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?</p> <p style="text-align: center;"> <input type="checkbox"/> Yes      <input type="checkbox"/> No                 </p> <p style="text-align: center; margin-top: 10px;">B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?</p> <p style="text-align: center;"> <input type="checkbox"/> Yes      <input type="checkbox"/> No                 </p>		
<p><b>5</b> 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.</p>		
<p><b>6</b> <input type="checkbox"/> Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).</p>		
<p><b>7</b></p> <p style="text-align: center; margin-top: 20px;">                 _____                  Signature of vendor doing business with the governmental entity             </p> <p style="text-align: right; margin-top: 20px;">                 _____                  Date             </p>		

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

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

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

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

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

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

\*\*\*

(2) the vendor:

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

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

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

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

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

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

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

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

(1) the date that the vendor:

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

(2) the date the vendor becomes aware:

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

**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** as defined in Art. 601g. and our principal place of business is: \_\_\_\_\_

(City and State)

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_







Form **W-8BEN-E**

(Rev. October 2021)  
Department of the Treasury  
Internal Revenue Service

**Certificate of Status of Beneficial Owner for  
United States Tax Withholding and Reporting (Entities)**

▶ For use by entities. Individuals must use Form W-8BEN. ▶ Section references are to the Internal Revenue Code.  
▶ Go to [www.irs.gov/FormW8BENE](http://www.irs.gov/FormW8BENE) for instructions and the latest information.  
▶ Give this form to the withholding agent or payer. Do not send to the IRS.

OMB No. 1545-1621

**Do NOT use this form for:**

- U.S. entity or U.S. citizen or resident . . . . . W-9
- A foreign individual . . . . . W-8BEN (Individual) or Form 8233
- A foreign individual or entity claiming that income is effectively connected with the conduct of trade or business within the United States (unless claiming treaty benefits) . . . . . W-8ECI
- A foreign partnership, a foreign simple trust, or a foreign grantor trust (unless claiming treaty benefits) (see instructions for exceptions) . . . W-8IMY
- A foreign government, international organization, foreign central bank of issue, foreign tax-exempt organization, foreign private foundation, or government of a U.S. possession claiming that income is effectively connected U.S. income or that is claiming the applicability of section(s) 115(2), 501(c), 892, 895, or 1443(b) (unless claiming treaty benefits) (see instructions for other exceptions) . . . . . W-8ECI or W-8EXP
- Any person acting as an intermediary (including a qualified intermediary acting as a qualified derivatives dealer) . . . . . W-8IMY

**Instead use Form:**

**Part I Identification of Beneficial Owner**

<p><b>1</b> Name of organization that is the beneficial owner</p>	<p><b>2</b> Country of incorporation or organization</p>																
<p><b>3</b> Name of disregarded entity receiving the payment (if applicable, see instructions)</p>																	
<p><b>4</b> Chapter 3 Status (entity type) (Must check one box only):</p> <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Simple trust</td> <td><input type="checkbox"/> Tax-exempt organization</td> <td><input type="checkbox"/> Corporation</td> <td><input type="checkbox"/> Partnership</td> </tr> <tr> <td><input type="checkbox"/> Central Bank of Issue</td> <td><input type="checkbox"/> Private foundation</td> <td><input type="checkbox"/> Complex trust</td> <td><input type="checkbox"/> Foreign Government - Controlled Entity</td> </tr> <tr> <td><input type="checkbox"/> Grantor trust</td> <td><input type="checkbox"/> Disregarded entity</td> <td><input type="checkbox"/> Estate</td> <td><input type="checkbox"/> Foreign Government - Integral Part</td> </tr> <tr> <td></td> <td></td> <td><input type="checkbox"/> International organization</td> <td></td> </tr> </table> <p>If you entered disregarded entity, partnership, simple trust, or grantor trust above, is the entity a hybrid making a treaty claim? If "Yes," complete Part III. <input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<input type="checkbox"/> Simple trust	<input type="checkbox"/> Tax-exempt organization	<input type="checkbox"/> Corporation	<input type="checkbox"/> Partnership	<input type="checkbox"/> Central Bank of Issue	<input type="checkbox"/> Private foundation	<input type="checkbox"/> Complex trust	<input type="checkbox"/> Foreign Government - Controlled Entity	<input type="checkbox"/> Grantor trust	<input type="checkbox"/> Disregarded entity	<input type="checkbox"/> Estate	<input type="checkbox"/> Foreign Government - Integral Part			<input type="checkbox"/> International organization	
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<p><b>5</b> Chapter 4 Status (FATCA status) (See instructions for details and complete the certification below for the entity's applicable status.)</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Nonparticipating FFI (including an FFI related to a Reporting IGA FFI other than a deemed-compliant FFI, participating FFI, or exempt beneficial owner).   <input type="checkbox"/> Participating FFI.  <input type="checkbox"/> Reporting Model 1 FFI.  <input type="checkbox"/> Reporting Model 2 FFI.  <input type="checkbox"/> Registered deemed-compliant FFI (other than a reporting Model 1 FFI, sponsored FFI, or nonreporting IGA FFI covered in Part XII). See instructions.   <input type="checkbox"/> Sponsored FFI. Complete Part IV.  <input type="checkbox"/> Certified deemed-compliant nonregistering local bank. Complete Part V.  <input type="checkbox"/> Certified deemed-compliant FFI with only low-value accounts. Complete Part VI.  <input type="checkbox"/> Certified deemed-compliant sponsored, closely held investment vehicle. Complete Part VII.  <input type="checkbox"/> Certified deemed-compliant limited life debt investment entity. Complete Part VIII.  <input type="checkbox"/> Certain investment entities that do not maintain financial accounts. Complete Part IX.  <input type="checkbox"/> Owner-documented FFI. Complete Part X.  <input type="checkbox"/> Restricted distributor. Complete Part XI.             </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Nonreporting IGA FFI. Complete Part XII.  <input type="checkbox"/> Foreign government, government of a U.S. possession, or foreign central bank of issue. Complete Part XIII.   <input type="checkbox"/> International organization. Complete Part XIV.  <input type="checkbox"/> Exempt retirement plans. Complete Part XV.  <input type="checkbox"/> Entity wholly owned by exempt beneficial owners. Complete Part XVI.  <input type="checkbox"/> Territory financial institution. Complete Part XVII.  <input type="checkbox"/> Excepted nonfinancial group entity. Complete Part XVIII.  <input type="checkbox"/> Excepted nonfinancial start-up company. Complete Part XIX.  <input type="checkbox"/> Excepted nonfinancial entity in liquidation or bankruptcy. Complete Part XX.   <input type="checkbox"/> 501(c) organization. Complete Part XXI.  <input type="checkbox"/> Nonprofit organization. Complete Part XXII.  <input type="checkbox"/> Publicly traded NFFE or NFFE affiliate of a publicly traded corporation. Complete Part XXIII.  <input type="checkbox"/> Excepted territory NFFE. Complete Part XXIV.  <input type="checkbox"/> Active NFFE. Complete Part XXV.  <input type="checkbox"/> Passive NFFE. Complete Part XXVI.  <input type="checkbox"/> Excepted inter-affiliate FFI. Complete Part XXVII.  <input type="checkbox"/> Direct reporting NFFE.  <input type="checkbox"/> Sponsored direct reporting NFFE. 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<p><b>6</b> Permanent residence address (street, apt. or suite no., or rural route). <b>Do not use a P.O. box or in-care-of address</b> (other than a registered address).</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">City or town, state or province. Include postal code where appropriate.</td> <td style="width: 30%;">Country</td> </tr> </table>		City or town, state or province. Include postal code where appropriate.	Country														
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<p><b>7</b> Mailing address (if different from above)</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">City or town, state or province. Include postal code where appropriate.</td> <td style="width: 30%;">Country</td> </tr> </table>		City or town, state or province. Include postal code where appropriate.	Country														
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For Paperwork Reduction Act Notice, see separate instructions.

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Form **W-8BEN-E** (Rev. 10-2021)