



**REQUEST FOR PROPOSAL
FOR CITY OF TULIA EPA REVISED LEAD AND
COPPER RULE COMPLIANCE PROJECT
RFP 05-24**

The City of Tulia (City) is soliciting a Request for Proposal (RFP) from respondents who are interested in and qualified to provide EPA revised Lead and Copper Rule compliance. It is the intent of the City to award this proposal to the best evaluated respondent.

Approximate Timeline

Issuance of RFP	April 9, 2024
1 st Advertisement	April 11, 2024
2 nd Advertisement	April 18, 2024
Mandatory Pre-proposal Meeting	April 22, 2024
Deadline for RFP Questions	April 29, 2024
Deadline for Response to RFP Questions	May 2, 2024
Proposal Due Date	May 9, 2024

PROPOSAL DUE DATE AND DELIVERY LOCATION:

Five copies (4) Original signed paper response of your RFP and (1) copy of your response submitted on USB drive containing all items and information required by this RFP must be submitted in a sealed envelope or box clearly marked with **RFP 05-24 Request for Proposal for City of Tulia EPA Revised Lead and Copper Rule Compliance Project** on the outside of the envelope or box and must be received in the Purchasing Department and **time stamped before 4:00p.m. Central Standard Time Thursday, May 9, 2024 to be considered:**

City of Tulia
127 SW 2nd St, Ste 300
Tulia, TX 79088

Proposals delivered after that date and time **will not** be opened or considered. The envelope should clearly indicate a proposal is enclosed, the proposal number, opening date and Proposer's name. An alternate proposal must stand alone contained in a separate envelope that is sealed and contains all the required documentation and addendums as the original proposal requires.

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Mandatory Pre-proposal Meeting

A mandatory pre-proposal meeting will be held on Wednesday, April 22, 2024 at 9:00 a.m. The mandatory pre-proposal meeting will be held in the City Council Chambers, City Hall, 127 SW 2nd Ste, Suite 300, Tulia, Texas. The meeting will start promptly at 9:00 a.m. No late arrivals will be allowed to sign in after the start of the meeting. You must attend this mandatory informational meeting as a condition for submitting a qualified proposal and failure to attend this meeting will result in rejection of any submitted proposal.

This conference will be the only opportunity afforded potential proposers to discuss the scope and requirements of this RFP. Any changes to this RFP will be issued by the City Manager in writing and sent to parties who are on record as having attended the pre-proposal conference. Any addendum(s), if issued, shall be attached to the Proposal Form as acknowledgment of changes to the RFP. No oral changes or modifications shall be made to this RFP or any proposal.

GENERAL CONDITIONS

INDEPENDENT CONTRACTOR

The relationship of the Respondent to the City shall be that of an Independent Contractor.

OWNERSHIP OF WORK PRODUCT

Respondent acknowledges and agrees that all work produced pursuant to this RFP is work made for hire and accordingly, all copyright, trademark, and intellectual property rights are owned exclusively by City. The finished project, and any and all original plans, diagrams, and specifications generated by the Respondent as part of its finished work product shall be the property of the City. A complete copy of same shall be provided to the City, and any further use of these work products shall be only with the express written consent of the City.

LEGAL ADDRESSES

All notices, letters, and other communications to the respondent will be mailed, faxed, emailed or delivered to the respondent's business address, fax number or email address listed in your response. The respondent may change the address or contact information at any time by notice in writing to the City.

INDEMNIFICATION

Consultant agrees to defend, indemnify and hold harmless City and its elected officials, officers, agents, and employees from and against any and all claims, demands, damages, costs, liabilities and expenses, including penalties, fines, Judgments (including court costs, interest and reasonable attorney's fees), of any kind arising out of the negligent acts, errors, or omissions of consultant, its employees, subcontractors or agents in performing services under this agreement. Consultant is to perform in a sound and

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professional manner by exercising the degree of care, skill, and diligence in the performance of the services as is exercised by a professional under similar circumstances at the time such services are performed. This indemnity provided herein shall survive the expiration or termination of this agreement.

PROPOSALS BECOME PUBLIC RECORDS

During the evaluation process, the City treats all responses with the highest level of confidentiality. However, once the evaluation process has been completed and a contract is awarded, the entire procurement becomes public information. Any proprietary information revealed in the proposal should therefore be clearly identified as such.

CONFIDENTIAL OR PROPRIETARY INFORMATION

If you consider any portion of your response to be confidential and/or proprietary and that disclosure of its contents to competitors would cause you substantial competitive harm, you must clearly identify those portions of your response by putting the term **CONFIDENTIAL OR PROPRIETARY** in bold letters on the applicable page(s). The City will attempt to protect the identified portions from disclosure to the extent possible under the law. You will be given notice of any request for disclosure of the identified information and given the opportunity to support your claim of confidentiality before the Texas Attorney General.

QUESTIONS, CLARIFICATIONS and CORRESPONDENCE

All questions and requests for clarification must be submitted to the City Manager in writing and will be answered by the City Manager in writing. No questions will be accepted or answered verbally. **Except as provided in this section, upon issuance of this RFP, respondents are specifically directed not to contact other City personnel to include any Engineers or Architects and anyone other than Purchasing Department personnel for answers to questions, clarifications, meeting, conferences, or technical discussions or anything else related to this RFP.** Failure to strictly abide by this policy may result in the immediate disqualification of the respondent from this and other bidding opportunities.

It is the responsibility of the respondent to verify if any addendum(s) or clarification(s) have been issued and to make sure the respondent has received all copies. Contact the City Manager at 806-995-3547 to verify this information. Addendums and clarifications will need to be requested through the City of Tulia by emailing bpotts@tulia-tx.gov. It is the vendor's responsibility to keep their company's information updated with the City of Tulia. If an addendum(s) or clarification(s) is not able to be mailed or emailed due to size or for any other reason, then registered respondents may be called and asked if they would like to pick up a copy from the City of Tulia. Vendors may submit signed addendums to the City by emailing bpotts@tulia-tx.gov or by mailing them to the City of Tulia, Office of the City Manager.

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If the answers do not change the information published in the original documents, they will be sent as a clarification only. Clarifications do not require acknowledgement. If the answers do change the information published in the original documents, they will be sent as an addendum. **Addendums require a signed acknowledgement of receipt of the addendum be submitted with the response to the RFP.**

All questions must be submitted at least ten (10) days prior to the proposal due date. All questions will be answered at least seven (7) days prior to the proposal due date. If the questions cannot be fully answered by that time, the opening date of the bid will be extended by addendum to allow sufficient time for all questions to be answered and those answers to be provided to all registered respondents.

Submit your questions to: bpotts@tulia-tx.gov

ACCEPTANCE OR REJECTION OF PROPOSALS

The City reserves the right to accept or reject any or all responses or parts of responses, to waive any formalities and technicalities, and to accept the best evaluated response.

CANCELLATION

The RFP may be cancelled (in part or in its entirety) at any time with written notice by the City.

REIMBURSEMENTS

There is no express or implied obligation for the City to reimburse respondents for any expenses incurred in preparing responses to this Request for Proposals. The City will not reimburse respondents for these expenses, nor will the City pay any subsequent costs associated with the provision of any additional information or presentation, or to procure a contract for these services.

DISPUTES

In case of any doubt or difference of opinion as to the services and deliverables herein, the decisions of the City shall be final and binding on both parties. The laws of the State of Texas will govern interpretation and performance of the obligations imposed on the parties pursuant to this order. Further, the successful respondent agrees that the courts of the State of Texas shall have jurisdiction over the successful respondent with respect to any action brought by the City relating to the performance of the respondent's obligation hereunder. Venue and jurisdiction of any suit, right or cause of action arising under or in connection with these specifications, shall lie exclusively in Swisher County, Texas.

REQUEST FOR NON-CONSIDERATION

Request for non-consideration or withdrawal of a response must be made in writing to the City Manager and received by the City prior to the time set for opening.

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PAYMENT TERMS & CONDITIONS

Payment will be made to successful respondent within 30 days of receipt of invoices by the City and within 30 days after final acceptance by the City. Interest on payments over 30 days past due shall accrue interest at the rate provided by law.

DEFAULT

In case of default by the successful responder, the City of Tulia may procure the services from other sources.

CONDITIONS FOR PROPOSAL SUBMITTAL

All responses to this RFP become the property of the City. The City will not return responses or other information supplied to the City.

All respondents shall comply with all conditions, requirements, and specifications contained herein. Any departure will constitute sufficient cause for rejection of the response.

Responses to this RFP are to be signed by an officer of the company authorized to bind the company in a contract submitted and to its provisions submitted in the RFP. **Failure to manually sign the response will disqualify the respondent.** Responses are to contain a statement indicating the period during which the response will remain valid. A period of not less than ninety (90) days is required.

FAMILIARITY WITH SCOPE OF WORK

This RFP is based on the Scope of Work and information included herein. Prior to submission of any proposal, each respondent should be thoroughly familiar with the scope, information, and general terms and conditions in this package. The failure or omission of any respondent to examine any form, instrument, or document shall in no way relieve any respondent from any obligation with respect to his/her response. No allowance will be made because of lack of knowledge regarding this document. It is the responsibility of each respondent to ascertain the completeness of the information contained herein and thoroughly address those concerns in their response to this RFP.

SPECIFIC PERFORMANCE

This RFP will require specific performance of all criteria as stated in your response. All specifications are as written unless you specifically take exception to them in your RFP response, and any exception accepted by the City will be strictly adhered to. Respondents

INSURANCE REQUIREMENTS

Insurance specification attached please read carefully! (Attachment G)

The successful bidder will not receive approval to proceed until an insurance certificate is on file at City Hall and that it is verified of being in compliance with City Code.

Upon receiving the notice of award letter, the contractor must make a good faith effort to provide the insurance required for issuance of the purchase order within 10 calendar days

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of notice.

If there is failure to demonstrate this good faith effort, then the contractor will be considered to have abandoned his bid. The bid will then be considered as non-responsive and will be promptly rewarded to the next low bidder.

The contractor shall carry insurance in the types and amounts indicated in the bid for the duration of the contract. The insurance shall be evidenced by delivery to the purchasing department of the owner of certificates of insurance executed by the insurer or its authorized agent stating coverage's, limits, expiration dates and compliance with all applicable required provisions. Upon request, the owner, and/or its agents, shall be entitled to receive without expense, copies of the policies and all endorsements. The contractor shall insure continuous and uninterrupted insurance coverage and shall provide evidence of any renewals and updates all prior to submission for payment in the month of expiration. Failure to update policies shall be a material breach of the contract. In the event contractor permits its coverage to lapse, contractor's work shall immediately be suspended and owner shall be entitled to withhold all payments to contractor until contractor provides evidence of coverage.

DISADVANTAGED BUSINESS ENTERPRISES

Disadvantaged Business Enterprises (DBE's & ACDBE's) are encouraged to respond to this solicitation. DBE participation is encouraged, and the goal is to provide a good faith effort regarding DBE participation.

GENERAL

The City of Tulia is seeking proposals from qualified firms to develop an inventory of all service lines including both city owned and customer side, new testing and treatment protocol, service line replacement plans, as well as public outreach and notification plans,

PROPOSAL ELEMENTS AND FORMAT

The City requires comprehensive responses to every section within this RFP. To facilitate the review of the responses, Respondents shall follow the described proposal format. The intent of the proposal format requirements is to expedite review and evaluation. It is not the intent to constrain Respondents with regard to content, but to assure that the specific requirements set forth in this RFP are addressed in a uniform manner amenable to review and evaluation. A proposal that does not provide all the information requested below may be deemed unresponsive. Your response must concisely contain sufficient information to assure the City of its accuracy and any additional information necessary to summarize the overall benefit of the response to the City of Tulia. **Proposals shall include the following information in the order listed:**

COVER LETTER

The cover letter must not be more than one (1) page long and must be signed and dated by a person authorized to legally bind the Respondent to a contractual relationship. The CITY reserves the right to reject a proposal that contains an unsigned cover letter. Along

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with introductory remarks, the cover letter is to include the following information about the Respondent: Firm name, contact name, address of principal place of business, telephone number, fax number, email address of individual with whom contract would be written, and web site address, if applicable.

Identify the management team proposed to provide services related to this RFP and provide resumes (not to exceed two pages for each person) which include information on the individual's particular skills related to this proposal, education, experience, significant accomplishments, and any other pertinent information. The Respondent shall commit that the staff identified in its proposal response will actually perform the assigned work. Any staff substitution must have the prior approval of the City. Provide an organizational chart of the personnel involved in performance of the Scope of Services outlined in the RFP indicating lines of authority.

A statement to the effect that the firm is willing to perform all services identified in the proposal and will abide by the terms of the RFP, including all attachments and addendums if any.

A statement indicating the period during which the response will remain valid. A period of not less than ninety (90) days is required.

Include any additional information the company would like to submit in support of their response to this proposal.

MANAGEMENT CAPABILITY

Respondent shall have a minimum of three (3) years' successful experience. The CITY reserves the right to disqualify any Respondent who, during the past five (5) years, has had an agreement or contract canceled by a public agency for causes including either failure to perform or illegal activity. Respondent's integrity, reputation, experience, and financial responsibility shall be important factors in awarding of any Agreement under this specification and the CITY reserves the right to be the sole judge of this determination.

Include at least three (3) references with current contact information to include name of contact, phone number and email address. By providing these references, you are granting permission for CITY to contact these individuals to ask questions about their previous experience with your firm.

EXCEPTIONS - Respondents must submit written requests for exceptions to any specifications/conditions with their response.

EVALUATION OF PROPOSALS

After the responses are opened on the established date and time, they will be reviewed for responsiveness. In order for a response to be considered responsive, it must conform to all the substantial material terms and conditions required in the RFP. A response that

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does not conform to all the substantial material terms and conditions in the RFP will be declared non-responsive and will not be further evaluated.

The responses will undergo an evaluation process conducted by a committee of 5 selected individuals using the Evaluation Criteria listed below. The company selected for the award will be chosen on the basis of the best evaluated response to the City based on the following evaluation criteria and scoring matrix:

EVALUATION CRITERIA

Demonstrated Staff Availability and Fulfillment of Contract Timelines	30 Pts
Cost Proposal	25 Pts
Demonstrated Understanding of Project Goals and Ability to Meet Scope as Outlined	20 Pts
Firm Profile and Qualifications	15 Pts
Past Relationship with the City of Tulia	5 Pts
References	5 Pts
Maximum Possible Score	100 Pts

After the initial evaluation, a pre-selection short list of the best qualified respondent(s) may be chosen and asked to respond to additional questions from the evaluation committee. After receiving the responses, the evaluation committee would use the same evaluation criteria listed above to re-score the complete response from each respondent on the pre-selection short list to determine the best evaluated response. The selection committee may also choose not to utilize this option.

INTERVIEWS:

The City reserves the right to determine whether interviews will be necessary. All respondents reasonably susceptible of being selected based on criteria set forth in this RFP may be given an opportunity to make a presentation and/or interview with the Evaluation Committee. The purpose of the interview is to further document the respondent's ability to provide the required services, and to impart to the committee an understanding of how specific services will be furnished. The interview will be evaluated using the same evaluation criteria listed above on the basis of whether the interview/presentation substantiates the characteristics and attributes claimed by the respondent in its written response to this RFP and any other information requested by the committee prior to the interview. However, the City, may in its sole discretion, award a contract without interviews, based solely on information supplied in the proposal responses.

BEST AND FINAL OFFER/REQUEST FOR CLARIFICATION:

A Best-and-Final-Offer process may be initiated if it is determined to be in the best interest of the City. Such process may be initiated following the publishing of the Vendor Short List or at any other evaluation process step.

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NEGOTIATIONS:

Respondents will be ranked in order of preference based on the outcome of the scoring. Contract negotiations may be conducted with the top ranked respondent. Should negotiations with the highest ranked respondent fail to yield a contract, or if the respondent is unable to execute said contract, negotiations will be formally ended and then commence with the second highest ranked respondent, etc.

CONTRACT FORM

Please submit a sample contract that your company uses for this service. We will work with the awarded respondent to negotiate a contract that is acceptable to both parties if there is a conflict with the contract and the proposal, the proposal will be used. All other documents including the original Request for Proposal package together with all proposal addendums and clarifications and the successful respondents' bid documents will be included by reference.

CONTRACT TERM

It is the intention of the City of Tulia to work with a respondent to assist with EPA requirements under the terms of the successful proposal. The contract shall become effective from the date of acceptance and approval by the City of Tulia. It will remain in full force and effect for the duration of the project. Any requests for Contract Amendments must be submitted by the contractor, in writing, to the City of Tulia City Manager. The request must include a statement of the financial impact of the change. The request will be reviewed by the City Manager and the Public Works Director. If approved, the City Manager, will issue a written approval of the requested amendment, before any change can be made. This includes request for all price changes.

SCOPE OF WORK

The City intends to obtain the services of a qualified respondent to provide and deliver EPA compliance for the City of Tulia that complies with the **City's general terms and conditions of the Agreement**. Each vendor bears the responsibility of understanding the requirements of the specification and providing compliant material. All questions regarding the specification shall be resolved prior to submission of a proposal. Each proposer is required before submitting their proposal to be thoroughly familiar with all of the specifications and the general terms and conditions in this package. No allowance will be made because of lack of knowledge of this document. It is the responsibility of each proposer to ascertain if any part of the specification has unsafe or poorly designated criteria contained in it and thoroughly explain those areas in their proposal.

ASSIGNMENT OF PROPOSAL / CONTRACT

Once the Contract is awarded to the successful Respondent, the Respondent cannot assign or subcontract the work or any part thereof, without the previous written consent of the City. Such consent shall not relieve the assignor of liability in event of default by their assignee.

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CONTRACT DOCUMENT REQUIREMENTS

After the proposal has been awarded by the governing body, the City Manager will send the awarded respondent a Notice of Award which will include a contract and a listing of other documentation required prior to fully executing the contract. Upon receipt of this notice, the vendor will have ten (10) calendar days to provide the City Manager with all of the insurance, signed contracts and any other documentation that is required by the terms and conditions of the proposal. **The Contracts must be signed by the City, insurance, and all other conditions required by the terms and conditions of the proposal must also be met before any work may begin.** If there is failure to demonstrate good faith effort in providing the necessary documentation, then the respondent will be considered to have abandoned his proposal. The proposal will then be considered as non-responsive and may be promptly re-awarded to the next best evaluated proposal.

CITY OF TULIA'S PRIMARY CONTACT

Once a purchase agreement is in place, the City of Tulia's primary contact shall be BJ Potts, 806-995-3547

DEBARMENT CERTIFICATION

Respondent will be required to certify that neither it nor its principals are currently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in the Contract resulting from these specifications by any federal department or agency. A 'No Award to Debarred or Suspended Vendor's Assurance' form is attached (see Attachment C).

INDEBTEDNESS TO THE CITY OF TULIA

The City of Tulia will not award a proposal to vendors who are delinquent in any indebtedness to this City.

CONFLICT OF INTEREST

Per the terms of Chapter 176 of the Local Government Code, should any vendor be awarded all or any part of the goods or services on which this Proposal solicits a return, then it is the vendor's sole responsibility to provide the City, with an updated Conflict of Interest Questionnaire, Form CIQ. The vendor must file the updated form within 7 days after learning that a prior filing (if any) is no longer accurate. This form and the names of the City Council Members, Mayor, City Manager is available on the City's website located at www.tuliatexas.org

TEXAS ETHICS COMMISSION HOUSE BILL 1295

Effective January 1, 2016 The Texas Legislature adopted House Bill 1295, which added Section 2252.908 of the Government Code. The law states that a governmental entity or state agency may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency. The Texas Ethics Commission has adopted rules requiring the business entity to file form 1295 electronically with the Commission. Before

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the City of Tulia will enter into a binding agreement with a business that said business must submit and the said business must go to www.ethics.state.tx.us to file the reports electronically. Once the said business has filed the report electronically the said business will print a copy of the form and submit it back to the City with the signed copy of the contracts. Once the City has received the copy of the submitted form and acknowledged the form on the Texas Ethics Commission website the City will execute the Contract.

ETHICS-ENERGY BOYCOTT

Texas Government Code, Chapter 809, prohibits a governmental entity from entering into a contract for goods and services with a company that has 10 or more employees, and the contract is of \$100,000 value or greater. Vendor certifies that it (1) does not boycott energy companies; and (2) will not boycott energy companies during the term of the contract. (Attachment E)

ETHICS- FIREARMS DISCRIMINATION

Texas Government Code, Chapter 2274, prohibits a governmental entity from entering into a contract for goods and services with a company that has 10 or more employees, and the contract is of \$100,00 value or greater. Vendor certifies that it: (1) does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and (2) will not discriminate during the term of the contract against a firearm entity or firearm trade association. (Attachment F)

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SCOPE OF WORK

Due to recent revisions of the U.S. EPA Lead and Copper Rule (LCR), cities must begin to protect the public from harmful effects of lead and copper materials that may precipitate out of aged service lines and water mains. The new rule is called the Lead and Copper Rule Revisions (LCRI). Revisions to the rule require all water utilities to develop an inventory of all service lines including both city owned and customer side, new testing and treatment protocol, service line replacement plans, as well as public outreach and notification plans. The deadline for submission of a comprehensive plan for compliance is due to EPA October 16, 2024.

Utilize and train key City personnel from the departments of:

- Public Works / Water Utilities
- Code Enforcement / Permitting

Evaluate City's current practices for compliance with current LCR and how it impacts the LCRI revisions and develop the City's working expertise to continue program after completion of project.

Key Services to Provide:

1. Develop preliminary service line inventory (SLI) through the review of records maintained by City and County offices in a Microsoft Excel or equivalent format with expected delivery timelines of no more than 4-months from Notice to Proceed due to strict deadline requirements.
2. Provide graphic representations of locations that have lead vulnerability that can be easily transferable into online mapping systems meeting requirements of public outreach and notification with expected delivery timelines of no more than 4-months from Notice to Proceed due to strict deadline requirements.
3. Assess current resources and practices of public outreach on communication. Advise City personnel of effective means of public outreach and program compliance with expected delivery timelines of no more than 4-months from Notice to Proceed due to strict deadline requirements.
4. Assess current corrosion control program and identify methods to minimize water quality conditions which cause precipitation of lead and copper into source waters within 5-months from Notice to Proceed.
5. Assess current monitoring plans as required by current LCR in relation to LCRI revisions. Utilize current information to evaluate modifications to sampling plan while identifying areas of potentially greater risk for lead in drinking water. Target completion of technical direction within 4-months from Notice to Proceed.
6. Prepare a Gap Analysis Report that identifies the specific work elements and actions that are required for LCRI compliance, as well as recommended actions to strengthen the City's lead control program. With a key outcome to establish the actions that the City will move forward with for LCRI compliance. Target completion of technical direction within 5-months from Notice to Proceed.

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7. Prepare and present specific aspects of the LCRI Compliance Project to the City Council, as requested by the City.
8. Upon completion of (SLI) and within an 18-month timeline:
 - a. Provide a determination and cost analysis of potential Utility work required in conjunction with the findings of the LCRI.
 - i. Provide recommendations to sub-contractors that may be needed for any excavation of service lines sites for inventory.
 - ii. Provide “best practices” technique for physical line inventory by the Utility. If (30-60) physical line inventories performed would eliminate 15-30% of the unknown list, how would the evaluation be tackled and what areas need to be used.
 - b. Prepare a service line unique identifier (UID) system for the final service lines inventory.
 - c. Assign a priority level for field investigations of services to residences, schools, and childcare facilities that have unknown / missing information and are in areas of the distribution system that likely more vulnerable to lead exposure.
 - d. Prepare a plan for field investigations to identify/verify service lines material based on their priority level. The field investigations plan will include a GIS map showing locations of services to be investigated and their priority level.
 - e. Utilize predictive analytic methods, if approved by TCEQ, to help complete the service lines inventory.
 - f. Complete the SLI based on the findings from the field investigations and results from the initial predictive analytics assessment.
9. Prepare a Service Lines Replacement Plan. Replacement of service lines must be prioritized based on the findings from the field investigations, predictive analytics, and the final service line inventory within 18-months of Notice to Proceed.
 - a. Assist the City with establishing criteria and protocols for replacing older service lines that are encountered and exposed as part of utilities routine maintenance work and renewal & replacement construction (“find-and-fix”).
 - b. Estimate of number of service lines replacements that can be self-performed by the City over a designated time period.
 - c. Assist in inputs to and review of the draft Service Lines Replacement Plan.
 - d. Assist in decision for engaging a contractor to help complete the Service Lines Replacement Plan.
10. Work with the City to develop recommended protocols that schools and childcare facilities can utilize to reduce the potential for lead exposure within 12-months of Notice to Proceed.

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11. Prepare the updated Lead Monitoring Plan that complies with the intent of the LCRI for review and approval by TCEQ within 18-months of Notice to Proceed.
12. Assist the City in development of the LCRI Public Outreach and Risk Communications Plan within 6-months of Notice to Proceed, ensuring accurate points of contact for appropriate city departments that meets all specifications stated in the LCRI rules. City staff will provide all media and spokesperson responsibilities.

Applicable laws shall apply.

The contract awarded shall be governed in all respect by the laws of the State of Texas and any litigation with respect thereto shall be brought in the courts of Swisher County in the State of Texas. The company awarded the contract shall comply with applicable federal, state, and local laws and regulations.

Attachment A

RESPONDENT'S INFORMATION AND SIGNATURE

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The undersigned affirms that they are duly authorized to execute this contract, that this RFP has not been prepared in collusion with any other firm, and that the contents of this RFP have not been communicated to any other firm prior to the official opening of this RFP. Additionally, the undersigned affirms that the respondent is willing to sign the negotiated contract.

Date: _____

Company Name: _____

Name of Contact: _____ Title: _____

Phone No.: _____ Fax No.: _____

Email: _____

Mailing Address: _____
P.O. Box or Street, City, State and Zip

Remit Address (if different than above): _____
P.O. Box or Street, City, State and Zip

This RFP is valid through ____/____/____ (a period of not less than 90 days is required)

Federal Tax ID No.: _____

SIGNED BY: _____

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Attachment B

REFERENCES

Provide references for similarly successful projects from three governmental agencies (or regional districts), including the name of the agency, address, contact name, telephone number and a brief description of services provided:

1. _____
COMPANY NAME
- _____
- | | | | |
|----------------|------|-------|-----|
| STREET ADDRESS | CITY | STATE | ZIP |
|----------------|------|-------|-----|
- _____
- | | |
|----------------|------------------|
| CONTACT PERSON | TELEPHONE NUMBER |
|----------------|------------------|
- _____
- SERVICES PROVIDED
2. _____
COMPANY NAME
- _____
- | | | | |
|----------------|------|-------|-----|
| STREET ADDRESS | CITY | STATE | ZIP |
|----------------|------|-------|-----|
- _____
- | | |
|----------------|------------------|
| CONTACT PERSON | TELEPHONE NUMBER |
|----------------|------------------|
- _____
- SERVICES PROVIDED
3. _____
COMPANY NAME
- _____
- | | | | |
|----------------|------|-------|-----|
| STREET ADDRESS | CITY | STATE | ZIP |
|----------------|------|-------|-----|
- _____
- | | |
|----------------|------------------|
| CONTACT PERSON | TELEPHONE NUMBER |
|----------------|------------------|
- _____
- SERVICES PROVIDED

**REQUEST FOR PROPOSAL
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Attachment C

NO AWARD TO DEBARRED OR SUSPENDED VENDORS ASSURANCE

NOTE: The City will not award a contract to any contracting entity or any officer, principal or member of an entity making a bid or proposal that:

1. Is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal, State or Local Government entity may be considered ineligible to be awarded a contract by the City of Tulia.

2. Within the three-year period preceding any bid or proposal convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or Local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.

3. Is presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph two.

4. Within the five-year period preceding a bid or proposal to the City had any public transactions, or contracts (Federal, State, or Local) terminated for cause or default.

5. Within the five-year period preceding a bid or proposal to the City had in the course of any public transactions (Federal, State, or Local) forfeited, payment or a performance bond on any contracted job.

6. Is involved in any kind of litigation against the City without the express written permission of the City.

7. Refuses or fails to comply with City Policies and Procedures by starting any work without proper authorization from City in writing and in hand prior to the commencement of the job or project.

8. Knowingly or unknowingly assists or facilitates any employee of the City in avoiding or circumventing any City Policy or Procedure.

9. During the course of any job or contract, any of the above-described events occur and the contractor may thereby become ineligible for public transactions with any Federal, State or Local agency, then the City may take any steps it considers necessary to insure the timely and successful completion of the pending contract. This may include anything from additional monitoring and reporting requirements up to suspension and removal of a contractor or subcontractor from a jobsite.

INSTRUCTIONS: (A) This document must be signed by a person authorized to legally bind the entity making a bid or proposal. By signing this form the bidder acknowledges that it has read this entire document and certifies that none of the above exclusions apply to the entity or its principals, officers, or members. Failure to return this executed document with submitted bid documents may cause the bid to be deemed as unresponsive. **(B)** The City reserves the right to waive or modify as to a particular party, bid, or proposal due to either (i) mitigating circumstances surrounding any type of event or condition described above or (ii) a paramount need of the City as determined by the City for business reasons. **(C) The Federal Excluded Parties List must be verified by the City and the recommended vendor must be declared eligible prior to any award.**

Signed _____ Title _____

Company _____ Date _____

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Attachment D

VENDOR'S CERTIFICATION FOR THE FOLLOWING:

(1) ANTI-ISRAEL BOYCOTT AND ANTI-TERRORISM STATUS

This form is required only when the vendor has met all three conditions: (i) the vendor is not a sole proprietorship; (ii) the vendor has more than 10 employees; and (iii) the contract is for \$100,000 or more paid from public funds.

Texas Government Code, Chapters 2270 and 2252 (Subch. F), prohibit a political subdivision (such as a municipality) from entering a contract for goods, services, or general construction, unless the contract contains a written certification as follows: Vendor/Contractor certifies that it: (1) does not boycott Israel; (2) will not boycott Israel during the term of the contract; and (3) does not engage in business with Iran, Sudan, or a foreign terrorist organization on the list maintained by the Texas State Comptroller (unless such person or company is excluded from applicable federal sanctions). In order to be a responsive bidder, the vendor (or a representative of the vendor that is legally able to bind the company) must sign, date, and return to the City of Tulia, to certify the forgoing matters as required by the above statutes, and by reference this becomes part of any contract that may be awarded to vendor.

Vendor/Company: _____

By: _____

Title: _____

Date: _____

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Attachment E

(2) ENERGY BOYCOTT

This form is required only when the vendor has met the following two conditions: (i) the vendor has more than 10 employees; and (ii) the contract is for \$100,000 or more paid from public funds.

Texas Government Code, Chapter 809, prohibits a governmental entity from entering into a contract for goods and services unless the contract contains a written certification as follows:

Vendor certifies that it: (1) does not boycott energy companies; and (2) will not boycott energy companies during the term of the contract.

In order to be a responsive bidder, the vendor (or a representative of the vendor that is legally able to bind the company) must sign, date, and return to the City of Tulia, to certify the forgoing matters as required by the above statutes, and by reference this becomes part of any contract that may be awarded to vendor.

Vendor/Company: _____

By: _____

Title: _____

Date: _____

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Attachment F

(3) FIREARMS DISCRIMINATION

This form is required only when the vendor has met the following two conditions: (i) the vendor has more than 10 employees; and (ii) the contract is for \$100,000 or more paid from public funds.

Texas Government Code, Chapter 2274, prohibits a governmental entity from entering into a contract for goods and services unless the contract contains a written certification as follows:

Vendor certifies that it: (1) does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and (2) will not discriminate during the term of the contract against a firearm entity or firearm trade association.

In order to be a responsive bidder, the vendor (or a representative of the vendor that is legally able to bind the company) must sign, date, and return to the City of Tulia, to certify the forgoing matters as required by the above statutes, and by reference this becomes part of any contract that may be awarded to vendor.

Vendor/Company: _____

By: _____

Title: _____

Date: _____

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Attachment G

**CERTIFICATE OF INSURANCE REQUIREMENTS
CITY OF TULIA, TEXAS**

Without limiting any of the other obligations or liabilities of the contractor, the contractor shall provide minimum insurance coverage as listed below, prior to the execution of the contract and maintain coverage, without interruption provided by an insurer of a Best Rating of B+ or better, until the work is completed and accepted by the City. A certification of insurance will be placed on file with the Contracting Department of the City of Tulia, prior to the execution of the contract.

TYPE OF COVERAGE	MINIMUM LIMITS
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WORKER'S COMPENSATION - Coverage A	Statutory
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NOTES:

Worker's Compensation Insurance shall include a Waiver of Subrogation in favor of the City of Tulia

EMPLOYERS LIABILITY - Coverage B	
Bodily Injury by Accident - each accident	\$100,000
Bodily Injury by Disease - policy limit	\$500,000
Bodily Injury by Disease - each employee	\$100,000

COMMERCIAL GENERAL LIABILITY:

Coverage A - Each Occurrence	\$500,000
Coverage B - Personal & Advertising Injury	\$500,000
General Aggregate Other Than Products/Completed Operations	\$500,000
Products/Completed Operations Aggregate	\$500,000

NOTE:

- 1) Coverage for explosion, collapse, and underground property hazards cannot be excluded.
- 2) Contractual liability coverage cannot be excluded.
- 3) Contractor will assume all liability for independent subcontractors.
- 4) Coverage must include the CITY of Tulia as an Additional Insured for all work performed for or on behalf of the CITY.

AUTOMOBILE LIABILITY:

Bodily Injury Liability - Each Person	\$250,000
Bodily Injury Liability - Each Occurrence	\$500,000
Property Damage Liability - Each Occurrence	\$100,000

NOTE:

- 1) Coverage must include all owned, hired, and non-owned vehicles.
- 2) Coverage must include the City of Tulia as an Additional Insured for all work performed for or on behalf of the City.

OWNER-CONTRACTOR PROTECTIVE POLICY FOR WATER, SEWER, STORMSEWER OR PROJECTS WITH OVERHEAD CONSTRUCTION

Each Occurrence	\$500,000
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In the event of any material change, non-renewal, or cancellation of any policy, contractor's insurance company will give thirty (30) days actual prior written notice to the Contracting Department of the City of Tulia for such changes or cancellation.

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Attachment A: Respondent's Information and Signature

Attachment B: References

Attachment C: No Award To Debarred Or Suspended Vendors Assurance

Attachment D: Anti-Israel Boycott And Anti-Terrorism Status

Attachment E: Energy Boycott Form

Attachment F: Firearms Discrimination Form

Attachment G: Insurance Requirements