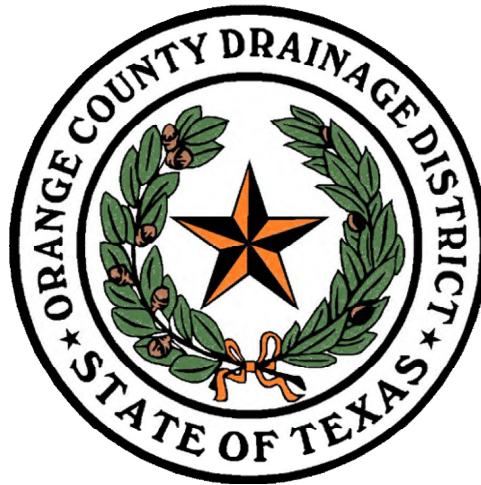


**NOTICE OF REQUEST FOR COMPETITIVE SEALED PROPOSALS FOR THE
ORANGE COUNTY DRAINAGE DISTRICT MAINTENANCE SHOP BUILDING
MEN’S TOILET AND LOCKER ROOM RENOVATION PROJECT (RFCSP-2022-01-
RESTROOM RENOVATION)**

Prospective Contractors (“Offerors”) are notified that the Orange County Drainage District (“District”), located in Orange County, Texas, will receive Competitive Sealed Proposals for its **Maintenance Shop Building Men’s Toilet and Locker Room Renovation Project** (the “Project”). The successful Offeror(s) shall furnish all labor, material, transportation, tools, supplies, equipment, and appurtenances for the satisfactory completion of the Project. Parties interested in submitting a Competitive Sealed Proposal to provide services for this Project will find the required documentation for this Project on the District’s website at: <https://www.ocddtx.com/purchasing/> (search under “Current Procurement Opportunities”) and on CIVCAST, <https://www.civcastusa.com> (search for “Orange County Drainage District”). The District invites Offerors to attend a voluntary pre-bid conference and walk-through to be held at the offices of the Orange County Drainage District, 8081 Old Highway 90, Orange, Texas 77630 on **Thursday, January 20, 2022, at 10:00 a.m.** Competitive Sealed Proposals for this Project will be received **until 12:00 p.m. on Monday, January 31, 2022**, at the District’s Administration Building, located at 8081 Old Highway 90, Orange, Texas, 77630. Proposals will be publicly opened in the offices of the **Orange County Drainage District, 8081 Old Highway 90, Orange, Texas 77630 on Monday, January 31, 2022 at 2:00 p.m.** Section 3 Residents and Business Concerns, Minority Business Enterprises, Small Business Enterprises, Women Business Enterprises and labor surplus firms are encouraged to submit proposals. The Orange County Drainage District is an Affirmative Action/Equal Opportunity Employer.



**REQUEST FOR COMPETITIVE SEALED PROPOSALS
FOR
ORANGE COUNTY DRAINAGE DISTRICT MAINTENANCE SHOP
BUILDING MEN'S TOILET AND LOCKER ROOM RENOVATION
PROJECT**

RFCSP-2022-01-RESTROOM RENOVATION

Due Date: Monday, January 31, 2022, by 12:00 p.m.

Issued By:
Orange County Drainage District
8081 Old Highway 90
Orange, Texas 77630
(409) 745-3225



**REQUEST FOR COMPETITIVE SEALED PROPOSALS FOR
ORANGE COUNTY DRAINAGE DISTRICT MAINTENANCE SHOP BUILDING
MEN'S TOILET AND LOCKER ROOM RENOVATION PROJECT
(RFCSP 2022-01-RESTROOM RENOVATION)**

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I. NOTICE REQUESTING COMPETITIVE SEALED PROPOSALS

Prospective Contractors (“Offerors”) are hereby notified that the Orange County Drainage District (“District”) located in Orange County, Texas, will receive competitive sealed proposals for the Maintenance Shop Building Men’s Toilet And Locker Room Renovation Project (the “Project”). The successful Offeror(s) shall furnish all labor, material, transportation, tools, supplies, equipment, and appurtenances for the satisfactory completion of the Project.

Parties interested in submitting a competitive sealed proposal in response to this solicitation may find the required information for this Project within this document and attachments, all of which are located on the District’s website at: <https://ocddtx.com/purchasing/> (search under “Current Procurement Opportunities”) and online from CIVCAST, <http://civcastusa.com> (search “Orange County Drainage District”). Offerors utilizing CIVCAST must register on that website to view and/or download specifications, updates and other important information related to the Project. There is no charge to view or download documents from the CIVCAST website.

Competitive Sealed Proposals for this Project must be received by **12:00 p.m. on January 31, 2022**, at the District’s Administration Building located at **8081 Old Hwy 90, Orange, Texas, 77630**, at which time and place such proposals will be publicly opened at **2:00 p.m. on January 31, 2022**.

If you have any questions regarding this Request for Competitive Sealed Proposals or are in doubt as to the meaning of any part of these documents, or find discrepancies in, or omissions from, any of the documents contained or referenced herein, please contact the District’s Purchaser, **Mr. Joe Escobedo, at jescobedo@orangecountydrainage.com**, and include “**RFCSP 2022-01-RESTROOM RENOVATION**” in the subject heading of the e-mail. Offerors may also submit questions online through CIVCAST at www.civcastusa.com, which shall be the equivalent of contacting the District directly. The District will attempt to provide a response to such inquiry within three (3) business days. The deadline for questions is **Wednesday, January 26, 2022, at 5:00 p.m.**

II. BACKGROUND INFORMATION AND SUMMARY OF WORK

The District seeks qualified contractors to submit competitive sealed proposals for the renovation of the maintenance shop building men’s toilet and locker room located within the District’s Maintenance shop building, at **8081 Old Highway 90, Orange, Orange County, Texas**. The District intends for this work to be performed in accordance and compliance with the Scope of Work, Plans and Drawings, all of which are attached as Attachment I to this solicitation.

III. DEFINED TERMS

The following terms shall have the meanings as used in this Request for Competitive Sealed Proposals (“RFCSP”). However, these definitions do not replace any definitions that are included within specific documents set forth herein, including, but not limited to, the sample Contract for Maintenance Shop Building Men’s Toilet And Locker Room Renovation Project attached hereto as Attachment II.

1. **Addendum or Addenda.** This term shall mean additions, deletions, and/or changes to any part of this RFCSP issued in writing by the District prior to the Proposal due date and times.
2. **Apparent Best Value Offeror.** This term shall mean the Offeror whose Proposal for performance of the Work, as defined below, and completion of the Project provides the best value for the District as determined by the District based on the evaluation and selection criteria set forth in Section VIII below.
3. **Board of Directors.** This term shall mean the governing body of the District.
4. **Contract Negotiations.** This term shall mean discussions which take place between the District and the Apparent Best Value Offeror to reach agreement on the final terms of the Contract for Waterway Debris Removal Services, including, but not limited to, the scope of work, cost, and other contractual requirements.
5. **Contractor.** this term shall mean the successful Offeror to this RFCSP who enters a contractual relationship with the District for performance of the Work and completion of the Project.
6. **RFCSP 2022-01-RESTROOM RENOVATION or RFCSP.** This term shall mean this Request for Competitive Sealed Proposals, the purpose of which is to request competitive sealed proposals, as authorized pursuant to Chapter 2269 of the Texas Government Code, and all other applicable and governing laws, for the Project.
7. **Offeror or Offering Firm.** This term shall mean a company, firm or entity that responds to this RFCSP-2022-01- RESTROOM RENOVATION by submitting a timely Proposal in compliance with the requirements sets forth or referenced herein.
8. **District.** This term shall mean the Orange County Drainage District (sometimes referred to as “the Owner”).
9. **Project.** This term shall mean the Maintenance Shop Restroom Renovation Project as described in this RFCSP-2022-01- RESTROOM RENOVATION.
10. **Proposal.** This term shall mean Offeror’s submittal which conforms to the requirements set forth in this RFCSP-2022-01- RESTROOM RENOVATION.
11. **Cost Proposal Form.** This term shall mean the form referenced in Section VI(B)(5) herein, and which is attached as Attachment III to this RFCSP.
12. **Scope of Work.** This term shall mean the documents attached to this RFCSP which include the Bid and Construction Documents as well as the Plans and Drawings for the District’s maintenance shop building men’s toilet and locker room renovation project. See, Attachment I.
13. **Subcontractor.** This term shall mean any company, firm, entity, or person hired by the Offeror to furnish any of the services included in the Scope of Work.

14. **Successful Offeror.** This term shall mean the company/firm/entity which has completed negotiations with the District and is selected to enter a Contract with the District to perform the Work and complete the Project.
15. **Supplier.** This term shall mean any supplier of materials and/or equipment to the Contractor for the Project.
16. **Work.** This term shall mean the services specified to be provided by the successful offeror for performance and completion of the renovation of the District's Maintenance Shop building men's toilet and locker room in accordance with the Scope of Work detailing the substance of the Orange County Drainage District Maintenance Shop Building Men's Toilet And Locker Room Renovation Project which is attached as Attachment I.
17. **Trade Secret.** This term shall mean "any formula, pattern, device or compilation of information which is used in one's business, and which gives him an opportunity to obtain an advantage over competitors who do not know or use it... It differs from other secret information in a business . . . in that it is not simply information as to a single or ephemeral event in the conduct of the business. A trade secret is a process or device for continuous use in the operation of the business." See, ORD 2012-04395 (2012); *Hyde Corp. v. Huffines*, 314 S.W.2d 763, 776 (Tex.), *cert. denied*, 358 U.S. 898 (1958).

IV. SCOPE OF WORK

The Scope of Work, including, but not limited to, the Scope of Work, including the Construction and Bid Documents, Plans and Drawings, all of which form the substance of the Orange County Drainage District Maintenance Shop Building Men's Toilet And Locker Room Renovation Project as prepared by the Architect, are attached hereto as Attachment I to this solicitation.

V. OVERVIEW OF COMPETITIVE SEALED PROPOSAL PROCESS

A. General

The objective of this RFCSP process is to competitively procure services from the Offeror whose Proposal provides the best value for the District. Proposals will be received, publicly opened, and the names and monetary Proposals of Offerors read aloud. Subsequently, the Proposals will be evaluated and ranked according to the criteria described in Section VIII of this RFCSP. Both cost and non-cost factors will be evaluated and scored. One or more Offerors may be invited for discussions or to present their Proposal to the District before the final rankings are made.

The District requests that the Offeror submit a cost proposal utilizing the cost proposal format that is described in Section VI(B)(6) below. Each cost proposal will be independently evaluated and scored to determine the overall highest ranked offeror(s) and preferred Proposal(s) based on the criteria set forth in this RFCSP.

The District may enter contract negotiations with the highest ranked firm for the performance and completion of the Work. If the negotiations with the highest ranked firm are unsuccessful, the District will formally close negotiations with this firm and initiate

contract negotiations with the next highest ranked firm until a contract is reached or all proposals are rejected. Upon successful completion of negotiations with a firm, the District and Offeror shall enter a *Contract for Maintenance Shop Maintenance Shop Building Men's Toilet And Locker Room Renovation* in substantially the same form as the sample contract which is attached hereto as Attachment II to this RFCSP. This RFCSP does not commit the District to pay for any direct and/or indirect costs incurred in the preparation of a Proposal, or in the negotiation of the terms of a contract. To the contrary, any, and all, such costs or expenditures shall be borne by the Offeror.

B. Estimated Budget. The District's estimated budget for the completion of this Project is One Hundred Twenty Thousand and 00/100 Dollars (\$120,000.00).

C. Schedule. The anticipated timetable for this RFCSP is as follows:

RFCSP Documents posted on District Website and CIVCAST	Wednesday, January 12, 2022, at 10:00 a.m.
Pre-Submittal Conference and Walk-Through (Non-Mandatory, but Attendance is encouraged)	Thursday, January 20, 2022, at 10:00 a.m.
Submittal deadline	Monday, January 31, 2022 at 12:00 p.m.
Interviews	To Be Scheduled

D. Interpretation and Addenda

All questions about the meaning or intent of this RFCSP are to be directed to the District in writing, in accordance with Sections I and VI herein. Interpretations or clarifications considered necessary by the District in response to such questions will be issued by written Addenda and posted on the District's website at: <https://ocddtx.com/purchasing/> (search under "Current Procurement Opportunities") and on the CIVCAST website, www.civcastusa.com (Search "Orange County Drainage District"). Any questions submitted via the CIVCAST website, www.civcastusa.com (under "Maintenance Shop Building Men's Toilet And Locker Room Renovation Project") shall be the equivalent of contacting the District directly (via email to Joe Escobedo at: jescobedo@orangecountydrainage.com).

For an Offeror's proposal to be qualified for consideration, the Offeror shall include in its Proposal, all Addenda and acknowledge receipt of such Addenda in its Cost Proposal Form and on the acknowledgement line of the Addendum Cover page. Any Proposal submitted without such acknowledgement of receipt of all issued Addenda and letters of clarification shall result in the Proposal being considered non-responsive and declared to be ineligible for consideration. Such Addenda and letters of clarification shall become a part of the executed contract and modify the contract documents accordingly.

Questions received by the District after the deadline for Questions and Inquiries will not be answered. Only questions answered by formal written Addenda issued by the District will be binding. Oral and other interpretations or clarifications will be without legal effect. Addenda may further be issued to clarify, correct, or change this RFCSP and Addenda, or any related supplemental data as deemed advisable by the District.

VI. INSTRUCTIONS TO OFFERORS

A. General

This section outlines specific instructions for Proposal submissions. Offerors not adhering to these instructions shall be disqualified without further consideration. The District requires comprehensive responses to every section within this RFCSP. Brevity and clarity of content are encouraged. Vague and general Proposals will be considered non-responsive and will result in disqualification. The intent of the Proposal format is to expedite review and evaluation. It is not the intent of the District to constrain Offerors about content, but to assure that the specific requirements set forth in this RFCSP are addressed in a uniform manner amenable to review and evaluation. Failure to arrange the Proposal as requested may result in disqualification of the Proposal at the sole discretion of the District.

Proposals shall have one inch (1”) margins and be single-sided, using Arial eleven (11) point font (or larger). All pages of the Proposals must be numbered, and the Proposal must contain an organized, paginated table of contents corresponding to the sections and pages of the Proposal. The Proposals shall not exceed twenty (20) pages.

Except for trade secrets and confidential information which the Offeror affirmatively identifies as proprietary, all Proposals will be open for public inspection after the contract has been awarded. All Proposals become the property of the District. In the event a Proposer submits trade secret information to the District, the information must be clearly labeled as “Trade Secret” on each page on which a Trade Secret is claimed. The District will maintain the confidentiality of such trade secrets to the extent provided by law. See, TEX. GOV’T CODE §552.110 (Texas Public Information Act – Trade Secrets). It is not acceptable for an Offeror to merely identify the entire Proposal as a “Trade Secret.”

B. Contents of Competitive Sealed Proposal. Each Competitive Sealed Proposal shall contain the following documents and information:

1. Cover Letter and Executive Summary.
2. Offeror’s Qualifications and Experience. Offeror shall provide the following information:
 - a. Full and complete identification of the Offeror, including the following:
 - i. The Offeror’s full legal name, the Offeror’s type of business organization, and the State in which the Offeror is organized,
 - ii. Offeror’s physical address and mailing address,
 - iii. Federal Tax ID Number, and

- iv. Name of Offeror's Contact, and such Contact's email address and phone number.
 - b. If the Offer is being submitted by a Joint Venture, or the Offeror intends, if selected, to perform the Work in a joint venture with other entities, a full and complete identification of all such members of the Joint Venture, including all the identifying information set forth above for each member of the Joint Venture, must be provided,
 - c. History of the Offeror, including the number of years that Offeror has been in business, number of employees, present ownership, and key management individuals,
 - d. General qualifications of the Offeror to perform the Scope of Work described in the Scope of Work, Plans and Drawings (Attachment I), and
 - e. Description of the Offeror's experience relevant to the Project described in this RFCSP.
- 3. Offeror's Current Capacity to Commence and Complete the Project in an Expeditious Manner.**
- a. Please state the earliest date in which Offeror could commence the Project, considering Offeror's current workload and other commitments, availability of materials, and any other factors that will affect the Offeror's ability to commence the Work, and
 - b. Please identify all factors, if any, that might reasonably delay or affect the commencement or completion of the Work.
- 4. Offeror's Safety Record.** For each of the last five years (2016 through the present), provide the following information:
- a. Total Recordable Incidents,
 - b. Total Lost Workdays,
 - c. Total incidents involving a fatality,
 - d. Citations / Violations by OSHA or any other authority regulating Offeror, and
 - e. General Liability Claims asserted/filed against Offeror.
- 5. Bid Proposal Form.** Offeror must use and submit the Bid Proposal Form attached hereto as Attachment III.
- 6. Insurance Requirements.** By submitting a Proposal in response to this solicitation, the Offeror affirmatively represents that it will obtain and maintain in effect during the complete term of the Project each and all the following insurance coverages:

- a. **Commercial General Liability Insurance.** Policy must include coverage for bodily and personal injury (including death) and property damage:
 - i. Each occurrence not less than \$1,000,000,
 - ii. General aggregate not less than \$2,000,000, and
 - iii. The coverage shall include but not be limited to personal injury liability, premises/operations, and products/ completed operations.
- b. **Worker's Compensation and Employer's Liability Insurance.** Policy must include the following types and levels of coverage:
 - i. Employers' Liability insurance of \$1,000,000 per occurrence, and
 - ii. Worker's Compensation as required by statute.
- c. **Automobile Liability Insurance.** Policy should include coverage for vehicles Contractor uses in performing Work under the Contract, including Employer's Owned, Non-Ownership, and Hired Auto Coverage:
 - i. Combined Single Limit of \$1,000,000 per occurrence.
- d. **Excess Liability Insurance.** Coverage should be in an amount not less than indicated below:
 - i. \$3,000,000 per occurrence and \$3,000,000 aggregate.
- e. **Builder's Risk.** Coverage should be in an amount not less than indicated below:
 - i. All-Risk Builder's Risk of the non-reporting type.
- 7. **Additional Information.** Provide a listing of all current pending litigation, outstanding judgments and liens affecting the Offeror.
- 8. **Conflict of Interest Questionnaire.** If applicable, provide a completed Conflict of Interest Questionnaire (Form CIQ).

Chapter 176 of the Texas Local Government Code mandates the public disclosure of certain information concerning persons doing business or seeking to do business with the District, including affiliations and business and financial relationships such persons may have with District officers. The form can be located at the Texas Ethics Commission website:

<https://www.ethics.state.tx.us/data/forms/conflict/CIQ.pdf>

By doing business or seeking to do business with the District, including submitting a response to this RFCSP, Offeror acknowledges that it has been notified of the requirements of Chapter 176 of the Texas Local Government Code and it is representing that it complies with such requirements.

9. **Certificate of Interested Parties.** The Successful Offeror is required to fully complete and file the Certificate of Interested Parties Form 1295 found on the Texas Ethics Commission website: <https://www.ethics.state.tx.us/filinginfo/1295/> The Offeror shall provide evidence of such filing to the District.
10. **Bid Bond.** Each Response to this RFCSP shall be accompanied by a certified or cashier's check on a responsible bank, or a bid bond, payable to the order of the Orange County Drainage District, in the amount of two percent (2%) of the cost for performance of the Work proposed by the Offeror. Any bid bond submitted must be issued by a corporate surety authorized to do business in the State of Texas, that is listed on the U.S. Treasury list of approved sureties. If the selected Offeror for this Project fails or refuses to sign the Contract in substantially the same form as attached to this RFCSP and/or fail to provide the required insurance and payment and performance bonds for the Project as provided for in this RFCSP, then the Offeror's Bid Bond will be forfeited to the District as liquidated damages and not as a penalty.
11. **Offeror's References.** Offeror must provide three (3) Client references with contact information on projects performed within the past five (5) years.
12. **Offeror's Certification and Signature Page.** Offeror will certify its Proposal by signing the completed bid form, a copy of which is attached as Attachment III.

C. Submittal Procedures and Requirements

All responses shall include the original and five (5) copies, shall be sealed and marked "Sealed Proposal In Response To Request For Competitive Sealed Proposals For The Orange County Drainage District Maintenance Shop Building Men's Toilet And Locker Room Renovation (RFCSP-2022-01-RESTROOM RENOVATION)", and shall be submitted to **Mr. Joe Escobedo, District Purchaser**, at the following address:

Orange County Drainage District
Attn: Joe Escobedo, District Purchaser
8081 Old Highway 90
Orange, Texas 77630

1. **Outer Envelope.** The outside envelope shall be clearly marked "Sealed Proposal in Response to Sealed Proposal In Response To Request For Competitive Sealed Proposals For The Orange County Drainage District Maintenance Shop Building Men's Toilet And Locker Room Renovation (RFCSP-2022-01-RESTROOM RENOVATION)". The outside envelope shall also clearly indicate the name of the Offeror. The District shall bear no responsibility for submitting responses on behalf of any Offeror. Offerors may submit a response at any time prior to the stated deadline.
2. **Receipt and Opening of Proposals.** All proposals must be **RECEIVED** by the District **on or before 12:00 p.m. on Monday, January 31, 2022**, at the District Administration Building located at **8081 Old Highway 90, Orange, Texas 77630**, and such proposals must be accompanied by the Bid Bond or other required proposal security, and all other required documents. Any proposal received by the District after this date and time will not be considered and shall be returned

unopened to the Offeror. The clock used by the District at the District Administration Building shall conclusively determine the time that the Proposals are received. Proposals sent by facsimile or electronic mail or delivered to a different location will NOT be accepted. The District reserves the right to reject any or all proposals.

Proposals will be publicly opened on Monday, **January 31, 2022, at 2:00 p.m.**, at the District Administration Building, **8081 Old Highway 90, Orange, Texas 77630**. At the time of said public opening, only the names of timely responding firms, and the monetary Proposal(s) of the Offering Firms will be read aloud. Offerors are invited to attend the administrative opening of the Proposals.

- 3. Project Contact Person.** All questions or requests for additional information shall be directed to Mr. Joe Escobedo, District Purchaser, by email at:

jescobedo@orangecountydrainage.com,

and such email must include "RFCSP 2022-01-RESTROOM RENOVATION" in the subject heading thereof. Alternatively, Offerors may also submit questions online through CIVCAST at www.civcastusa.com, which shall be the equivalent of contacting the District directly. **All questions or requests must be submitted no later than 5:00 p.m. on Wednesday, January 26, 2022.** The District will attempt to provide a response to such inquiry within three (3) business days.

VII. ADDITIONAL INFORMATION AND REQUIREMENTS

- A. Pre-Submittal Conference and Walk-Through.** A pre-submittal conference and walk-through is scheduled for **Thursday, January 20, 2022, at 10:00 a.m.** in the Board Meeting Room in the District's Administration Building, located at **8081 Old Hwy 90, Orange, Texas 77630**. Attendance is not mandatory, although all prospective Offerors are encouraged to attend to gain a better understanding of the Scope of Work, Technical Specifications and Plans as well as other Project requirements and expectations of the District.
- B. Estimated Project Schedule and Completion Date.** The District's estimated Project Schedule for the work to be performed and completed is thirty (30) days from the Notice To Proceed (NTP) date. Contractor shall provide a schedule for approval by the District prior to issuance of the NTP.
- C. Minority-Women Business Enterprise Participation.** It is the desire of the District to increase the participation of minority businesses and women-owned business enterprises in its contracting and procurement programs. While the District does not have any preference or set aside programs in place, it is committed to a policy of equitable participation for these firms.
- D. Critical Infrastructure Affirmation.** Pursuant to Texas Government Code Section 2274.0102, Offeror, in submitting a Proposal, certifies that neither it nor its parent company, nor any affiliate of Offeror or its parent company, is: (1) majority owned or controlled by citizens or governmental entities of China, Iran, North Korea, Russia, or any other country designated by the Governor under TEX. GOV'T CODE § 2274.0103, or (2) headquartered in any of these countries. TEX. GOV'T CODE §2274.0102.

- E. **Energy Company Boycotts.** Offeror, by submitting a Proposal, represents and warrants that: (1) it does not, and will not for the duration of the Contract, boycott energy companies or (2) the verification required by Section 2274.002 of the Texas Government Code does not apply to the Contract. TEX. GOV'T CODE § 2271.002.
- F. **Entities That Boycott Israel.** Offeror, by submitting a Proposal, represents and warrants that (1) it does not, and shall not for the duration of the Contract, boycott Israel or (2) the verification required by Section 2271.002 of the Texas Government Code does not apply to the Contract. TEX. GOV'T CODE § 2271.002.
- G. **Excluded Parties.** Offeror, by submitting a Proposal, certifies that it is not listed in the prohibited vendors list authorized by Executive Order No. 13224, "*Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism*", published by the United States Department of the Treasury, Office of Foreign Assets Control. Exec. Order No. 13224, 31 C.F.R. 594 (2001-2021).
- H. **Firearms Entities and Trade Associations Discrimination.** Offeror, by submitting a Proposal, verifies that: (1) it does not, and will not for the duration of the Contract, have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association or (2) the verification required by Section 2274.002 of the Texas Government Code does not apply to the Contract. TEX. GOV'T CODE §2274.001 *et seq.*
- I. **Foreign Terrorist Organizations.** Offeror, by submitting a Proposal, represents and warrants that it is not engaged in business with Iran, Sudan, or a foreign terrorist organization, as prohibited by Section 2252.152 of the Texas Government Code. TEX. GOV'T CODE §2252.152.
- J. **No Conflicts of Interest.** Offeror, by submitting a Proposal, represents and warrants that the provision of goods and services or other performance under the Contract will not constitute an actual or potential conflict of interest or reasonable create an appearance of impropriety. TEX. GOV'T CODE §§ 2252.908, 2252.032 and 2261.252(b).

VIII. PROPOSAL EVALUATION PROCESS AND SELECTION CRITERIA

All proposals will be evaluated and ranked based on the following criteria:

Criteria	Maximum Points
Cost	60
Qualifications and Experience	25
Current Capacity to Commence and Complete the Project in an Expedient Manner	10
Offeror's Safety Record	5
Total Points	100

The District will consider the qualifications and experience of the Offerors in evaluating the Proposals to determine which Proposal(s) represent the apparent best value to the District. The District will rank each of the Proposals based on the criteria weighting system described above and select a Proposal that the District determines to provide the apparent best value to the District.

Offerors are requested not to withdraw their Proposals within ninety (90) calendar days from the date on which Proposals are opened. The Bid Bond or other Proposal Security of the highest-ranking Offerors will be held by the District until an Offeror is no longer considered a candidate for award of the Contract, or until the District has executed and finalized a Contract with the successful Offeror, whichever occurs first.

The District may conduct such investigations as the District deems necessary to assist in the evaluation of any Proposal and to establish the responsibility, qualifications, and financial ability of Offerors, proposed Subcontractors, Suppliers and other persons and organizations to perform and furnish the Work in accordance with the Contract Documents to the District's satisfaction within the prescribed time.

The District reserves the right to adopt the most advantageous interpretation of the Proposals submitted in the case of ambiguity or lack of clearness in stating Proposal Prices, to reject any or all Proposals, and/or waive informalities.

The District reserves the right to reject any or all Proposals, including without limitation the right to reject any or all nonconforming, nonresponsive, unbalanced, or conditional Proposals and to reject the Proposal of any Offeror if the District determines that an award of the Contract to that Offeror would not provide the best value for the District, whether because the Proposal is not responsive or the Offeror is unqualified or of doubtful financial ability, or fails to meet any other pertinent standards or criteria established by the District. The District also reserves the right to waive all informalities not involving price, time, or changes in the Work and to negotiate Contract terms with the Apparent Best Value Offeror. Discrepancies between words and figures will be resolved in favor of the words.

The qualifications of a firm shall not deprive the District of the right to accept a Proposal, which in its judgement offers the best value to the District. In addition, the District reserves the right to reject any Proposal where circumstances and developments have, in the opinion of the District, changed the qualifications or responsibility of the firm.

Material misstatements in the information submitted for evaluation may be grounds for rejection of an Offeror's Proposal. Any such misstatement, if discovered after award of the Contract to such firm, may be grounds for immediate termination of the Contract. Additionally, the Offeror may be liable to the District for any costs or damages to the District resulting from reliance upon such misstatements, including costs and attorney's fees for collection of such costs and damages.

If the Contract is to be awarded, it will be awarded to the Apparent Best Value Offeror following successful Contract Negotiations and following any required approval by the District's Board of Directors.

IX. LAWS, REGULATIONS AND OTHER PROJECT REQUIREMENTS

The Selected Offeror must comply with all federal, state, and local laws, ordinances, rules, and regulations which govern the Work specified in this RFCSP as well as the statutory Contract terms and conditions as reflected in the Sample Contract For The Renovation of the District Maintenance Shop Building Men's Toilet And Locker Room (Attachment II).