

CITY OF NEW BRAUNFELS



REQUEST FOR QUALIFICATIONS

West End Area Master Plan Solicitation # RFQ 23-021

Date Issued: April 24, 2023

**RESPONSES MUST BE RECEIVED NO LATER THAN:
3:00 P.M. CST May 18, 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: 23-021

Request for Qualifications

Date Issued: April 24, 2023

West End Area Master Plan

SOLICITATION

Respondents must submit sealed Statement of Qualifications (SOQ) 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 RFQ must be received, by email only, prior to **5:00P.M. CT on May 10, 2023**.

SOQs will be received at the Office of the City Secretary at the address shown above until: **3:00 P.M. (CT), May 18, 2023**.

There will not be a public opening. SOQs 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

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

Email: pmcdonald@newbraunfels.gov

Phone: (830) 221-4081

5% Response Bond Required: YES NO
100% Payment Bond Required: YES NO
100% Performance Bond Required: YES NO

(If YES, See information in Section 5)

(If YES, See information in Section 5)

(If YES, See information in Section 5)

OFFER

(This portion must be fully completed by Respondent.) Respondent 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 Respondent:

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 Respondent.

**SECTION 2
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SECTION 3
INSTRUCTIONS FOR RESPONSE

3.1 SUBMISSION OF SOQs

- (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 RFQ, electronic bid submission is another option available to Respondents. 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 Response, or changes to your Response, in SEALED ENVELOPES OR PACKAGES identified on outside with Respondent's name and address. Failure to submit Response in this manner may subject Respondent to disqualification. **Response 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 Response envelope or package must state:

**"RFQ 22-021 West End Area Master Plan
Response Due Date: May 18, 2023, 3:00 PM CT"**

It is the sole responsibility of the Respondent to ensure timely delivery of the Response. 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 Respondent.

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

- (c) Responses 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/31176/PSA-Template-1923>

3.3 RESPONSE CONTENT

Respondents shall limit Responses to 30 pages exclusive of tabs and forms. Each Response, 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:** Respondent must complete and sign form located on Page 2.
- **TAB 2: Documents:**
 - a. **ATTACHMENTS A & B**
 - b. **Acknowledgement of Addenda, if applicable**
- **TAB 3: Understanding of Requirements and Project Plan**
 - Demonstrate a clear understanding of the requirements set forth in Section 4
 - Clearly emphasize any demonstrated knowledge of the New Braunfels area
 - Project management approach and timeline
 - Please include your plan to address the following milestones, including tasks and deliverables:
 - Review of existing conditions, background studies/information, and other design work
 - Public Outreach and Visioning for Conceptual Designs
 - Concept Plan
 - Final Layout Plan
- **TAB 4: Experience and Capabilities:**
 - Provide information on a minimum of three (3) similar projects performed by firms on the team in the last five to ten (5-10) years that demonstrate understanding and ability to deliver on the scope of services outlined in this RFQ; including at least one completed and constructed project that features “Complete Streets” core elements. For each project, include a description of the project with photographs of key features, project location, year of completion, the project’s construction contract amount, role of the firm in the design of the project, name of the firm’s project lead and the owner’s name and contact information. List key staff members who worked on the project and the location of the firm’s office that managed the work.
 - Show reporting relationships of firms with key staff and location of the offices that will perform the work. Outline the team’s proposed organizational structure and the availability of labor resources (capacity to perform) in executing the firm’s effort within the schedule.
 - Resumes for each key team member, limited to no more than 1 page, shall demonstrate experience with the type of work defined in this RFQ. One-page resumes shall demonstrate the individual’s experience in providing services as defined in the scope of work. List team member’s license type (if applicable) and number of years licensed, number of years of applicable experience, number of years of experience in proposed role, length of employment with his/her current employer and location of his/her home office. Team must include:
 - i. At least one Landscape Architect, Architect and/or Urban Planner registered in Texas, with a minimum of ten (10) years’ experience and substantial work with similar projects
 - ii. At least one Professional Traffic Engineer and one Professional Civil Engineer registered in Texas, with a minimum of ten (10) years demonstrable experience on similar projects
- **TAB 5: Deviations from RFQ:**

Reference Attachment C – Exceptions and Alternatives Form. Respondent is to indicate any deviations being offered in lieu of specified language referenced in the solicitation.

3.5 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

Respondents 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 Response.

3.6 RESPONSES TO QUESTIONS/INQUIRIES

Responses to questions/inquiries that directly affect an interpretation or change to this RFQ 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 Responses are received shall be considered part of the RFQ. Only those inquiries the Purchasing Office replies to by addenda shall be binding. Oral and other interpretations or clarifications will be without legal effect. Respondents 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.

3.7 COMPETITIVE RESPONSES

Responses will not be opened publicly. However, all Responses will be open for public inspection after award except for trade secrets and confidential information contained in the Responses and identified as such by the Respondent. Marking the entire Response as confidential and/or proprietary is not in conformance with the Texas Open Records Act.

SECTION 4 SCOPE OF WORK

Introduction

The City of New Braunfels has identified the San Antonio/Spur Streets corridor as an important area for revitalization and is beginning the development of a corridor and small area plan to guide the redevelopment of the area. These corridors located just outside of downtown and includes aging commercial properties surrounded by an older neighborhood with a significant portion of the city's few affordable residential properties. This area is culturally rich, home to many Hispanic and Latino residents and small business owners. New Braunfels' intense, rapid growth, the West San Antonio and Spur Street corridors from Interstate 35 to Walnut Avenue are in a unique location and poised for a transformation. This major corridor was historically the main gateway into the City from the south and still connects Interstate Highway 35 to Downtown.

Remnants of its time as the main highway into town can still be seen, including former automobile fueling and service stations; the boulevard's width; even the town's original HEB supermarket was on this thoroughfare. Interstate Highway 35 necessarily routed traffic around this roadway, but that negatively impacted the economic vibrancy of the corridor. Additionally, decades of neglect and disinvestment have chipped away at the periphery of the interior neighborhoods.

However, recent and planned public investments, including the Walnut Avenue improvements, present a catalytic opportunity for business redevelopment along West San Antonio and Spur Streets. If the area is to prosper further, sound community / neighborhood planning must be done to identify and provide the elements that create quality places. An area plan for the corridor and adjacent neighborhoods would help guide and spur additional redevelopment by focusing and leveraging public investments in a way that contribute to a unique sense of place and incentivize desired private investment, while finding ways to accentuate the area's distinct culture and keep residents from being displaced with the changes.

Purpose and Goals of Master Plan

The overarching policy goal of the plan is to encourage reinvestment and redevelopment opportunities for new businesses and housing in the Spur and West San Antonio Street corridor (approximately 1.25 miles) and adjacent neighborhoods. The City would like to establish the corridor as a vibrant gateway entrance into the city with a focus on enhancing the overall appearance of the corridor, increasing the availability of missing middle housing in area neighborhoods, better linking the existing residents to neighborhood and adjacent amenities, identifying new amenities, enhancements, or opportunities to strengthen and build upon the unique cultural identity of the area, and expand the opportunities to develop small and neighborhood retail and services. Specifically, the plan should include:

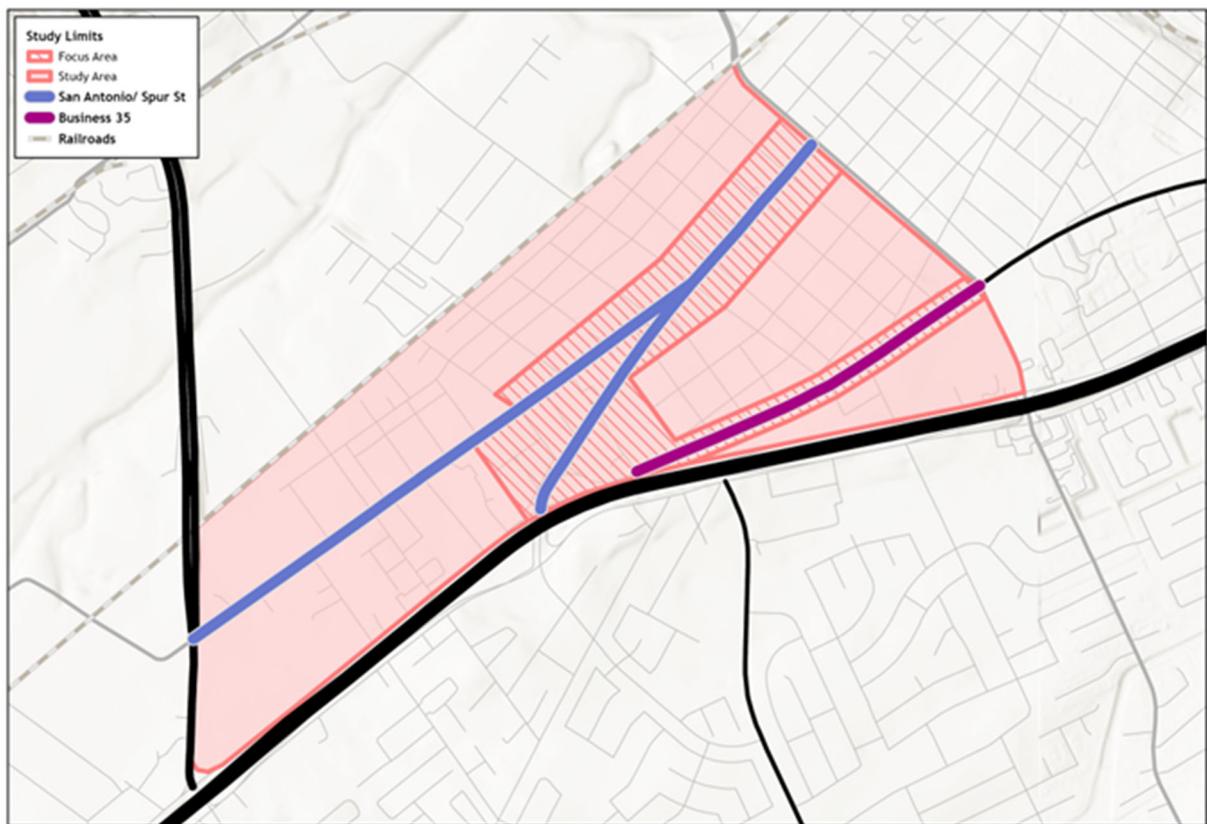
- A vision for a high-quality public realm that encourages walkability with greater connectivity and contributes to a unique sense of place and identity unique to the residents of the area
- Definition of character areas with a vision for a mix of building types and overall intensities
- Zoning and code recommendations to further align the upcoming Land Development Ordinance adoption to preserve neighborhoods and reflect the desired development patterns with the overall vision of the area
- Recommendations for off-site infrastructure improvements to accommodate the goals and strategies of the Envision New Braunfels as well as this Plan
- Recommendations to provide connectivity to adjacent areas and points of interest, as well as strategies to support multi-modal transportation options for residents and visitors

Full realization of the community-driven vision will require strategic incremental investment of both private and public funds. This plan should focus on building form and design, connectivity, the public realm, place making, infrastructure, environment, and neighborhood commercial/residential development and opportunities. An additional educational component of the public engagement process should be focused on conveying the benefits and opportunities of gentle density and infill development to the neighborhoods and overall area. The plan should include a public and resident input process that seeks the ideas, collaboration, and support of the

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broader neighborhood populations to understand and translate what they believe will improve their lives into recommendations for improvements and the plan's strategies.

Map of area



Timing of project

The resulting plan shall cover a span of ten (10) years' time.

Work on all phases of the project shall be completed no later than September 30, 2024.

The project can be phased over two separate fiscal years. The first phase (anticipated to be completed by September 2023) shall include an assessment and documentation phase where the Consultant identifies the conditions and opportunities within the corridor and surrounding neighborhoods. Consultant's discovery shall identify the character of the area, identify utility, transportation, and other critical infrastructure gaps to achieving a vibrant, walkable place as well as to establish the platform for the next phases including stakeholder engagement and visioning, and scenario development and final plan development and adoption.

Stakeholders

Consultants shall consider the needs and desires of various stakeholders, including but not limited to:

- Various neighborhood groups
- Chamber of Commerce and Hispanic Business Alliance
- TxDOT (for Business 35 only)
- Comal County and NBISD (both have buildings in the area)

Scope of Work

Consultant shall develop a comprehensive targeted area plan for corridor capital planning and reinvestment, as well as an adjacent neighborhood plan to encourage redevelopment of businesses and residential infill to include the broader provision of Missing Middle Housing. Consultant shall establish a strong vision to transform the setting into a more walkable place with vibrant cultural, economic, and housing opportunities in alignment with relevant elements of the *Envision New Braunfels Comprehensive Plan and Confluence*, the City's Economic Development Strategic Plan.

The consultant's plan shall include an implementation component describing a path forward for developing zoning districts and standards that facilitate the re-development of the area. The consultant's plan should utilize multi-day charrettes, online engagement tools, hands on exercises, and especially 3D massing model visualizations to help residents, property owners, and relevant stakeholders understand the possibilities and impacts that quality urban design can have on an area's unique sense of place. Documents should include 2D and 3D rendered illustrative graphics of the plan and recommendations. Consultants are encouraged to deploy and utilize digital 3D massing models for visualization and educational purposes around proposed changes. The consultant should demonstrate through past projects their familiarity with a variety of different methods of developing zoning districts and regulations, including form-based codes, performance standards, and pattern book zoning.

Taking a collaborative approach with the City, steering committee, and corridor stakeholders, the Consultant shall first focus on defining project goals and objectives and finding the full potential of the study area through iterative discovery and design that engages all parties in the plan development process. Consultant's discovery in phase one shall identify the character of the area, demographics, and price trends in the area, identify utility, transportation, and other critical infrastructure gaps to achieving a vibrant, walkable place as well as to establish the platform for the next phases including stakeholder engagement and visioning, plan development and adoption. The resulting plan shall shape and inform the redevelopment to ensure that changes in the corridor are happening *with* current residents and business owners in a manner that is beneficial. During the initial phase of the plan, the Consultant shall document their understanding of the key characteristics and nuances of the neighborhoods, individual blocks, the range of individual site types and building configurations, and architectural style to organize the findings into guidelines and standards that can systematically deliver compatible, high-quality development proposals.

The consultant shall base the project approach on the principle of building the corridor vision plan from "the bottom up," letting landowners, business owners, residents, and interested stakeholders play an active role in determining the future of the corridor. Consultant shall deliver several key recommendations for transportation improvements, infrastructure investments, guidance for design of unique character areas within the corridor, and recommendations for zoning and regulatory strategies to implement these components, including design guidelines and pattern books for systematically delivering compatible, high-quality development proposals by owners, residents, and other members of the private sector.

Consultant shall include in the plan a focus on physical design and site planning, within both the public and private realm, as well as developing the related policies and tools necessary for successful implementation. The Consultant's plan should follow a traditional planning trajectory to include inventory and analysis, public outreach and visioning, scenario and alternatives development, plan preparation and adoption. Consultant shall utilize input obtained from the public outreach sessions as well as input from stakeholders to draft a set of proposed solutions for the corridor and neighborhoods. The City is receptive to receiving proposals from qualified consultants around a proposed process and plan elements, but the general plan and approach should involve multiple phases which at a minimum include:

1. Project kick-off, interviews, data collection and review of existing conditions and documents
2. Analysis and evaluation
3. Public engagement, education, and visioning
4. Alternatives Presentation and Feedback from Community
5. Draft plan

Additionally, the plan should include the following deliverables:

- Conceptual street and Right of Way designs to support the goals of the plan
- A list of transportation and multi-modal enhancement projects
- Recommendations of capital program investments, including stormwater and utilities that encourages the transition to a higher-quality public realm
- An illustrative series of housing and other building types generated with stakeholder approval to accommodate the existing and projected demographics of the area with a variety of price points
- Identification of housing and commercial building types that can be constructed “by right” in defined areas of the district
- A pattern book of preapproved building plans and types to address the need for more missing middle housing and neighborhood commercial (up to 6 that will be determined upon the plan’s visioning and after stakeholder engagement)

SECTION 5
EVALUATION OF RESPONSES

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 Respondent's submitted Response; however, the City will award in the manner deemed most advantageous to the City.

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

The Respondent selected for award will be awarded a Contract to provide services as specified.

5.2 EVALUATION CRITERIA: The City of New Braunfels will review all Responses submitted in response to this solicitation using the criteria presented below and rank each Respondent. A Respondent 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.

Program Criteria: The Responses will be ranked based on the following evaluation criteria:

<u>Criteria</u>	<u>Points</u>
Experience of the Design Team and Overall Company	30 Pts
a. Organizational chart cohesiveness	
b. At a minimum, the team will be evaluated based on its experience in:	
i. Landscape architecture and urban planning experience pertinent to multimodal “Complete Street” design and urban “place-making”	
ii. Civil Engineering experience in stormwater management strategies, traffic engineering and roadway design	
c. Similar Projects	
Experience of Key Personnel	30 Pts
Previous related work experience	30 Pts
Similar planning and engineering studies completed within the past four years in similarly sized cities	
Team's Experience in San Antonio and New Braunfels Region	10 Pts
TOTAL	100 pts

The City reserves the right to request additional information or clarifications from all Respondents 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 Response, references, or any other source, in the evaluation process, including Respondent's past working or business relationship with the City, if any. The City further reserves the right to consider a Respondent's background, personnel, experience, financial and other references, management practices, exceptions to the RFQ or subsequent contract, and any working relationships, past or present, a Respondent may have with its other clients.

5.4 OPENED RESPONSE. 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 Professional services are procured in accordance with Chapter 2254 of the Government Code, Title 10, Subchapter A, Professional Services. Selection of the most highly qualified respondent(s) will be made based on demonstrated competence and qualifications as determined by the City of New Braunfels based on the Qualifications submitted in response to this solicitation.

5.6 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.

5.7 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 RFQ 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 RFQ.
- **Solicitation Response to Remain Subject to Acceptance.** All responses 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 RFQ. The City reserves the right to authorize contract negotiations to begin without further discussion with Respondents submitting a Response. Therefore, each Response 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 Response.
- **Respondent's Obligation Regarding Evaluation:**
 - **Submission of Information.** Submitters are cautioned that it is each Respondents 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 Response. Failure of a Respondent to submit such information may cause an adverse impact on the evaluation of the specific Response.
 - **Respondent Review of RFQ.** Respondents are responsible for examining and being familiar with all specifications, terms, conditions, provisions, and instructions of the RFQ 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 RFQ, a written Contract pertinent to the RFQ, or the awarding of the contract.
- **Lobbying Prohibited.** Respondents are prohibited from directly or indirectly communicating with City Council members regarding the Respondent's qualifications or any other matter related to the eventual award of a contract for the services requested under this RFQ. Respondents are prohibited from contacting city staff members regarding their qualifications or the award of a

contract, unless in response to an inquiry from the Purchasing Representative. Any violation will result in immediate disqualification of the Respondent from the selection process.

5.8 SUBCONTRACTING PROPOSAL

If subcontracting with another company or an individual on this project, this must be identified in your proposal, and the subcontractor's credentials must be submitted with your proposal for the City's review and evaluation consideration.

5.9 RESPONSE SPECIFICATIONS

- **Modification or Withdrawal of Response.** Responses cannot be altered or amended after the submittal deadline. Responses 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 Response 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 Response. **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 Respondent to withdraw a Response due to a material mistake in the Response.
- **Inquiries.** To ensure fair and objective evaluation, all questions related to this RFQ should be addressed only to the persons named in Section 3.5 of this solicitation.
- **RFQ Interpretation; Addendum.** Any interpretations, corrections, or changes to this RFQ will be made by addenda through:
 - <https://www.bidnetdirect.com/texas/city-of-new-braunfels>
 - and the City Website: <http://nbtexas.org/DocumentCenter/Home/Index/139>

Respondents shall acknowledge receipt of all addenda per the instructions to be attached to addenda.

SECTION 6
AWARD OF CONTRACT

6.1. SUCCESSFUL RESPONDENT'S DOCUMENTS: The successful Respondent will provide its Response and any negotiated amendments to the Response to the Office of the Purchasing Manager as an electronic Word or PDF file.

6.2. CONTRACT AWARD: The selection of a Respondent and the execution of a contract, while anticipated, are not guaranteed by the City. The City reserves the right to determine which Response is in the City's best interest and to award the contract on that basis, to reject any and all Responses, waive any irregularities of any Response, negotiate with any potential Respondent (after Responses 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 Respondent will assume responsibility for all services offered in its Response, whether such services are provided by a subcontractor or joint venture arrangement. The successful Respondent will be considered the sole point of contact about contractual matters, including payment of all charges resulting from the contract.
- B. The successful Respondent 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 RFQ and the successful Respondent's Response, 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 Respondent.
- D. Be advised that exceptions to any portion of the RFQ may jeopardize acceptance of your Response. If exceptions are taken to the City's Contract, this will be clearly indicated and a full explanation given for each exception. It is required that the Response enumerate the specific clauses that the Respondent wishes to amend or delete and suggest alternative wording in the Response. In view of the length of time involved in obtaining the approval of legal counsel, Respondents are cautioned not to state that the Respondent's Response is subject to the Respondent's standard terms and conditions or that the final terms and conditions are subject to negotiation after award. This may result in the Response 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 Response 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 Responses 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 Response? Yes No
1. That you are fully informed of the contents of the solicitation and the circumstances of its preparation.
 2. That your cost Response is genuine and is not a collusive or sham cost Response;
 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 Response, 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 Response or in any other cost Response, or to secure through any collusion, conspiracy, or Contract any advantage against the City of New Braunfels or any other

respondent; and

4. The prices quoted in your cost Response are fair and proper and are not affected by any collusion, conspiracy, connivance, or unlawful Contract 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 RFQ 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 Response being deemed non-responsive and rejected without any further evaluation.

Respondents are to comply with all requirements of this solicitation, otherwise the Response may be deemed non-responsive. Exceptions may be considered if they are presented with the Response 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 Respondent 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, Respondent is in complete Contract with this entire solicitation including any proposed terms, conditions and business arrangements described herein.

(Authorized Signature)

Date

(Title)