



JEFFERSON COUNTY DRAINAGE DISTRICT NO. 6

Karen J. Stewart, MBA

6550 Walden Rd., Beaumont, Texas 77707 Phone: 409-842-1818 Fax: 409-842-2729

LEGAL NOTICE Advertisement for Request for Proposal

November 4, 2021

Notice is hereby given that sealed proposals will be accepted by Jefferson County Drainage District No. 6 Purchasing Department for RFP 21-035/KJS, Aerial Services for Herbicide Application in Jefferson County Drainage District No. 6. Specifications for this project may be obtained from the Jefferson County Drainage District No. 6 website, <https://dd6.org/departments/purchasing/notices-for-bid/>, or by calling 409-842-1818.

Proposals are to be sealed and addressed to the Purchasing Agent with the proposal number and name marked on the outside of the envelope or box. Proposers shall forward an original and three (3) hard copies of their proposal to the address shown below. Late proposals will be rejected as non-responsive. Proposals will be publicly opened and only the firm name will be read aloud in the District Boardroom at the time and date below. Proposals shall be opened in a manner that avoids disclosure of the contents to competing Proposers and maintains the confidentiality of the proposals during negotiations. Proposals will be open for public inspection after the award of the contract, except for trade secrets and confidential information. Proposers are invited to attend the sealed proposal opening.

PROPOSAL NAME: Aerial Services for Herbicide Application

PROPOSAL NO: RFP 21-035/KJS

DUE DATE/TIME: 2:00pm CT, December 2, 2021

MAIL OR DELIVER TO: Jefferson County Drainage District No. 6
6550 Walden Road
Beaumont, Texas 77707

Any questions relating to these requirements should be directed to Karen J. Stewart, MBA at 409-842-1818 or kstewart@dd6.org

The District encourages Disadvantaged Business Enterprises to participate in the proposal submission process. Jefferson County Drainage District No. 6 does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provisions of services. Individuals requiring special accommodations are requested to contact our office at 409-842-1818 to make arrangements no later than seven (7) calendar days prior to the submittal deadline. The District reserves the right to accept or reject any or all proposals, to waive technicalities and to take whatever action is in the best interest of Jefferson County Drainage District No. 6.

All interested firms are invited to submit a proposal in accordance with the terms and conditions stated in this proposal.

RESPONDENTS ARE STRONGLY ENCOURAGED TO CAREFULLY READ THE ENTIRE INVITATION.

Karen J. Stewart

Jefferson County Drainage District No. 6, Texas

Publish: The Examiner: November 4th and 11th, 2021

Proposal Submittal Checklist

The Proposer's attention is especially called to the items listed below, which must be submitted in full as part of the proposal.

Failure to submit any of the documents listed below as a part of your proposal, or failure to acknowledge any addendum in writing with your proposal, or submitting a proposal on any condition, limitation, or provision not officially invited in this Request for Proposal (RFP) may cause for rejection of the proposal.

Proposer shall check each box indicating compliance.

THIS CHECKLIST MUST BE SUBMITTED AS PART OF YOUR PACKAGE

- ☐ Cover sheet identifying the contract/project being proposed, the name and address of the Proposer, the date of the proposal, and the email address, telephone, and facsimile numbers of Proposer.
- ☒ An acknowledgment and/or response to each section of the proposal.
- ☒ Form of business (e.g., corporation, sole proprietorship, partnership); if corporation the date and state of incorporation.
- ☒ Identification of three (3) references in which the Proposer has done similar business with, to include the name, position, and telephone number of a contact person at each entity.
- ☒ Identification of all legal claims, demands, contracts terminated or lawsuits filed, threatened, or pending against the Proposer and/or its principal/officers for the last three (3) years, as well as identification of any administrative actions or warnings taken or issued by any federal, state, or local governmental agency to Proposer and/or its principals/officers with regard to the provision of the same or similar service as covered by this RFP, or the payment of moneys under the terms of any agreement(s) relating to such services.
- ☒ One (1) *original* proposal to include a completed copy of this specifications packet in its entirety; **and** three (3) numbered proposal *hard copies* to include a completed copy of this specifications packet in its entirety.

Each Proposer shall ensure that required parts of the response are completed with accuracy and submitted as per the requirements within this specifications packet, including any addenda.

PLEASE READ THE "PROPOSAL SUBMITTAL CHECKLIST" INCLUDED IN THIS PACKAGE.

_____ Company	_____ Telephone Number
_____ Address	_____ Fax Number
_____ Authorized Representative (Please print)	_____ Title
_____ Authorized Signature	_____ Date

Proposer Must Complete and Return This Page With Offer.

1. Introduction to Proposers

This Request for Proposal (RFP) is to receive aerial services for herbicide application proposals from qualified firms or individuals for the application of aerial herbicides sprayed over ditch right of ways or easement one to two times per year on an average of 1,500 acres within the boundaries of Jefferson County Drainage District No. 6.

The following items are provided as general information and specifications as required by the Jefferson County Drainage District No. 6 Purchasing Department.

1.1 Vendor Instructions

Read the document carefully. Follow all instructions. You are responsible for fulfilling all requirements and specifications. Be sure you have a clear understanding of the proposal.

General Requirements apply to all advertised requests for proposals; however, these may be superseded, in whole or in part, by the Scope of Services, Guidelines and Specifications, Requested Responses and Information, or other data contained herein. Be sure your proposal package is complete.

1.2 Governing Law

Proposer is advised that these requirements shall be fully governed by the laws of the State of Texas and that the District may request and rely on advice, decisions, and opinions of the Attorney General of Texas and the District's Attorney concerning any portion of these requirements.

1.3 Ambiguity, Conflict, or other errors in the RFP

If Proposer discovers any ambiguity, conflict, discrepancy, omission or other error in the RFP, Proposer shall immediately notify the District of such error in writing and request modification or clarification of the document. Modifications will be made by issuing Addenda. Written notice will be given to all parties who have been furnished with the RFP without divulging the source of the request for the same. If the Proposer fails to notify the District prior to the date and time fixed for submission of proposals of an error or ambiguity in the RFP known to Proposer, or an error or ambiguity that reasonably should have been known to Proposer, then Proposer shall not be entitled to compensation or additional time by reason of the error or ambiguity or its later resolution.

The District may also modify the RFP, no later than 48 hours prior to the date and time fixed for submission of proposals, by issuance of an Addendum to all parties who have received the RFP. All addenda will be numbered consecutively, beginning with 1.

1.4 Proposal Preparation Cost

Cost for developing proposals is entirely the responsibility of Proposers and shall not be charged to Jefferson County Drainage District No. 6.

1.5 Signature of Proposal

A transmittal letter, which shall be considered an integral part of the proposal, shall be signed by an individual who is authorized to bind the Proposer contractually. If the Proposer is a corporation, the legal name of the corporation shall be provided together with the signature of the officer or officers authorized to sign on behalf of the corporation.

If the Proposer is a partnership, the true name of the firm shall be provided with the signature of the partner or partners authorized to sign.

If the Proposer is an individual, that individual shall sign. If signature is by an agent, other than an officer of a corporation or a member of a partnership, a power of attorney or equivalent document must be submitted to the Jefferson County Drainage District No. 6 Purchasing Department prior to the submission of the proposal or with the proposal.

1.6 Economy of Presentation

Proposals shall not contain promotional or display materials, except as they may directly answer in whole or in part questions contained in the RFP. Such exhibits shall be clearly marked with the applicable reference number of the question in the RFP. Proposals must address the technical requirements as specified in the RFP. All questions posed by the RFP must be answered concisely and clearly. Proposals that do not address each criterion may be rejected and not considered.

1.7 Proposal Obligation

The contents of the proposal and any clarification thereof submitted by the selected Proposer shall become part of the contractual obligation and incorporated by reference into the ensuing contract.

1.8 Incorporation by Reference and Precedence

This Agreement is derived from (1) the RFP, written clarifications to the RFP (2) the Awarded Proposer's Best and Final Offer if requested, and (3) the Awarded Proposer's response to the RFP.

In the event of a dispute under this Agreement, applicable documents will be referred to for the purpose of clarification or for additional detail in the following order of precedence: (1) Amendments to the Agreement in reverse chronological order; (2) the Agreement, including the Scope of Work; (3) the Awarded Proposer's Best and Final Offer if required (4) the RFP, including attachments thereto and written responses to questions and written clarifications; and (5) the Awarded Proposers response to the RFP.

1.9 Governing Forms

In the event of any conflict between the terms and provisions of these requirements and the specifications, the specifications shall govern. In the event of any conflict of interpretation of any part of this overall document, Jefferson County Drainage District No. 6's interpretation shall govern.

1.10 Implied Requirements

Products and services not specifically mentioned in the RFP, but which are necessary to provide the functional capabilities described by the Proposer, shall be included in the proposal.

1.11 Compliance with RFP Specifications

It is intended that this RFP describe the requirements and the response format in sufficient detail to secure comparable proposals. Failure to comply with all provisions of the RFP may result in disqualification.

1.12 Vendor Registration: SAM (System for Award Management)

Vendors doing business with Jefferson County Drainage District No. 6 are required to be registered with The System for Award Management (SAM), with an “active” status.

The System for Award Management (SAM) is the Official U.S. Government system that consolidated the capabilities of CCR/FedReg, ORCA, and EPLS. There is NO fee to register for this site. Entities may register at no cost directly from the SAM website at: <https://www.sam.gov>

Vendors must Provide a printed copy of your current active SAM Status including your UIN (Unique Identification number).

1.13 Awarded Vendor(s): Submission of FORM 1295 (Texas Ethics Commission)

In accordance with House Bill 1295 (passed January 1, 2016), Vendors entering into contracts and professional agreements with Jefferson County Drainage District No. 6 will be required to complete a Certificate of Interested Parties (FORM 1295), unless contract is considered exempt as described below.

In 2017, the Texas legislature amended the law to require Form 1295 to include an “unsworn declaration” which includes, among other things, the date of birth and address of the authorized representative signing the form. The unsworn declaration, including the date of birth and address of the signatory, replaces the notary requirement that applied to contracts entered into before January 1, 2018. The TEC filing application does not capture the date of birth or street address of the signatory and it will not appear on forms that are filed using the TEC filing application.

Changes to the law requiring certain businesses to file a Form 1295 are in effect for contracts entered into or amended on or after January 1, 2018. The changes exempt businesses from filing a Form 1295 for certain types of contracts and replace the need for a completed Form 1295 to be notarized. Instead, the person filing a 1295 needs to complete an “unsworn declaration.”

FORM 1295 Exemptions: What type of contracts are exempt from the Form 1295 filing requirement under the amended law? The amended law adds to the list of types of contract exempt from the Form 1295 filing requirement. A completed Form 1295 is not required for:

- a sponsored research contract of an institution of higher education
- an inter-agency contract of a state agency or an institution of higher education
- a contract related to health and human services if: the value of the contract cannot be determined at the time the contract is executed; and o any qualified vendor is eligible for the contract
- a contract with a publicly traded business entity, including a wholly owned subsidiary of the business entity
- a contract with an electric utility, as that term is defined by Section 31.002, Utilities Code
- a contract with a gas utility, as that term is defined by Section 121.001, Utilities Code

Upon entering into a contract or professional agreement, the Jefferson County Drainage District No. 6 Purchasing Department will submit a request to the Vendor to both:

1. Submit a FORM 1295 online via the Texas Ethics Commission website link below.

Vendors must enter the required information on Form 1295, and print a copy of the completed form. The form will include a certification of filing that will contain a unique certification number.

2. Submit a FORM 1295 hard copy (completed & signed by an Authorized Agent of the Awarded Vendor), to the Jefferson County Drainage District No. 6 Purchasing Department.

FORM 1295, Completion Instructions, and Login Instructions are available via the Texas Ethics Commission Website at: https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm

1.14 Evaluation

Jefferson County Drainage District No. 6 reserves the right to use all pertinent information (also learned from sources other than disclosed in the RFP process) that might affect the District's judgment as to the appropriateness of an award to the best evaluated Proposer. This information may be appended to the proposal evaluation process results. Information on a service provider from reliable sources, and not within the service provider's proposal, may also be noted and made part of the evaluation file. Jefferson County Drainage District No. 6 shall have sole responsibility for determining a reliable source. Jefferson County Drainage District No. 6 reserves the right to conduct written and/or oral discussions/interviews after the proposal opening. The purpose of such discussions/interviews is to provide clarification and/or additional information to make an award in the best interest of Jefferson County Drainage District No. 6.

1.15 Withdrawal of Proposal

The Proposer may withdraw its proposal by submitting a written request over the signature of an authorized individual, as described in paragraph 1.6, to the Purchasing Department any time prior to the submission deadline. The Proposer may thereafter submit a new proposal prior to the deadline. Modification or withdrawal of the proposal in any manner, oral or written, will not be considered if submitted after the deadline.

1.16 Minority-Women Business Enterprise Participation

It is the desire of Jefferson County Drainage District No. 6 to increase the participation of Minority (MBE) and women owned (WBE) businesses 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.

1.17 Award

Jefferson County Drainage District No. 6 reserves the right to award this contract on the basis of the **Best Offer** in accordance with the laws of Texas, to waive any formality or irregularity, to make award to more than one Proposer, and/or to reject any or all proposals.

1.18 Ownership of Proposal

All proposals become the property of Jefferson County Drainage District No. 6 and will not be returned to Proposers.

1.19 Disqualification of Proposer

Upon signing this proposal document, a Awarded Proposer offering to sell supplies, materials, services, or equipment to Jefferson County Drainage District No. 6 certifies that the Proposer has not violated the antitrust laws of this state codified in Section 15.01, et seq, Business & Commerce Code, or the Federal Antitrust Laws, and has not communicated directly or indirectly the offer made to any competitor or any other person engaged in such line of business. Any or all proposals may be rejected if the District believes that collusion exists among the Proposers.

1.20 Contractual Development

The contents of the RFP and the selected proposal will become an integral part of the contract, but may be modified by provisions of the contract as negotiated. Therefore, the Proposer must be amenable to inclusion in a contract of any information provided (in writing) either in response to this RFP or subsequently during the selection process.

1.21 Assignment

The selected vendor may not assign, sell, or otherwise transfer this contract without written permission of the Jefferson County Drainage District No. 6 Board of Directors.

1.22 Contract Obligation

Jefferson County Drainage District No. 6 Board of Directors must award the contract, and the District President or other person authorized by Jefferson County Drainage District No. 6 Board of Directors must sign the contract before it becomes binding on Jefferson County Drainage District No. 6 or the Proposer. Department heads are not authorized to sign agreements for Jefferson County Drainage District No. 6. Binding agreements shall remain in effect until all products and/or services covered by this proposal have been satisfactorily delivered and accepted.

1.23 Termination

Jefferson County Drainage District No. 6 reserves the right to terminate the contract for default if the awarded vendor breached any of the terms therein, including warranties of Proposer, or if the Proposer becomes insolvent or commits acts of bankruptcy. Such right of termination is in addition to and not in lieu of any other remedies Jefferson County Drainage District No. 6 may have in law or equity. Default may be construed as, but not limited to, failure to deliver the proper goods and/or services within the proper amount of time, and/or to properly perform any and all other requirements to Jefferson County Drainage District No. 6's satisfaction, and/or to meet all other obligations and requirements. Contracts may be terminated without cause upon thirty (30) days' written notice to either party unless otherwise specified.

1.24 Inspections

Jefferson County Drainage District No. 6 reserves the right to inspect any item(s) or service location(s) for compliance with specifications and requirements and needs of the using department. If a proposal cannot furnish a sample of a proposed item, where applicable, for review, or fails to satisfactorily show an ability to perform, the District can reject the Proposer as inadequate.

1.25 Testing

Jefferson County Drainage District No. 6 reserves the right to test equipment, supplies, material and goods proposed for quality, compliance with specifications, and ability to meet the needs of the user. Demonstration units must be available for review. Should the goods or services fail to meet requirements and/or be unavailable for evaluation, the offer is subject to rejection.

1.26 Loss, Damage, or Claim

The Proposer shall totally indemnify Jefferson County Drainage District No. 6 against all claims by its employees, agents, or representatives or personal injury arising from any cause. In addition, the Proposer shall totally indemnify Jefferson County Drainage District No. 6 against all claims of loss or damage to the Proposer's and Jefferson County Drainage District No. 6's property, equipment, and/or supplies.

1.27 Taxes

The Awarded Proposer and its Sub-Awarded Proposers, agents and employees, as the case may be, will be responsible for the payment of all federal, state and local taxes, and deposits or contributions imposed or required by law.

1.28 Non-Discrimination

The successful Proposer will be required to comply with the Americans With Disabilities Act and with all provisions of federal, state, county and local (if any) laws and regulations to ensure that no employee or applicant for employment is discriminated against because of race, color, religion, sex, age, handicap or national origin.

1.29 Conflict of Interest

The agreement entered into pursuant to this RFP will contain the Awarded Proposer's warranty that, except for bona-fide employees or selling agents maintained by the Awarded Proposer for the purpose of securing business, no person or selling agency has been employed or retained to solicit this contract upon an agreement or understanding for commission, percentage or contingency.

Further, the Awarded Proposer will warrant that no kickbacks, gratuities, or contingency fees have been paid in connection with this RFP or contract and none has been promised contingent upon the award of contract. And, will still further warrant that to its knowledge and best belief, no one being paid under the agreement between the District and the Awarded Proposer, is engaged in any activities which would constitute a conflict of interest with respect to the purposes of said agreement.

1.30 Waiver of Subrogation

Proposer and Proposer's insurance carrier waive any and all rights whatsoever with regard to subrogation against Jefferson County Drainage District No. 6 as an indirect party to any suit arising out of personal or property damages resulting from the Proposer's performance under this agreement.

1.31 Acknowledgment of Insurance Requirements

By signing its proposal, Proposer acknowledges that it has read and understands the insurance requirements for this proposal. Proposer also understands that evidence of required insurance must be submitted within fifteen (15) working days following notification of acceptance of its offer; otherwise, Jefferson County Drainage District No. 6 may rescind its acceptance of the Proposer's proposal. The insurance requirements are part of this package.

1.32 Excess Coverage.

By requiring insurance herein, the state does not represent that coverage and limits will be adequate to protect Contractor, and such coverage and limits shall not limit Contractor's liability under the indemnities and reimbursements granted to the state in this contract.

1.33 Insurance

The Awarded Proposer (including any and all Sub-Awarded Proposers as defined in Section 1.34.1.3 below) shall, at all times during the term of this contract, maintain insurance coverages with not less than the type and requirements shown below. Such insurance is to be provided at the sole cost of the Awarded Proposer. These requirements do not establish limits of the Awarded Proposer's liability. Prior to commencement of work, Vendor shall furnish ACORD 25 (2010/05) certificates verifying coverage and limits outlined below. Such insurance shall be provided by carriers rated by AM Best & Company and deemed acceptable by the District.

Certificates shall document Waiver of Subrogation provisions in favor of the District on Commercial General Liability, Auto Liability, Umbrella Liability, and Workers Compensation policies. Certificates shall document Additional Insured provisions in favor of the District on Commercial General Liability, Auto Liability, and Umbrella Liability policies. Certificates shall document reasonable cancellation provisions to protect the interests of the District.

Companies furnishing Temporary Personnel shall amend their Workers Compensation policy to include Alternate Employer Endorsement (Texas -- WC 000301) naming Jefferson County Drainage District No. 6.

Coverage and Limits set forth above are minimum requirements and may be adjusted by the District to include higher limits and other coverage such as Professional Liability, Pollution Liability, USL&H, Jones Act, and Protection & Indemnity.

Minimum Insurance Requirements:

I. Commercial General Liability Limits:

Each Occurrence	\$1,000,000
Fire Damage to Rented Premises	\$ 100,000
Medical Expenses	\$ 5,000
Personal & Adv. Injury	\$1,000,000
General Aggregate	\$2,000,000
Products-Comp/Ops Aggregate	\$2,000,000

II. Auto Liability Limits:

Combined Single Limits for Owned, Hired & Non-Owned	\$1,000,000
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III. Umbrella Liability Limits:

Each Occurrence	\$1,000,000
Aggregate	\$1,000,000

IV Workers' Compensation Statutory Coverage (See Section 1.34 Below)

V Aircraft Liability insurance,

Each Occurrence (Bodily Injury)	\$1,000,000
Each Occurrence (Property Damage)	\$1,000,000

With a limit of not less than \$1,000,000 per occurrence for bodily injury and \$1,000,000 per occurrence for property damage including loss of damage arising out of the actual use of any pesticide, including chemical drift damage onto property other than the property to which the chemical is being applied. All aircraft used on the contract must be listed under the coverage certificate.

1.34 Workers' Compensation Insurance

- 1.34.1 Definitions:
 - 1.34.1.1 **Certificate of coverage ("Certificate")** – A copy of a certificate of insurance, a certificate of authority to self-insure issued by the commission, or a coverage agreement, DWC-81, DWC-82, DWC-83, or DWC-84 showing statutory workers' compensation insurance coverage for the person's or entity's employees providing services on a project, for the duration of the project.
 - 1.34.1.2 Duration of the project – Includes the time from the beginning of the work on the project until the Awarded Proposer's/person's work on the project has been completed and accepted by the governmental entity.
 - 1.34.1.3 Persons providing services on the project ("Sub-Awarded Proposer") in article 406.096 – Includes all persons or entities performing all or part of the services under the Awarded Proposer has undertaken to perform on the project, regardless of whether that person contracted directly with the Awarded Proposer and regardless of whether that person has employees. This includes, without limitation, independent Awarded Proposers, Sub-Awarded Proposer, leasing companies, motor carriers, owner-operators, employees of any such entity, or employees of any entity which furnishes persons to provide services on the project. "Services" includes, without limitation, providing, hauling or delivering equipment or materials, or providing labor, transportation, or other service related to a project. "Services" does not include activities unrelated to the project, such as food/beverage vendors, office supply deliveries, and delivery of portable toilets.
- 1.34.2 The Awarded Proposer shall provide coverage, based on proper reporting of classification code and payroll amounts and filing any coverage agreements, which meets the statutory requirements of Texas Labor Code, Section 401.011(44) for all employees of the Awarded Proposer providing services on the project, for the duration of the project.
- 1.34.3 The Awarded Proposer must provide a certificate of coverage to the governmental entity prior to being awarded the contract – refer to Section 1.34 above.
- 1.34.4 If the coverage period shown on the Awarded Proposer's current certificate of coverage ends during the duration of the project, the Awarded Proposer must, prior to the end of the coverage period, file a new certificate of coverage with the governmental entity showing that coverage has been extended.
- 1.34.5 The Awarded Proposer shall obtain from each person providing services on a project, and provide to the governmental entity:
 - 1.34.5.1 A certificate of coverage, prior to that person beginning work on the project, so the governmental entity will have on file certificates of coverage showing coverage for all persons providing services on the project; and
 - 1.34.5.2 No later than seven (7) days after receipt by the Awarded Proposer, a new certificate of coverage showing extension of coverage, if the coverage period shown on the current certificate ends during the duration of the project.
- 1.34.6 The Awarded Proposer shall retain all required certificates of coverage for the duration of the project and for one (1) year thereafter.
- 1.34.7 The Awarded Proposer shall notify the governmental entity in writing by certified mail or personal delivery, within ten (10) days after the Awarded Proposer knew or should have known, of any change that materially affects the provision of coverage of any person providing services on the project.

- 1.34.8 The Awarded Proposer shall post on each project site a notice, in the text, form and manner prescribed by the Texas Department of Workers' Compensation, informing all persons providing services on the project that they are required to be covered, and stating how a person may verify coverage and report lack of coverage.
- 1.34.9 The Awarded Proposer shall contractually require each person with whom it contracts to provide services on a project to:
- 1.34.9.1 Provide coverage, based on reporting of classification codes and payroll amounts and filing of any coverage agreements, which meets the statutory requirements of Texas Labor Code, Section 401.011(44) for all its employees providing services on the project, for the duration of the project.
 - 1.34.9.2 Provide to the Awarded Proposer, prior to that person beginning work on the project a certificate of coverage showing that coverage is being provided for all employees of the person providing services on the project, for the duration of the project.
 - 1.34.9.3 Provide the Awarded Proposer, prior to the end of coverage period, a new certificate of coverage showing extension of coverage, if the coverage period shown on the current certificate of coverage ends during the duration of the project.
 - 1.34.9.4 Obtain from each person with whom it contracts, and provide to the Awarded Proposer:
 - 1.34.9.4.1 A certificate of coverage, prior to the other person beginning work on the project; and
 - 1.34.9.4.2 the coverage period, if the coverage period shown on the current certificate of a new certificate of coverage showing extension of coverage, prior to the end of coverage ends during the duration of the project.
 - 1.34.9.5 Retain all required certificates of coverage on file for the duration of the project and for one (1) year thereafter.
 - 1.34.9.6 Notify the governmental entity in writing by certified mail or personal delivery, within ten (10) days after the person knew or should have known, of any change that materially affects the provision of coverage of any person providing services on the project; and
 - 1.34.9.7 Contractually require each person with whom it contracts to perform as required by paragraphs 1.34.1. – 1.34.7., with the certificates of coverage to be provided to the person for whom they are providing services.
- 1.34.10 By signing this contract or providing or causing to be provided a certificate of coverage, the Awarded Proposer is representing to the governmental entity that all employees of the Awarded Proposer who will provide services of the project will be covered by workers' compensation coverage for the duration of the project, that the coverage will be based on proper reporting of classification codes and payroll amounts, and that all coverage agreements will be filed with the appropriate insurance carrier or, in the case of a self-insured, with the commission's Division of Self-Insurance Regulation. Providing false or misleading information may subject the Awarded Proposer to administrative penalties, criminal penalties, civil penalties, or other civil actions.
- 1.34.11 The Awarded Proposer's failure to comply with any of these provisions is a breach of contract by the Awarded Proposer which entitles the governmental entity to declare the contract void if the Awarded Proposer does not remedy the breach within ten (10) days after receipt of notice of breach from the governmental entity.

1.35 Delivery of Proposals

All proposals are to be delivered by 2:00PM CT Thursday May 28, 2020 to:

**Jefferson County Drainage District No. 6
Attention: Karen J. Stewart, Purchasing Agent
6550 Walden Road
Beaumont, Texas 77707**

District Holidays 2021:

January 1	Friday	New Year's
January 18	Monday	Martin Luther King, Jr. Day
February 15	Monday	President's Day
April 2	Friday	Good Friday
May 31	Monday	Memorial Day
July 5	Monday	Independence Day
September 6	Monday	Labor Day
November 11	Thursday	Veteran's Day
November 25 & 26	Thursday & Friday	Thanksgiving
December 23 & 24	Thursday & Friday	Christmas
December 31, 2021	Friday	New Year's

Jefferson County Drainage District No. 6 will not accept any responsibility for proposals being delivered by third party carriers.

Proposal Submissions shall be tightly sealed in an opaque envelope or box and plainly marked "SEALED PROPOSAL." The outside of the envelope or box shall also include: Proposal Number, Proposal Name, Proposal Due Date, Proposer's Name and Address; and shall be addressed to the Purchasing Agent.

Proposals will be opened publicly in a manner to avoid public disclosure of contents; however, only names of Proposers will be read aloud.

1.36 Proposal Submissions During Time of Inclement Weather, Disaster, or Emergency

In case of inclement weather or any other unforeseen event causing the District to close for business on the date of a bid/proposal/request for statement of qualifications submission deadline, the bid/proposal/request closing will automatically be postponed until the next business day that District offices are open to the public. Should inclement weather conditions or any other unforeseen event cause delays in courier service operations, the District may issue an addendum to all known vendors interested in the project to extend the deadline. It will be the responsibility of the vendor to notify the District of their interest in the project should these conditions impact their ability to submit a bid/proposal/statement of qualifications submission before the stated deadline. The District reserves the right to make the final judgement call to extend any deadline.

Should an emergency or unanticipated event interrupt normal District processes, and bid/proposal/statement of qualifications submissions cannot be received by the Jefferson County Drainage District No. 6 Purchasing Department's office by the exact time specified in the RFP and urgent District requirements preclude amendment to the RFP, the time specified for receipt of

proposal will be deemed to be extended to the same time of day specified in the solicitation on the first business day on which normal District processes resume.

1.37 Questions

In the event your firm desires additional information, Jefferson County Drainage District No. 6 will endeavor to provide such information; however, the District will not be responsible for any delay resulting in the respondent's inability to meet the deadline for submission of the Request for Proposal.

The deadline for question submission (to be submitted in writing) is 5:00 pm, Friday, May 22, 2020

Please direct all inquiries regarding response submission for this solicitation to Karen J. Stewart, MBA kstewart@dd6.org

1.38 Tentative Schedule of Events

November 4, 2021	Issuance of Request for Proposal
November 19, 2021	Deadline for Question Submission
November 25, 2021	Deadline Submission (late proposals will not be considered)
November 26, 2021	Proposals distributed to Evaluation Committee
Week of November 29, 2021	Evaluation Committee Convenes to Tabulate Scoring and Determines Short List
By December 10, 2021	Recommendation for Award

Please note:

The above schedule of events is *tentative* in nature. Dates listed are subject to change.

2. Response Format

2.1 Introduction

Each proposal submitted in response to this RFP must be organized to correspond with those numbered sections of this RFP that require a response. Failure to arrange the proposal as requested may result in the disqualification of the proposal. Conciseness and clarity of content are emphasized and encouraged. Vague and general proposals will be considered non-responsive, and will result in disqualification. The response must be complete. Failure to provide the required information may result in the disqualification of the proposal. All pages of the proposal must be numbered and the proposal must contain an organized, paginated table of contents corresponding to the sections and pages of the proposal.

The District requests that proposal submissions NOT be bound by staples or glued spines.

2.2 Organization of Proposal Contents

Each proposal must be organized in the manner described below.

- a. Transmittal Letter
- b. Executive Summary
- c. Table of Contents
- d. Proposer Identifying Information
- e. Proposer Personnel and Organization
- f. Project Requirements
- g. Cost Proposal Form (Page
- h. Other information that may be helpful in the evaluation

2.3 Transmittal Letter

The Proposer must submit a transmittal letter that identifies the entity submitting the proposal and includes a commitment by that entity to provide the services required by the District. The transmittal letter must state that the proposal is valid for one-hundred and twenty (90) days from the deadline for delivery of proposals to the District. Any proposal containing a term of less than ninety (90) days for acceptance will be rejected as non-responsive.

The transmittal letter must be signed by a person legally authorized to bind the Proposer to the representations in the response. In the case of a joint proposal, each party must sign the transmittal letter. The Proposer also must indicate, in its transmittal letter, why it believes that it is the most qualified Proposer to provide the services described in this RFP.

The transmittal letter must include a statement of acceptance of the terms and conditions of the contract resulting from this RFP. If Proposer takes exception to any of the proposed terms and conditions stated in this RFP, those exceptions must be noted in the transmittal letter.

However, Proposer must realize that failure to accept the terms specified in this proposal may result in disqualification of the proposal.

2.4 Executive Summary

The Proposer must provide an executive summary of its proposal that asserts that the Proposer is providing in its response all of the requirements of this RFP. The executive summary must not exceed three (3) pages, and must represent a full and concise summary of the contents of the proposal. The executive summary must not include any information concerning the cost of the proposal. The Proposer must identify any services that are provided beyond those specifically requested. If the Proposer is providing services that do not meet the specific requirements of this RFP, but in the opinion of the Proposer are equivalent or superior to those specifically requested, any such differences must be noted in the executive summary. However, the Proposer must realize that failure to provide the services specifically required may result in disqualification of the proposal.

2.5 Table of Contents

Each proposal must be submitted with a table of contents that clearly identifies and denotes the location of each title and subtitle of the proposal. Additionally, the table of contents must clearly identify and denote the location of all enclosures of the proposal. The table of contents must follow the RFP's structure as much as is practical.

2.6 Proposer Identifying Information

Proposers must provide the following identifying information:

- a. Name and address of business entity submitting the proposal;
- b. Type of business entity (i.e., corporation, partnership);
- c. Place of incorporation, if applicable;
- d. Name and location of major offices and other facilities that relate to the Proposer's performance under the terms of this RFP;
- e. Name, address, business and fax number of the Proposer's principal contact person regarding all contractual matters relating to this RFP;
- f. The Proposer's Federal Employer Identification Number, Jefferson County Drainage District No. 6 Vendor Number and Jefferson County Drainage District No. 6 Business License Number, if any;
- g. Full name and address for each member, partner, and employee of the Proposer (and any Sub-Awarded Proposers) who will perform services on this project; and
- h. A statement regarding the financial stability of the Proposer, including the ability of the Proposer to perform the functions required by this RFP and to provide those services represented by the Proposer in its response.

2.7 Conflict of Interest

Each Proposer must disclose any existing or potential conflict of interest relative to the performance of the requirements of this RFP. Examples of potential conflicts may include an existing business or personal relationship between the Proposer, its principal, or any affiliate or Sub-Awarded Proposer, with the District or any other entity or person involved in any way in the project that is the subject of this RFP. Similarly, any personal or business relationship between the Proposer, the principals, or any affiliate or Sub-Awarded Proposer, with any employee of the District or its suppliers must be disclosed. Any such relationship that might be perceived or represented as a conflict must be disclosed. Failure to disclose any such relationship or reveal personal relationships with state

employees may be cause for contract termination. The District will decide if an actual or perceived conflict should result in proposal disqualification.

Each Proposer must reveal any past or existing relationship between the Proposer, its principal, employees, or any affiliate or Sub-Awarded Proposer, with any county agency, entity, county employee, or other person in anyway involved in the District's procurement and/or contracting processes. It shall be the sole prerogative of the District to determine if such relationship constitutes a conflict of interest.

By submitting a proposal in response to this RFP, all Proposers affirm that they have not given, nor intend to give, at any time hereafter any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant or any employee or representative of same, in connection with this procurement.

2.8 Confidential/Proprietary Information

If any material in the proposal submission is considered by Proposer to be confidential or proprietary information (including manufacturing and/or design processes exclusive to the Proposer), Proposer must clearly mark the applicable pages of Proposer's proposal submission to indicate each claim of confidentiality. Additionally, Proposer must include a statement on company letterhead identifying all Proposal section(s) and page(s) that have been marked as confidential. Jefferson County Drainage District No. 6 will protect from public disclosure such portions of a proposal, unless directed otherwise by legal authority, including existing open records acts. Merely making a blanket claim that the entire proposal submission is protected from disclosure because it contains some proprietary information is not acceptable and will make the entire proposal submission subject to release under the Texas Public Information Act.

By submitting a proposal, Proposer agrees to reproduction by Jefferson County Drainage District No. 6, without cost or liability, of any copyrighted portions of Proposer's proposal submission or other information submitted by Proposer.

**FAILURE BY PROPOSER TO INCLUDE ALL LISTED ITEMS
MAY RESULT IN THE REJECTION OF ITS PROPOSAL.**

3. Proposal Submittal

The Proposal is due no later than 2:00PM CT, December 2, 2021, and shall include the following:

- Cover sheet identifying the contract/project being proposed, the name and address of Proposer, the date of the proposal, and the telephone and facsimile numbers of Proposer.
- An acknowledgment and/or response to each section of the proposal.
- Form of business (e.g., corporation, sole proprietorship, partnership); if corporation the date and state of incorporation.
- Proposal to Provide Aerial Services for herbicide Application to Jefferson County Drainage District No. 6.
- Identification of three (3) previous projects similar in nature to proposed lease and development.
- Identification of all legal claims, demands, contracts terminated or lawsuits filed, threatened, or pending against the Proposer and/or its principal/officers for the last three (3) years, as well as identification of any administrative actions or warnings taken or issued by any federal, state, or local governmental agency to Proposer and/or its principals/officers with regard to the provision of the same or similar proposed project as covered by this RFP, or the payment of moneys under the terms of any agreement(s) relating to such projects.
- **One (1) original proposal** to include a completed copy of this specifications packet in its entirety; **and three (3) numbered proposal hard copies** to include a completed copy of this specifications packet in its entirety, should be mailed or delivered to:

Jefferson County Drainage District No. 6
Attention: Karen J. Stewart, MBA
6550 Walden Road
Beaumont, Texas 77707

- Explanations, exceptions, comments, etc., pertaining to the specific sections of the specifications. All comments shall be listed and numbered in order of the respective article of the specification.
- Contract Term: One (1) year from date of award with an option to renew for four (4) additional one (1) year extensions. A price re-determination may be considered by the District only at each twelve (12) month anniversary date of the contract. All requests for price redetermination shall be in written form.

4. Scope of Project

4.1 Objective

Jefferson County Drainage District No. 6 is soliciting sealed proposals from interested parties for the aerial application of herbicides. All herbicide chemicals and additives will be provided by Jefferson County Drainage District No. 6. Contractors interested in submitting proposals should indicate their ability to meet the requirements listed below in their proposal.

This estimated 1,500 acres is comprised of three different mixes per acre:

Cattail and Cut Grass – Spray rate of 10 gallons / acre

- 2 pints Imazapir
- 2.5 quarts Round-up Custom
- 1 pint surfactant
- 1.25 ounces Accuracy
- 10 gallons water

Water Hyacinth – Spray rate of 10 gallons / acre

- 1.5 quarts Trycera
- 3.2 ounces surfactant
- 2.5 ounces Accuracy
- 10 gallons water

Brush & Tree – Spray rate of 15 gallons / acre

- 2 quarts Trycera
- 7 ounces Milestone
- 2.5 ounces Accuracy
- 1 pint Imazapir
- 7 ounces Clearcast
- 15 gallons water

The District provides:

- Spray map in digital format See Attachment A
- All of the herbicide chemicals and additives.
- Assistance in material handling.
- Water – at the District yard or Water Truck

4.2 Pilot and Aircraft Requirements:

- A. TxDOT Aircraft Registration. All aircraft shall be registered with the State of Texas Department of Transportation (TxDOT)
- B. Contractor Workers. Contractor shall furnish the necessary pilot(s) and mechanics to provide the services to be rendered herein without unjustified delay. Contractor shall maintain necessary pilot(s), ground support crew(s) and equipment with each aircraft, and they shall be familiar with the terrain within the assigned treatment zone and generally familiar with the terrain and requirements for flight operations in the State of Texas.

4.3 Flight Duty Limitations

- A. FAA Regulations. Pilots will follow all Federal Aviation Administration (FAA) requirements for flight duty limitations to ensure safe operation and control pilot fatigue.

- B. Pilot Fatigue. Flight time is not entirely reliable as a gauge of accumulative pilot fatigue. Sound judgment is essential in administering aerial operations to provide maximum safety.
- C. Pilot Experience. Pilots shall have experience as pilot in command during flight at low altitude.

MINIMUM QUALIFICATIONS

EXPERIENCE	HELICOPTER FLIGHT HOURS
Total flight time as pilot in command.	1,000
Minimum flight time in type or weight class used in the contract.	100
Minimum flight time during the preceding 12 months.	100
Minimum flight time disseminating aerial spray	200

4.4 Equipment

- A. Contractor shall furnish all flying, spraying and mix truck equipment.
- B. Application rates for spray systems on helicopters should be identified in the proposal.
- C. Spray apparatus shall be readily adjustable in the field and have a leak proof distribution system with positive shutoff.

4.5 Helicopters

- A. Type and size of Helicopter should be described.
- B. Carrying capability in gallons and pounds should be described.

4.6 Spray Nozzles.

- A. Type of spray nozzles should be listed.

4.7 GPS and Shapefiles

- A. Helicopters shall be equipped with a Global Positioning System (GPS) device to track/mark both flight lines and actual treatment areas for all Units during application of herbicides.
- B. Please indicate if the GPS system has the capability to produce two different shapefiles:
 - a. **'Flight line shapefile'** means a shapefile showing the entire flight path; and
 - b. **'Treatment shapefile'** means a shapefile showing all treated areas. This shapefile will indicate when herbicide application starts and stops (i.e., when spray nozzles are turned on and off).
- C. Please indicate if Helicopters have an electronic display that is capable of displaying Unit boundary shapefiles if provided by the District, which the pilot can view during helicopter operation along with flight line and treatment shapefiles.

4.8 Mix Truck

- A. Please indicate the type of mix truck or description of mix truck the contractor proposes to provide and its capacity in gallons. Please indicate the following:
 - a. Does the mix truck have positive, continuous agitation system(s)?
 - b. Please indicate if the mix truck is equipped so the chemical can be transferred from barrel to mix truck in measured quantities using a metered pump. Bucket transferring of chemical will not be permitted.
 - c. Is the mix-truck equipped to effectively batch single-flight loads of chemical: please indicate the gallons.

4.9 Herbicides, Carriers, and Additives

- A. The District shall furnish all herbicide, carrier and additives required for treatment as specified in the Unit Description.

4.10 Contractor Costs

- A. All costs of materials, operation and maintenance not specifically furnished by the District shall be borne by Contractor.

4.11 Hazardous Material Spill Kits

- A. Proposer should indicate the number quick response spill kits capable of absorbing at least 10 gallons of oil, coolant, solvent or contaminated water are available on site to quickly address potential spills from any piece of equipment or container at all times throughout active operations.

4.12 Single-Flight Batching

- A. Please indicate the ability to effectively batch single flight loads of chemical.

4.13 Proposed Cost Schedule

- A. Please include a detailed cost proposal for services proposed.

5. Proposal Evaluation and Selection Process

5.1 Introduction

The proposal evaluation and selection process is detailed in this section, as are other factors, and the format in which the response to this RFP must be submitted.

5.2 Proposal Evaluation and Selection

Prior to the receipt of proposals, the District will establish an Evaluation Committee. The Committee is expected to include representatives from: Operations, Engineering, and Administration.

5.4 Evaluation Criteria

- A. Qualifications and Experience – 40%**
- B. Equipment Proposed – 30%**
- C. Proposed Cost of Services – 30%**

The Evaluation Committee may elect to require an oral presentation from each qualified Proposer of the information contained in their proposal. Any invitation for an oral presentation will be solely for the purpose of clarifying proposals received from each qualifying proposer and will not represent any decision on the part of the evaluation committee as to the selection of a successful Proposer.

Upon completion of their review and any oral presentations, the Evaluation Committee will convene one or more times to discuss the proposals as a group. Each Evaluation Committee member will individually score each proposal independently. Jefferson County Drainage District No. 6 Purchasing Department will collect all scores and aggregate the scores of all Committee members. The Purchasing Department will then prepare a report identifying the proposal that scored the highest in the selection process according to the evaluation criteria described in this RFP and

Upon the selection of an apparent successful Proposer, the Board of Directors shall appoint the Purchasing Agent to proceed with contract negotiations and attempt to finalize a written contract with the apparent successful Proposer.

If a contract cannot be successfully negotiated within a reasonable period of time, negotiations will be terminated, and negotiations with the next highest-ranking Proposer may commence. This process may continue until a contract is signed or the RFP is withdrawn. However, the District may, in its sole judgment and at any time upon failure of negotiations, choose to reissue or withdraw the RFP rather than continue with negotiations. A notice of award will be sent to all Proposer s immediately following execution of a written contract.

Proposer Must Complete and Return This Page With Offer.
Proposer References

Please list at least three (3) companies or governmental agencies (preferably a municipality) where the same or similar property developments/uses as described in this specification package were recently provided.

THIS FORM MUST BE RETURNED WITH YOUR OFFER.

REFERENCE ONE

Government/Company Name: _____

Address: _____

Contact Person and Title: _____

Phone: _____ Fax: _____

Email Address: _____ Contract Period: _____

Scope of Work: _____

REFERENCE TWO

Government/Company Name: _____

Address: _____

Contact Person and Title: _____

Phone: _____ Fax: _____

Email Address: _____ Contract Period: _____

Scope of Work: _____

REFERENCE THREE

Government/Company Name: _____

Address: _____

Contact Person and Title: _____

Phone: _____ Fax: _____

Email Address: _____ Contract Period: _____

Scope of Work: _____

Proposer Must Complete and Return This Page With Offer.

Signature Page

As permitted under Article 4413 (32c) V.A.C.S., other governmental entities may wish to participate under the same terms and conditions contained in this contract (i.e., piggyback). In the event any other entity participates, all purchase orders will be issued directly from and shipped directly to the entity requiring supplies/services. Jefferson County Drainage District No. 6 shall not be held responsible for any orders placed, deliveries made or payment for supplies/services ordered by another entity. Each entity reserves the right to determine their participation in this contract.

Would Proposer be willing to allow other governmental entities to piggyback off this contract, if awarded, under the same terms and conditions? Yes ☐ No ☐

This offer shall remain in effect for ninety (90) days from proposal opening and shall be exclusive of federal excise and state and local sales tax (exempt).

The undersigned agrees, if this proposal is accepted, to furnish any and all items upon which prices are offered, at the price and upon the terms and conditions contained in the Request for Proposal, Conditions of Request for Proposal, Terms of Contract, and Specifications and all other items made a part of the accepted contract.

The undersigned affirms that they are duly authorized to execute the contract, that this company, corporation, firm, partnership or individual has not prepared this proposal in collusion with any other Proposer, and that the contents of this proposal as to prices, terms or conditions of said proposal have not been communicated by the undersigned nor by any employee or agent to any other Proposer or to any other person(s) engaged in this type of business prior to the official opening of this proposal. And further, that neither the Proposer nor their employees nor agents have been for the past six (6) months directly nor indirectly concerned in any pool or agreement or combination to control the price of goods or services on, nor to influence any person to submit a proposal or not to submit a proposal thereon.

_____ Proposer (Entity Name)	_____ Signature
_____ Street & Mailing Address	_____ Print Name
_____ City, State & Zip	_____ Date Signed
_____ Telephone Number	_____ Fax Number
_____ E-mail Address	

Proposer Must Complete and Return This Page With Offer.

Good Faith Effort (GFE)

DETERMINATION CHECKLIST

This information must be submitted with your proposal.

Instructions: In order to determine if a “Good Faith Effort” was made in soliciting HUBs for subcontracting opportunities, the following checklist and supporting documentation shall be completed by the Prime Awarded Proposer/Consultant and returned with the Prime Awarded Proposer/Consultant’s bid. This list contains the **minimum** efforts that should be put forth by the Prime Awarded Proposer/Consultant when attempting to achieve or exceed the goals of HUB Sub-Awarded Proposer participation. The Prime Awarded Proposer/Consultant may extend his/her efforts in soliciting HUB Sub-Awarded Proposer participation beyond what is listed below.

Did the Prime Awarded Proposer/Consultant . . .

- | | | |
|------------------------------|-----------------------------|---|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | 1. To the extent practical, and consistent with standard and prudent industry standards, divide the contract work into the smallest feasible portions, to allow for maximum HUB Sub-Awarded Proposer participation? |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | 2. Notify in writing a reasonable number of HUBs, allowing sufficient time for effective participation of the planned work to be subcontracted? |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | 3. Provide HUBs that were genuinely interested in bidding on a Sub-Awarded Proposer, adequate information regarding the project (i.e., plans, specifications, scope of work, bonding and insurance requirements, and a point of contract within the Prime Awarded Proposer/Consultant’s organization)? |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | 4. Negotiate in good faith with interested HUBs, and not reject bids from HUBs that qualify as lowest and responsive bidders? |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | 5. Document reasons HUBs were rejected? Was a written rejection notice, including the reason for rejection, provided to the rejected HUBs? |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | 6. If Prime Awarded Proposer/Consultant has zero (0) HUB participation, please explain the reasons why. |

**If “No” was selected, please explain and include any pertinent documentation with your bid.
If necessary, please use a separate sheet to answer the above questions.**

Printed Name of Authorized
Representative

Signature

Title

Date

Proposer Must Complete and Return This Page With Offer.

Notice of Intent (NOI) to Subcontract with Historically Underutilized Business (HUB)

This information must be submitted with your bid.

Bidder intends to utilize Sub-Awarded Proposers/sub-consultants in the fulfillment of this contract (if awarded). ☐ Yes ☐ No

Instructions for Prime Awarded Proposer/Consultant: Bidder shall submit this form with the bid; however, the information below may be submitted after contract award, but prior to beginning performance on the contract. Please submit one form for each HUB Sub-Awarded Proposer/Sub-consultant with proper signatures, per the terms and conditions of your contract.

Awarded Proposer Name: _____ HUB: ☐ Yes ☐ No

Address: _____
Street City State Zip

Phone (with area code): _____ Fax (with area code): _____

Project Title & No.: _____

Prime Contract Amount: \$ _____

HUB Sub-Awarded Proposer Name: _____

HUB Status (Gender & Ethnicity): _____

Certifying Agency: ☐ Tx. Bldg & Procurement Comm. ☐ Jefferson County Drainage District No. 6 ☐ Tx Unified Certification Prog.

Address: _____
Street City State Zip

Phone (with area code): _____ Fax (with area code): _____

Proposed Subcontract Amount: \$ _____ Percentage of Prime Contract: _____ %

Description of Subcontract Work to be Performed: _____

Printed Name of Awarded Proposer
Representative

Signature of Representative

Date

Printed Name of HUB

Signature of Representative

Date

NOTE: NOTHING ON THIS NOTICE OF INTENT FORM IS INTENDED TO CONFER ANY RIGHTS, EXPRESSED OR IMPLIED, TO ANY THIRD PARTIES.

Pre-Approval for Sub-Awarded Proposer Substitutions must be obtained from the Jefferson County Drainage District No. 6 Purchasing Agent's Representative. The "HUB Sub-Awarded Proposer/Sub-consultant Change Form" must be completed and faxed to 409-835-8456.

Proposer Must Complete and Return This Page With Offer.

(RFP 21-035/KJS Aerial Services for Herbicide Application)

Historically Underutilized Business (HUB) Subcontracting Participation Declaration Form

PAGE 1 OF 4

This information must be submitted with your bid.

Bidder intends to utilize Sub-Awarded Proposers/sub-consultants in the fulfillment of this contract (if awarded). ☐ Yes ☐ No

Prime Awarded
Proposer: _____

HUB: ☐ Yes ☐ No

HUB Status (Gender & Ethnicity): _____

Address: _____
Street City State Zip

Phone (with area code): _____ Fax (with area code): _____

Project Title & No.: _____ IFB/RFP No.: _____

Total Contract: \$ _____ Total HUB Subcontract(s): \$ _____

Construction HUB Goals: 12.8% MBE:: _____ % 12.6% WBE: _____ %

Sub-goals: 1.7 African-American, 9.7% Hispanic, 0.7% Native American, 0.8% Asian American.
Use these goals as a guide to diversify.

FOR HUB OFFICE USE ONLY:

Verification date HUB Program Office reviewed and verified HUB Sub information Date: _____ Initials: _____

PART I. HUB SUAWARDED PROPOSER DISCLOSURE

HUB Sub-Awarded
Proposer Name: _____

HUB Status (Gender & Ethnicity): _____

Certifying Agency: ☐ Texas Bldg & Procurement Comm. ☐ Texas Unified Certification Prog.

Address: _____
Street City State Zip

Contact person: _____ Title: _____

Phone (with area code): _____ Fax (with area code): _____

Proposed Subcontract Amount: \$ _____ Percentage of Prime Contract: _____ %

Description of Subcontract Work to be Performed: _____

Proposer Must Complete and Return This Page With Offer.

Historically Underutilized Business (HUB) Subcontracting Participation Declaration Form

PAGE 2 OF 4

HUB SUB-AWARDED PROPOSER DISCLOSURE

PART I: Continuation Sheet

(Duplicate as Needed)

HUB Sub-Awarded
Proposer Name: _____

HUB Status (Gender & Ethnicity): _____

Certifying Agency: ☐ Tx. Bldg & Procurement Comm. ☐ Jefferson County Drainage District No. 6 ☐ Tx Unified
Certification Prog.

Address: _____
Street City State Zip

Contact person: _____ Title: _____

Phone (with area code): _____ Fax (with area code): _____

Proposed Subcontract Amount: \$ _____ Percentage of Prime Contract: _____ %

Description of Subcontract Work to be Performed: _____

HUB Sub-Awarded
Proposer Name: _____

HUB Status (Gender & Ethnicity): _____

Certifying Agency: ☐ Tx. Bldg & Procurement Comm. ☐ Jefferson County Drainage District No. 6 ☐ Tx Unified
Certification Prog.

Address: _____
Street City State Zip

Contact person: _____ Title: _____

Phone (with area code): _____ Fax (with area code): _____

Proposed Subcontract Amount: \$ _____ Percentage of Prime Contract: _____ %

Description of Subcontract Work to be Performed: _____

All HUB Sub-Awarded Proposer Participation may be verified with the
HUB Sub-Awarded Proposer(s) listed on Part I.

Proposer Must Complete and Return This Page With Offer.

Historically Underutilized Business (HUB) Subcontracting Participation Declaration Form

PAGE 3 OF 4

PART II: STATEMENT OF NON-COMPLIANCE FOR NOT MEETING HUB SUBCONTRACTING GOALS

Please complete Good Faith Effort (GFE) Checklist and attach any supporting documentation.

Our firm was unable to meet the HUB goals for this project for the following reasons:

- ☐ All Sub-Awarded Proposers to be utilized are "Non-HUBs." (Complete Part III)
- ☐ HUBs were solicited but did not respond.
- ☐ HUBs solicited were not competitive.
- ☐ HUBs were unavailable for the following trade(s):
- ☐ Other: _____

Was the Jefferson County Drainage District No. 6 HUB Office contacted for assistance in locating HUBs?

☐ Yes

☐ No

PART III: DISCLOSURE OF OTHER "NON-HUB" SUBCONTRACTS

The bidder shall use this area to provide a listing of all "Non-HUB" Sub-Awarded Proposers, including suppliers, that will perform under this project. A list of those "Non-HUB" Sub-Awarded Proposers the bidder selects, after bid submission, shall be provided to the Purchasing Office not later than five (5) calendar days after being notified that bidder is the apparent low bidder. A list of those "Non-HUB" Sub-Awarded Proposers that are selected after contract award must be provided **immediately** after their selection.

Sub-Awarded Proposer

Name: _____

Address: _____
Street City State Zip

Contact person: _____ Title: _____

Phone (with area code): _____ Fax (with area code): _____

Proposed Subcontract Amount: \$ _____ Percentage of Prime Contract: _____ %

Description of Subcontract Work to be Performed: _____

Sub-Awarded Proposer

Name: _____

Address: _____
Street City State Zip

Contact person: _____ Title: _____

Phone (with area code): _____ Fax (with area code): _____

Proposed Subcontract Amount: \$ _____ Percentage of Prime Contract: _____ %

Description of Subcontract Work to be Performed: _____

Proposer Must Complete and Return This Page With Offer.

Historically Underutilized Business (HUB) Subcontracting Participation Declaration Form

PAGE 4 OF 4

Sub-Awarded Proposer
Name: _____

Address: _____
Street City State Zip

Contact person: _____ Title: _____

Phone (with area code): _____ Fax (with area code): _____

Proposed Subcontract Amount: \$ _____ Percentage of Prime Contract: _____ %

Description of Subcontract Work to be Performed: _____

Sub-Awarded Proposer
Name: _____

Address: _____
Street City State Zip

Contact person: _____ Title: _____

Phone (with area code): _____ Fax (with area code): _____

Proposed Subcontract Amount: \$ _____ Percentage of Prime Contract: _____ %

Description of Subcontract Work to be Performed: _____

I hereby certify that I have read the *HUB Program Instructions and Information*, truthfully completed all applicable parts of this form, and **attached any necessary support documentation as required**. I fully understand that intentionally falsifying information on this document may result in my not receiving a contract award or termination of any resulting contract.

Name (print or type): _____

Title: _____

Signature: _____

Date: _____

E-mail address: _____

Contact person that will be in charge of invoicing for this project:

Name (print or type): _____

Title: _____

Date: _____

E-mail address: _____

Proposer Must Complete and Return This Page With Offer.

House Bill 89 Verification

I, _____, the undersigned representative of (company or business name) _____
(heretofore referred to as company) being an adult over the age of eighteen (18) years of age, after being duly sworn by the undersigned notary, do hereby depose and verify under oath that the company named above, under the provisions of Subtitle F, Title 10, Government Code Chapter 2270:

1. Does not boycott Israel currently; and
2. Will not boycott Israel during the term of the contract.

Pursuant to Section 2270.001, Texas Government Code:

1. "Boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made ordinary business purposes; and
2. "Company" means a for-profit sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or an limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of those entities or business association that exist to make a profit.

Signature of Company Representative

Date

On this _____ day of _____, 20____, personally appeared

_____, the above named person, who after by me being duly sworn, did swear and confirm that the above is true and correct.

Notary Seal

Notary Signature

Date

Proposer Must Complete and Return This Page With Offer.

Senate Bill 252 Certification

On this day, I, Deborah L. Clark, Purchasing Agent for Jefferson County Drainage District No. 6, Texas, pursuant to Texas Government Code, Chapter 2252, Section 2252.152 and Section 2252.153, certify that I did review the website of the Comptroller of the State of Texas concerning the listing of companies that is identified under Section 806.051, Section 807.051, or Section 2253.253 and I have ascertained that the below named company is not contained on said listing of companies which do business with Iran, Sudan, or any Foreign Terrorist Organization.

Company Name

IFB/RFP/RFQ number

Certification check performed by:

Purchasing Representative

Date

Proposer Must Complete and Return This Page With Offer.
