

CITY OF NEW BRAUNFELS



REQUEST FOR PROPOSALS

Workforce Housing Fund Design Solicitation # RFP 23-013

Date Issued: January 16, 2023

**RESPONSES MUST BE RECEIVED NO LATER THAN:
3:00 P.M. CST February 16, 2023**

New Braunfels Purchasing Department: Phone: 830-221-4081
Email: pmcdonald@newbraunfels.gov



SOLICITATION AND OFFER

City of New Braunfels
Purchasing
550 Landa St
New Braunfels, Texas 78130

Solicitation Number: 23-013

☐ Invitation for Bid (IFB)
☒ Request for Proposal (RFP)

Date Issued: January 16, 2023

Workforce Housing Fund Design

SOLICITATION

Proposers must submit sealed Proposals containing one (1) signed original hardcopy and one (1) in electronic format (USB). **Electronic Bid submissions do not require original hardcopy and USB to be submitted.**

Questions concerning RFP must be received, by email only, prior to **5:00P.M. CT on February 1, 2023.**

Proposals will be received at the Office of the City Secretary at the address shown above until: **3:00 P.M. (CT), February 16, 2023.**

There will not be a public opening. Proposals received after the time and date set for submission will be returned, unopened, upon request.

For information regarding this solicitation, contact:

Paige McDonald,
Assistant Purchasing
Manager

Email: pmcdonald@newbraunfels.gov
Phone: (830) 221-4081

(NO collect calls, Telegraphic, Email, or Fax offers accepted)

5% Proposal Bond Required:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	(If YES, See information in Section 5)
100% Payment Bond Required:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	(If YES, See information in Section 5)
100% Performance Bond Required:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	(If YES, See information in Section 5)

OFFER

Proposer will comply with the General Terms and Conditions required by the City of New Braunfels.

In compliance with the above, the undersigned offers and agrees to furnish any or all items or services awarded at the prices stipulated for each item delivered at the designated point(s) and within the time specified herein.

CONTRACT AWARD SHALL INCLUDE ALL ASSOCIATED SOLICITATION DOCUMENTS, ATTACHMENTS, AND ADDENDA.

SIGNATURE IS MANDATORY; MANUALLY SIGN ORIGINAL DOCUMENT. SIGNATURE SHOULD ALSO BE REFLECTED ON USB COPY.

Name
and
Address
of Proposer:

Name and Title of Person Authorized to Sign Offer:

E-Mail Address:

Phone Number:

Signature:

Date:

Name, Address, Email and Telephone Number
of Person authorized to conduct negotiations
on behalf of Proposer.

(Applies to Request for Proposal only)

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**SECTION 3
INSTRUCTIONS FOR RESPONSE**

3.1 SUBMISSION OF PROPOSALS

- (a) Electronic Bidding. The City of New Braunfels has partnered with its third-party vendor, Texas Purchasing Group (BidNet Direct) as its e-procurement site. For this Request for Proposal, electronic bid submission is another option available to Proposers. The link to BidNet Direct website: <https://www.bidnetdirect.com/texas/city-of-new-braunfels>.

You must register on their site prior to your electronic submission. If you have any problems completing your vendor registration or submitting your electronic bid, please contact BidNet at (800) 835-4603, Option 2, to speak with live customer support.

- (b) Deliver your Proposal, or changes to your Proposal, in SEALED ENVELOPES OR PACKAGES identified on outside with Proposer's name and address. Failure to submit Proposal in this manner may subject Proposer to disqualification. **Proposal may be delivered in person to the New Braunfels City Hall, or by Express Mail or delivery service to:**

**City of New Braunfels
City Secretary's Office/Front Lobby
ATTN: Purchasing
550 Landa Street
New Braunfels, TX 78130**

The outside of the Proposal envelope or package **must state**:

**"RFP 23-013 Workforce Housing Fund Design
Proposal Due Date: February 16, 2023, 3:00 PM CT"**

It is the sole responsibility of the Proposer to ensure timely delivery of the Proposal. Owner will not be responsible for failure of service on the part of the U.S. Post Office, courier services, or any other form of delivery service chosen by the Proposer.

PROPOSALS RECEIVED AFTER THE CLOSING DATE AND TIME WILL NOT BE ACCEPTED OR CONSIDERED.

- (c) Proposals may not be withdrawn after the time set for the closing, unless approved by the City.

3.2 TERMS AND CONDITIONS

Terms and Conditions that apply to this solicitation can be found at <https://www.newbraunfels.gov/DocumentCenter/View/30424/Service-Agreement>

3.3 OBLIGATION

The undersigned, by submission of this Offer, hereby agrees to be obligated, if the Offer is accepted by the City of New Braunfels, to enter a Contract to provide the stated goods and/or services for the term as stated herein in accordance with the Scope of Work, Specifications, and Terms and Conditions, together with any written Addenda as specified above and any negotiated terms. If this offer is accepted and signed by the City of New Braunfels, this RFP document, together with any written Addenda and any negotiated terms shall be (collectively) the contract.

3.3 PROPOSAL CONTENT

Proposers shall limit proposals to 30 pages exclusive of tabs and forms. Each proposal, completed and signed by person(s) authorized to bind individual or legal entity, shall include the following in one envelope/package:

- **TAB 1: Solicitation and Offer Form:** Proposer must complete and sign form located on Page 2.
- **TAB 2: Documents:**
 - a. **ATTACHMENTS A, B, & C**
 - b. **Signed Addenda, if applicable**
- **TAB 3: Qualifications, Experience, & Approach to Scope**
 - The City will evaluate based on the Respondent's qualifications and successful experience in project/contracts of similar scope. City will consider the relevance of experience for all parties proposed as a part of the team.
 - Respondent shall include relevant information showing capabilities related to experience listed in Section 4, Scope of Work
- **TAB 4: Proposed Pricing of Services**
 - The City will evaluate price as an important, but not sole, factor, considering the cost of services.
- **TAB 5: Additional Supporting Documentation**, such as copies of licenses and certifications
- **TAB 6: Deviations from Request for Proposal:**
Reference Attachment C – Exceptions and Alternatives Form. Proposer is to indicate any deviations being offered in lieu of specified language referenced in the solicitation.

3.4 CONTACT FOR QUESTIONS

All questions concerning this solicitation shall be in writing to: Paige McDonald, Assistant Purchasing Manager, via email pmcdonald@newbraunfels.gov. All prospective Proposers are hereby instructed to not contact any member of the City of New Braunfels' City Council, City Manager, evaluation committee, or City of New Braunfels' staff members other than the noted contact person. Any such contact may be cause for rejection of your Proposal.

3.5 RESPONSES TO QUESTIONS/INQUIRIES

Responses to questions/inquiries that directly affect an interpretation or change to this RFP will be issued in writing by Purchasing as an addendum and posted at <https://www.bidnetdirect.com/texas/city-of-new-braunfels> and the City's website.

All such addenda issued by the Purchasing Representative before the time that Proposals are received shall be considered part of the RFP. Only those inquiries the Purchasing Office replies to by addenda shall be binding. Oral and other interpretations or clarifications will be without legal effect. Proposers shall be responsible for monitoring the City's website or BidNet for any updates pertaining to the solicitation described herein. Various updates may include addenda, cancelations, notifications, and any other pertinent information necessary for the submission of a correct and accurate response. The City will not be held responsible for any further communication beyond updating the website.

3.6 COMPETITIVE PROPOSALS

Proposals will not be opened publicly to avoid disclosure of contents to competing Proposers and kept confidential during the process of negotiation. However, all Proposals will be open for public inspection after award except for trade secrets and confidential information contained in the Proposals and identified as such by the Proposer. Marking the entire Proposal as

confidential and/or proprietary is not in conformance with the Texas Open Records Act.

3.7 PROPOSAL MODIFICATIONS/WITHDRAWALS

Proposals cannot be altered or amended after the submittal deadline. Proposals may be modified prior to the deadline only by providing a written notice by mail or email) to the Purchasing Representative at the address shown herein. A submitter's Proposal may also be withdrawn in writing by providing the same notice by a submitter or the submitter's authorized agent, providing the agents identify is made known and the agent signs the request to withdraw Proposal.

HOWEVER, IN THE EVENT OF WITHDRAWAL, THE SUBMITTER WILL NOT BE ALLOWED TO RESUBMIT. This provision does not change the common law right of a proposer to withdraw a Proposal due to a material mistake in the Proposal.

3.8 NON-COLLUSION

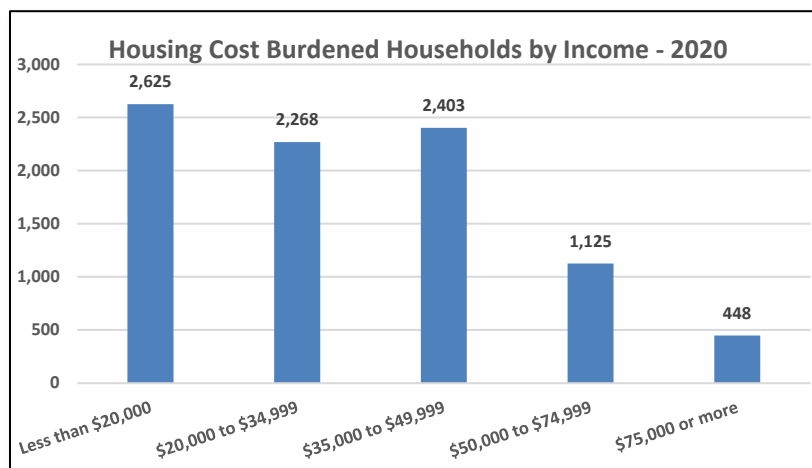
Proposers certify that Proposals are made without prior understanding, agreement, or connection with any corporation, firm, or person submitting a proposal for the same product/service and that this Proposal is in all respects bona fide, fair, and not the result of any act of fraud or collusion with another person or firm engaged in the same line of business or commerce. Proposers understand collusive behavior is a violation of federal law and that any false statement hereunder constitutes a felony and can result in fines, imprisonment, as well as civil damages.

SECTION 4 SCOPE OF WORK

Workforce Housing Fund Design & Administration and On-Call Economic Development Technical Assistance

The City of New Braunfels desires to create and administer a Workforce Housing Incentive Fund (WHIF) to provide capital financing to create or preserve long-term affordable housing units throughout the City for low to moderate-income households. Applicants may include government agencies, nonprofit organizations, housing developers or lenders. Financing may support acquisition, rehabilitation, and new construction activities. The City is also seeking on-call technical assistance to evaluate and underwrite proposed economic and real estate development projects and provide assistance in the structuring of deals with available public sector economic development programs.

Community Development Strategies (CDS) completed a housing study for the New Braunfels Economic Development Corporation (NBEDC) in 2018 to determine the extent of the community's workforce housing needs and the potential for new single-family and multi-family housing affordable to the general workforce in the City of New Braunfels. A typical household needs to earn at least \$75,000 annually to avoid being housing cost burdened. New Braunfels has approximately 8,800 households that are cost burdened. These households are predominately renters, with 45% of these households (renters) currently being cost-burdened. Approximately 19% of owner-occupied homes are cost burdened. Housing cost burdened households are primarily clustered in those units where the household earns up to \$50,000 annually:



Source: 2020 US Census

As a response to anecdotal and empirical evidence of the mounting need to address housing issues and in support of two anchor points of planning in the community- Envision New Braunfels and the Economic Development Strategic Plan- the City Council appointed the Workforce Housing Advisory Committee (WHAC) in 2019. Since 2020, the WHAC has developed a housing policy roadmap that included the following recommendations:

Priority 1: Housing Trust Fund Establishment and Deployment

- a) Establish and capitalize a dedicated Housing Trust Fund (HTF) and Housing Finance Corporation (HFC)
- b) Establish HTF program structure, policies, governance and relevant guidelines and underwriting criteria
- c) Capitalize HTF with seed capital from the public and private sectors
- d) Circulate a Notice of Funding Availability for proposals to preserve existing properties with affordable set-asides and the development of new rental or ownership units
- e) The creation of any relevant application and program materials to include marketing and solicitations.

Priority 2: Capacity Building

- a) Support and grow non-profit housing providers
- b) Partner with existing public entities (City, NBU, ISDs, NBHA) to identify land for pilot projects

Priority 3: Policy Creation and Incentive Alignment

- a) Align City and Utility Fee Waiver policies to provide deeper subsidy to workforce housing projects
- b) Creation and adoption of a process and evaluation criteria to guide the City in its consideration of requests for utilization of Section 303.042(f) or similar sections of Texas Local Government Code that provide property and/or sales tax exemptions for the purposes of affordable housing, Resolutions of Support or No Objection and other requirements of the 9% and 4% Low-Income Housing Tax Credit Programs
- c) Review and provide recommendation of the existing homebuyer assistance and down payment assistance programs as currently funded through CDBG and provide recommendations to improve to eventually expand the programs' offerings

Priority 4: On Call Economic and Real Estate Development Project Review and Underwriting

- a. Review and evaluate a select number of economic or real estate development projects (up to three annually). This assistance may include but not be limited to the review of: developer experience and capacity, sources and uses, operating proformas and financial statements, appraisals, cost assumptions, and capital budgets;
- b. Advising on tax credit equity sources, requirements and structuring
- c. Identifying other funding sources for the range of commercial, industrial, and residential real estate and business credit deals.
- d. Assisting with development issues during pre-development and development.
- e. Advising on program regulations issues.

The City is requesting the consultant to assist in Priorities noted above and will be broadly responsible for assisting the community in the following work elements:

- Work with relevant stakeholders and plans to design, implement, and monitor the capitalization, programming and financing elements of a workforce housing development plan
- Advise and assist in the creation, capitalization and administration of a Housing Trust Fund and Housing Finance Corporation
- Assist the City in the creation of policies, underwriting criteria, and guidelines for the use of public funding for the purposes of workforce housing development
- Identify and assist the City in applying for and/or securing funding to capitalize a housing trust fund for workforce housing development
- Be a potential co-developer or assist the city to solicit workforce housing developer proposals from the private, non-profit and public sectors

More specifically, the selected consultant will have demonstrated experience and success in the following tasks:

- Review relevant data and documents to assist the City in determining an appropriate annual production goal given existing resources and funding availability.
- Design a structure to fundraise, implement, advise and assist in the administration of an incentive fund comprised of a housing trust fund, housing finance corporation and revolving loan program for affordable housing development, acquisition and preservation in the City of New Braunfels.
- Engage private, philanthropic, corporate, banking, and community development minded investments to raise funding for workforce housing loans and/or grants. Utilize the initial funding commitment from the City of New Braunfels or component units to attract and leverage private sector funding.

- Assist the City with the creation and adoption of policies to better leverage private and public sector financing tools such as Public Facility Corporations in order to serve the broader goals of development and preservation of workforce housing in the City of New Braunfels.
- After the initial structures and available and/or committed and leveraged funding reaches a \$5 million threshold, create and administer a Request for Proposals for the deployment of the funds to develop or redevelop a minimum of 500 rental or homeownership units annually.
- The proposer shall underwrite the affordable housing projects to ensure financial soundness, fiscal responsibility, feasibility of the projects and the credit worthiness of the borrowers to reasonably protect the City's interest in the property and manage the loan portfolio of all the loans made pursuant to the Program. The proposer shall ensure that the projects comply with local, state, and federal law and affirmatively further fair housing.
- Establish the administrative structure necessary to ensure ongoing housing program requirements, to include income verification, household size and fair housing laws
- Train City staff in the fund's administration, procedures and processes, including the establishment of internal systems, software and other tools to assist in the monitoring and servicing of loan and/or program agreements.
- Please note that more specific contractual terms, conditions, and requirements will be specified in the agreement.

The selected consultant will have the following experience and capabilities:

- Proven experience, expertise, depth of knowledge, successful track record in providing and implementing innovative solutions to affordable housing needs in an efficient and cost/effective manner (please provide examples and relevant references).
- Demonstrable successful experience and resourcefulness in the field of real estate financing (please provide examples and relevant references), as well as demonstrable leadership in the field of real estate development, redevelopment, property acquisition (please provide examples and references – catalyst projects are of major interest), accomplishments or contributions proposer has made in the areas of community development – of special interest are successful affordable housing projects (please provide examples and relevant references).
- Demonstrable experience creating and operating a housing or similar revolving loan program.
- Expertise in similar loan underwriting, loan portfolio management and collections, marketing strategy, customer service, and project management.
- Experience with similarly sized or larger U.S cities in establishing or managing affordable housing funds. Please include examples as part of your response.
- Expertise in training staff in the policies and procedures of fund administration.
- Please include in the Proposal all proposed partnering institutions and/or organizations, and their proposed roles for the program and qualifications (please provide examples and their relevant references).
- Please describe proposed partnerships with real estate, housing, and or development organization(s) in developing and administering the Program, as well as any partnering organization's written committed to provide any private contribution to the Program. Be specific in the response identifying the entity(ies), its proposed role, and its proven ability to fundraise and contribute to the Program capacity (please provide examples and relevant references).
- Expertise in deal structuring utilizing available economic development finance programs to include, Type B Development Corporations, Rehabilitation Tax Credits (Historic Tax Credits), Low Income Housing Tax Credit (LIHTC), Section 108 loans and Community Development Block Grants, and Public/Private Partnership (P3) Financing Structures

Deliverables:

- **Deliverable 1:** After a production target has been set in consultation with the city, the development or re-development of the applicable target number of housing units per year for 5 years.
- **Deliverable 2:** Fundraising of \$5 million or more in the initial year of the agreement, and a minimum of \$2 million or more each of the following years to fund the workforce housing revolving loan fund.

The City's Economic and Community Development Department (ECD) will administer the executed contract. The contract to design and administer this Program and Fund will be for a term of one (1) year with four (4) one- year renewal options exercisable in the sole discretion of the City, as well as subject to the availability of appropriations, review of performance accomplishments that place priority on the development of affordable housing and growth of the Fund.

The successful proposer shall support and pay for the continual operation of the Program and Fund administration services with fund revenues from donations and those obtained from the percentage agreed upon by the City to retain from funds raised for the fund coming from the private sector. If the renewal is not approved by the City Council, then all program income (loan repayments) shall be returned to the City within 30 days of contract termination.

SECTION 5 EVALUATION OF PROPOSALS

5.1 SELECTION PROCESS

It is the intent of the City to make a single award from this solicitation, based on evaluation criteria listed in this solicitation and Proposer's submitted Proposal; however, the City will award in the manner deemed most advantageous to the City.

The City's evaluation team will rank Proposals meeting the evaluation criteria and the requirements of the needed services outlined in the solicitation and as outlined in the Proposer's proposal.

The Proposer(s) selected for award will be awarded an Agreement to provide services as specified.

5.2 EVALUATION CRITERIA: The City of New Braunfels will review all Proposals submitted in response to this solicitation using the criteria presented below and rank each Proposer. The Proposer will be recommended for award to City Council based upon the published selected criteria noted below. The evaluation committee recommendations are subject to approval by the City of New Braunfels City Council.

Proposals will be ranked based on the following evaluation criteria:

<u>Criteria</u>	<u>Points</u>
<u>Experience of Key Personnel</u>	20 pts.
<u>Experience of Company</u>	20 pts.
<u>Approach to Scope</u>	30 pts.
<u>Proposed Price of Services</u>	30 pts.
TOTAL	100 pts

The City reserves the right to request additional information or clarifications from all Proposers and to allow corrections of errors or omissions.

5.3 Other Considerations. The City reserves the right to request additional information or consider historical information and facts, whether gained from the Proposal, references, or any other source, in the evaluation process, including Proposer's past working or business relationship with the City, if any. The City further reserves the right to consider a Proposer's background, personnel, experience, financial and other references, management practices, exceptions to the RFP or subsequent contract, and any working relationships, past or present, a Proposer may have with its other clients.

5.4 Opened Proposal. A submittal may not be opened before the closing date for the purpose of changing or amending the submittal or to correct an error in the submittal terms or conditions. If the submittal is opened before the closing date by anyone other than the City, the submittal may be rejected in its entirety by the City.

5.5 Additional Information. At your option, provide in your Qualifications any contractual language, terms, conditions, considerations, or contingencies your company would request or require to be included in the negotiated contract between the City and the selected submitter, should your company be awarded a contract. Approval of such language, terms, conditions, considerations, or contingencies offered by a submitter remains with the City and in all cases the City's decision is final.

5.6 LIMITATIONS

- **Right to Accept or Reject.** The City reserves the right to reject any or all submittals, to waive informalities and accept the submittal that the Owner believes is the most advantageous to the public interest and in keeping with the local government project procedures. The RFP does not commit the City to award a contract, issue a purchase order, or pay any costs incurred in the preparation of a submission in response to this RFP.
- **Solicitation to Remain Subject to Acceptance.** All solicitations will remain subject to acceptance for one hundred twenty (120) days after opening without acting.
- **City Council Approval Required.** The City of New Braunfels City Council may approve the respondent selected to provide the services requested in this RFP. The City reserves the right to authorize contract negotiations to begin without further discussion with Proposers submitting a response. Therefore, each Proposal should be submitted as completely and accurately as possible. The City reserves the right to request additional data, oral discussions, or presentations in support of the written Proposal.
- **Respondent's Obligation Regarding Evaluation:**
 - Submission of Information. Submitters are cautioned that it is each respondent's sole responsibility to submit information related to the evaluation categories, and the City is under no obligation to solicit such information if it is not included with the Proposal. Failure of a respondent to submit such information may cause an adverse impact on the evaluation of the specific Proposal.
 - Submitter Review of RFP. Submitters are responsible for examining and being familiar with all specifications, terms, conditions, provisions, and instructions of the RFP and their responses. Failure to do so will be at the respondents' risk and will not be a determinative factor when awarding the contract for services.
- **Oral Non-Binding.** Any non-written representations, explanations, or instructions given by City staff or City agents are not binding and do not form a part of, or alter in any way, the RFP, a written agreement pertinent to the RFP, or the awarding of the contract.
- **Lobbying Prohibited.** Proponents are prohibited from directly or indirectly communicating with City Council members regarding the Proponent's qualifications or any other matter related to the eventual award of a contract for the services requested under this RFP. Proponents are prohibited from contacting city staff members regarding their qualifications or the award of a contract, unless in response to an inquiry from a staff member. Any violation will result in immediate disqualification of the proponent from the selection process.

**SECTION 6
AWARD OF CONTRACT**

6.1. SUCCESSFUL PROPOSER'S DOCUMENTS: The successful Proposer will provide its proposal and any negotiated amendments to the proposal to the Office of the Purchasing Manager as an electronic Word file.

6.2. CONTRACT AWARD: The selection of a Proposer and the execution of a contract, while anticipated, are not guaranteed by the City. The City reserves the right to determine which proposal is in the City's best interest and to award the contract on that basis, to reject any and all proposals, waive any irregularities of any proposal, negotiate with any potential Proposer (after proposals are opened) if such is deemed in the best interest of the City.

6.3. CITY COUNCIL APPROVAL: The City Council will consider the final contract for approval unless the award amount is less than \$50,000.00. In the event the total amount of the contract is less than \$50,000.00, the contract will be awarded administratively.

6.4. FINAL CONTRACT:

- A. The selected Proposer will assume responsibility for all services offered in its proposal, whether such services are provided by a subcontractor or joint venture arrangement. The successful Proposer will be considered the sole point of contact about contractual matters, including payment of all charges resulting from the contract.
- B. The successful Proposer will be required to enter a written contract with the City. The City's legal terms and conditions for this contract are included herein.
- C. This RFP and the successful Proposer's proposal, or any part thereof, may be incorporated into and made a part of the final contract. The City reserves the right to negotiate the terms and conditions of the contract with the successful Proposer.
- D. Be advised that exceptions to any portion of the RFP may jeopardize acceptance of your proposal. If exceptions are taken to the City's Agreement, this will be clearly indicated and a full explanation given for each exception. It is required that the proposal enumerate the specific clauses that the Proposer wishes to amend or delete and suggest alternative wording in the proposal. In view of the length of time involved in obtaining the approval of legal counsel, Proposers are cautioned not to state that the Proposer's proposal is subject to the Proposer's standard terms and conditions or that the final terms and conditions are subject to negotiation after award. This may result in the proposal being deemed non-responsive, in which no further consideration or evaluation will be made.

**ATTACHMENT A
COMPANY INFORMATION**

1. Company Information:

- Company name: _____
- Company address: _____
- Year established: _____
- Number of years in business under present name: _____
- Form of ownership: ☐ Proprietorship ☐ Partnership ☐ Corporation ☐ Other (specify) _____
- When organized: _____
- If a corporation, where incorporated: _____
- Federal Employer Identification Number: _____
- Texas Comptroller's Taxpayer Number, if applicable: _____
- DUNS NUMBER: _____
- Provide a list of officers of the firm who, while in the employ of the firm or the employ of previous firms, were associated with contracts which resulted in lawsuits, contracts defaulted or filed for bankruptcy.
 - _____
 - _____
 - _____
- Complete **A** below if you are a non-resident Respondent (your company's principal place of business is not in Texas). **Resident Respondents must check box B.**
 - ☐ **A:** Company is a non-resident Respondent. Its principal place of business is the state of _____
Check one of the following options:
 - ☐ Non-resident Respondents in the state of our principal place of business are required to propose ____ percent lower than resident Respondents by state law. A copy of the statute is attached.
 - ☐ Non-resident Respondents in the state of our principal place of business are not required to underbid resident Respondents in order to secure contract awards.
 - ☐ **B:** Company's principal place of business or corporate offices is in the State of Texas.

2. Subcontractor(s), if applicable:

- ☐ Subcontractor(s) will not be used to complete this contract.
- ☐ Subcontractor(s) will be used to complete this contract. (*Attach a list if additional space is necessary.*)
 - Subcontractor Name: _____
 - Percentage (%) of Total Contract: _____
 - Mailing Address: _____

- 3.** If applicable, provide a list of officers of the company who, while in the employ of the company or the employ of previous companies, were associated with contracts which resulted in lawsuits, contracts defaulted or filed for bankruptcy.

ATTACHMENT B VENDOR CERTIFICATIONS

Company name: _____

To demonstrate qualification to perform the scope of services, answer all questions listed below. Provide responses that are clear and comprehensive. Attach any additional information provided on separate sheets, if applicable.

DEBARMENT/SUSPENSION INFORMATION:

1. Has the Respondent or any of its principals been debarred or suspended from contracting with any public entity or is Respondent listed on the federal government's terrorism watch list as described in Executive Order 13224. Entities ineligible for federal procurement are listed at <http://www.epls.gov?>

☐ Yes ☐ No

If yes, identify in an attachment the public entity and the name and current phone number of a representative of the public entity familiar with the debarment or suspension, or listed at epls.gov and state the reason for or circumstances surrounding the debarment, suspension, or ineligible for federal procurement, including but not limited to the period of time for such debarment, suspension or ineligibility.

CERTIFICATIONS:

1. Contractor certifies that it has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for or in executing the Contract. ☐ Yes ☐ No
- A. "Corrupt practice" means the offering, giving, receiving, or soliciting of anything of value likely to influence the action of a public official in the solicitation process or in the Contract execution.
- B. "Fraudulent practice" means an intentional misrepresentation of facts made
1. to influence the solicitation process or the execution of the Contract to the detriment of Owner,
 2. to establish Cost Proposal or Contract prices at artificial non-competitive levels, or
 3. to deprive Owner of the benefits of free and open competition.
- C. "Collusive practice" means a scheme or arrangement between two or more Respondents, with or without the knowledge of Owner, a purpose of which is to establish Cost Proposals at artificial, non-competitive levels; and
- D. "Coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the solicitation process or affect the execution of the Contract.

2. NON-COLLUSION CERTIFICATION:

- A. Non-Collusion Certification: Do you certify that all the following are true and correct concerning your company's cost Proposal? ☐ Yes ☐ No
1. That you are fully informed of the contents of the solicitation and the circumstances of its preparation.
 2. That your cost Proposal is genuine and is not a collusive or sham cost Proposal;
 3. That neither you nor anyone else acting on behalf of your company has agreed, colluded, or conspired in any manner with any other respondent, firm or person to submit a collusive or sham cost Proposal, or to refrain from responding, or sought by communication or conference with any other respondent, firm or person to fix the prices, overhead, profit, or any cost element in your cost Proposal or in any other cost Proposal, or to secure through any collusion, conspiracy, or agreement any advantage against the City of New Braunfels or any other

respondent; and

4. The prices quoted in your cost Proposal are fair and proper and are not affected by any collusion, conspiracy, connivance, or unlawful agreement on the part of your company or anyone acting on its behalf.

3. GOVERNMENT CODE TITLE 10 SUBTITLE F VERIFICATIONS:

- A. Contractor shall verify that it's named company, under the provisions of Subtitle F Title 10 Government Code Chapter 2270: ☐ **Yes** ☐ **No**
 1. Does not boycott Israel currently; and
 2. Will not boycott Israel during the term of the contract.
- B. Pursuant to Sections 2270.001, 2270.002, 808.001, Texas Government Code:
 1. "Boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes; and
 2. "Company" means a for-profit sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or any limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of those entities or business associations that exist to make a profit.
- C. Pursuant to subtitle F, Chapter 2252, Texas Government code, contractor shall not do business with Iran, Sudan or a foreign terrorist organization while providing products or services to the City of New Braunfels. ☐ **Yes** ☐ **No**

ACKNOWLEDGEMENT

THE STATE OF _____

COUNTY OF _____

I certify that I have read all the specifications and general RFP requirements and do here by certify that all items submitted meet specifications. I certify that my responses and the information provided are true and correct to the best of my personal knowledge and belief and that I have made no willful misrepresentations in this Questionnaire, nor have I withheld any relevant information in my statements and answers to questions. I am aware that any information given by me in this questionnaire may be investigated and I hereby give my full permission for any such investigation, and I fully acknowledge that any misrepresentations or omissions in my responses and information may cause my response to this solicitation to be rejected.

Company's Name

Signature, Authorized Representative of Respondent

Title

**ATTACHMENT C
EXCEPTIONS AND ALTERNATIVES FORM**

Failure to complete this form may result in your Proposal being deemed non-responsive and rejected without any further evaluation.

Proposers are to comply with all requirements of this solicitation, otherwise the proposal may be deemed non-responsive. Exceptions may be considered if they are presented with the proposal and if the City determines that the exception does not materially alter the intent of this solicitation or that it exceeds the requirements of this solicitation.

- ☐ No Exceptions Taken
- ☐ Exceptions Taken – *See attached (Include in Tab 10)
**Note that if any exceptions are taken, all required information must be submitted as an attachment*
-

In the event the Proposer takes exception to any language in this solicitation, they may set forth alternatives by presenting each exception separately by stating:

- a)** The specific item or clause for which an exception is requested (citing the page and item number).
- b)** The suggested change to the exception, inclusive of proposed new language if applicable.
- c)** An explanation as to how the proposed change would benefit the City and/or why the exception is necessary.

Except as may be indicated above, Proposer is in complete agreement with this entire solicitation including any proposed terms, conditions and business arrangements described herein.

(Authorized Signature)

Date

(Title)