

LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL

**REQUEST FOR PROPOSALS
For Engineering and Design Firm to assist
with the Hidalgo County Active
Transportation and Active Tourism Plan
No. 2023-04**

ISSUE DATE: JULY 30th, 2023

PROPOSAL DEADLINE: AUGUST 14th, 2023, at 05:00 pm (CST)



LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL (LRGVDC)
301 WEST RAILROAD ST.
WESLACO, TEXAS 78596

WWW.LRGVDC.ORG

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SECTION I: GENERAL INFORMATION

1.1 SOLICITATION SCHEDULE

Release date of Request for Proposal: July 30th, 2023

Last day to submit written questions: August 8th, 2023

Proposal Deadline: August 14th, 2023 at 05:00 pm (CST)

Proposals will be evaluated by a committee on a date that best serves the process but before board approval.

Selection Considered for Board Approval: August 30th, 2023

Project Begin Date: When Contractor is given notice to proceed

Project End Date: When Contractor submits final report.

If the LRGVDC determines, in its sole discretion, that it is necessary to change any of the dates and times, it will issue an Addendum to this RFP.

1.2 AUTHORIZED AGENCY CONTACT

- Offerors may submit questions and inquiries via email only to lrgvdc@lrgvdc.org. The LRGVDC reserves the right to not respond to any questions that may jeopardize the solicitation or selection process.
- No phone or in-person inquiries regarding the proposal shall be conducted.
- Questions submitted in writing or via email will be answered within three business days.
- Inquiries, questions, and responses shall be posted as addendums on the LRGVDC website. Offerors should frequently check for periodic updates.

1.3 PROJECT SUBMISSION

All Proposals shall be submitted via sealed envelope, displaying name of offeror and project title addressed to the following:

301 West Railroad-Building "D"
Weslaco, Texas 78596

REQUEST FOR PROPOSALS
"Hidalgo County Active Transportation and Active Tourism Plan"
No: 2023-04

- Fax copies are not acceptable. Paper copies only, no CDs acceptable.
- LRGVDC Office Hours: Monday through Friday from 8:00 AM to 5:00 PM

SECTION II: BACKGROUND INFORMATION

2.1 LRGVDC OVERVIEW

The Lower Rio Grande Valley Development Council (LRGVDC) is one of twenty-four (24) state planning regions and association of local governments formed under Texas Law to address issues and planning needs that cross the boundaries of individual local governments. The LRGVDC coordinates planning efforts, provides a regional approach to problem solving through cooperative action and provides direct services, when applicable. The designated geographical service area is the 3,643 square miles of Cameron, Hidalgo and Willacy Counties.

The LRGVDC is comprised of programs in the fields of economic development, public safety, transportation, environmental services, and health and human services. Funding to support these programs originates from local, state, and federal sources. LRGVDC is governed by a twenty- seven (27) member Board of Directors of whom two-thirds are required to be elected officials of the designated boundaries.

2.2 PROJECT SUMMARY

The LRGVDC is soliciting a Request for Proposals for the selection of an Engineering and Design Firm to provide professional services to the Lower Rio Grande Valley Development Council (LRGVDC).

The Texas Department of Transportation (TxDOT) awarded the Lower Rio Grande Valley Development Council a grant through the Transportation Alternatives Set-Aside (TASA) Program Project. To ensure compliance with TxDOT, the LRGVDC is seeking Qualifications to adhere to the procurement and property management standards established in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and to the Texas Uniform Grant Management Standards. TxDOT must pre-approve the Local Government's procurement procedures for purchases to be eligible for state or federal funds.

As per the US Department of Transportation 49 CFR Part 26 which mandates to comply with TxDOT's Disadvantaged Business Enterprise DBE requirements, the appropriate documentation has been included at the end of this RFP.

An Active Transportation and Active Tourism plan for the county of Hidalgo, Texas is needed to address the short-term and long-term economic and planning impacts for a seamless regional active transportation network and active tourism plan. The intent of this plan is to identify opportunities for the development of regional network of bike and pedestrian infrastructure which would provide additional draw for tourism factoring in all the sites every partner city in Hidalgo County has to offer. The proposed plan will display a comprehensive network of trails and facilities utilizing existing and planned roadway infrastructure, utility easements, canal easements, and linear parks to connect users to points of interest and partner communities. It should also look at the active tourism component, analyzing existing marketing and programming by all partner entities and how these strategies can be more cohesive and marketed. The main goal of this is to implement a comprehensive system encouraging biking and pedestrian activity throughout the region.

This project will be financially supported through several means: TxDOT awarded funds through TASA (federal passthrough of FHWA) and local dollars provided by Hidalgo County. The payments to the awarded contractor will be based on task and performance. Payments will not be validated on hours worked, but rather tasks completed. For this reason, the funds will not be invoiced as a lump sum.

2.3 PROJECT SCOPE

The offeror shall provide a proposal in accordance with the terms and conditions of set forth herein to develop options according to the project scope. The approximate time to complete the assessment and creation of this

plan is 8-12 months from work authorization and approval.

The following activities should be included:

1. Define Study Areas: Determine and define the study areas by meeting with all partner cities to include but not limited to Alamo, Donna, Edinburg, Hidalgo, La Joya, McAllen, Mercedes, Mission, Pharr, San Juan, and Weslaco and all cities in the area within Hidalgo County, Texas.
2. Conduct an Assessment of the Area:
 - a. Analyze the current active transportation systems throughout the partner communities. Determine current users and for which purpose, whether for recreation, transportation, or both. Where are these individuals going and where would they like to go?
 - i. Active transportation systems will include sidewalks, hike and bike trails, on-off-street facilities, crosswalks, bus stops and transit transfer points, horseback riding paths, paddling trails, etc.
 - b. Analyze surrounding transportation, existing, and future conditions that influence future development potential. Determine the transportation and recreational goals of the community for the next five, ten, and twenty years.
 - c. Analyze what steps and actions should be taken to achieve that vision. Certain questions must be acknowledged and resolved, but not limited to:
 - What are current opportunities and constraints that exist regionally?
 - What are some of the easier possibilities that exist to encourage more riding and walking?
 - What are the long-range health benefits of having these facilities incorporated to the current area?
 - What longer range, more significant facilities need to be developed?
 - How much might each facility be expected to cost?
 - What is the action plan, or, using the prioritization criteria developed, what factors should be budgeted for first?
 - How should the development of facilities and other encouragement activities be funded? Provide an emphasis on public/private partnerships.
 - How should this coalition of cities manage a regional project? Provide methodology.
3. Community Outreach:
 - a. In coordination with a Steering Committee and staff, a variety of community meetings will be organized. A few communities may be grouped for these meetings.
 - b. Public Input and Branding of the Plan are an essential part of this effort.
4. Plan Outcome:
 - a. Goals-The Planning Team will prepare a diagrammatic planning map with the key system connections and associations shown.
 - b. Conceptual Outcome- The plan should provide alternatives to vehicular transportation and create recreational possibilities in order to ease navigation around the region and improve air quality. Possible regional linkages should be identified and proposed.
5. Implementation Agenda:
 - a. The plan should provide an implementation guide that includes regional and local priorities and estimated timeframes for each section of the planned off-street trails and on-street systems.
 - b. The Implementation agenda should also provide cost estimates, phasing diagram, and all other costs.
6. Active Tourism:
 - a. Analyze and determine what the potential tourist destinations, places to stay and eat around the region.

- b. Analyze what steps and actions should be taken to develop the regional active tourism market.
- c. Develop regional marketing criteria and an event prioritization framework that partner cities can use moving forward on marketing the area for active tourism.

NOTE: Tasks are subject to change depending on the area being studied and the defined goals in the specific area. The project deliverables will be included in the contract and negotiations.

2.4 STATEMENTS OF QUALIFICATIONS

The selected firm must possess the ability, experience, and reputation for quality service necessary to produce high-quality and functional recommendations. To ensure the planning firm is capable of providing an acceptable level of service to the LRGVDC Business Operations Department, the following minimum qualifications must be met:

- Firm must have extensive experience in dealing with municipal and/or council of governments, and have the ability to research, coordinate and prepare functional reports for the LRGVDC Business Operations Department.
- Firm must carry adequate professional liability insurance and errors and omissions Insurance.
- The respondent firm must have successfully completed a minimum of three (3) municipal, county, council of government, or state projects in the last five years with references on each project listed to include the name of the current project manager and relevant information.
- Respondent firm must have knowledge and experience working with the Texas Department of Transportation through direct contracts or through grant-funded awards. It is preferred for the respondent firm to have experience with the Department of Transportation.
- Respondent firm must have some knowledge of and experience with federal grant funds through the Federal Transit Administration or through the Federal Highways Administration.
- Projects should have been completed on time and within budget or an explanation provided.
- Any additional information you would like to provide about these projects would be advantageous.
- Firms must demonstrate how local participation will be acquired.

2.5 EVALUATION CRITERIA

Proposals will be selected based on the ability of each bidder to carry out all the requirements contained in this RFP. Incomplete or late proposals or those found to be default, in poor standing or reflective of questionable business/ethical practices will not be considered.

It is the intent of LRGVDC to enter into contractual agreements with the most qualified, responsible respondent whose submittal is responsive to the solicitation, meeting all qualifications necessary to complete the prescribed scope of work. The scoring will be weighted for each of the evaluation criteria noted below. The points available will be computed using the following method: 100% of points if responder exceeds or meets expectations; 50% of points if responder provides some or part of the criteria requested; 0% if no response to that section is provided.

	Points
Overall Experience of Vendor & Demonstrated Results <ul style="list-style-type: none"> • Evaluation will include an assessment of the history of the firm (5 points max) • Experience as it relates to the requirements within this RFP (10 points max) • Evidence of past performance (5 points max) • Quality and relevance of past work, references, and related items (5 points max) • Experience of key individuals of the team and who will be assigned to this project (5 Points max) 	30
Strategic Thinking/Planning Approach <ul style="list-style-type: none"> • Overall approach and detailed strategy described/outlined in the proposal and capacity to perform the items listed in the Scope of Work within the specified timeframe (15 points max) • Prior experience of firm’s ability to meet timelines/deadlines (10 points max) • Demonstration of familiarity with the demographics and locale of Hidalgo County, Texas and the Rio Grande Valley (10 points max) • Understanding of the challenges and opportunities within Hidalgo County, Texas and the Rio Grande Valley as it relates to local, state, or national transportation, economic, and tourism factors (10 points max) 	45
Governmental Units <ul style="list-style-type: none"> • Demonstrate an ability to coordinate and work with units of local government including the challenges faced by these entities to include funding, staff capacity, experience, and policy limitations (10 points max) • Successful projects involving units of local government (10 points max) • Provide references of successfully completed projects (5 points max) 	25
<i>Total</i>	100
DBE Participation (additional potential points)	10 pts

A committee will evaluate and score all proposal to determine the most qualified. The most qualified will be invited to respond to a subsequent Request for Proposals which will include the submission of a Fee Proposal. Final approval will come from the LRGVDC Board of Directors.

2.6 COST PROPOSAL

The following is provided in compliance with financial grant requirements of the state funding agency FHWA, no cost will be submitted in this phase. Once the highest qualified consultant is identified, costs will be negotiated after that point.

2.7 SUBMISSION OF PROPOSALS:

2.7.1 DEADLINE AND LOCATION:

Interested parties should submit one (1) original and four (4) copies, and one electronic file version in MS Word or Adobe PDF formatting on a USB flash drive of their proposal, including all forms and required documentation which are due by **05:00 PM (CST), August 14th, 2023, to: Lower Rio Grande Valley Development Council, 301 W. Railroad, Weslaco, TX 78596.** Proposals must be sealed and marked with the words **“RFP - For Active Transportation and Active Tourism Plan No. 2023-04”**. Faxed or emailed proposals will not be accepted.

- 2.7.2 Late received proposals will not be returned to the respondent.
- 2.7.3 The LRGVDC will not acknowledge or receive proposals that are delivered by telephone or facsimile (fax)
- 2.7.4 Properly submitted proposals will not be returned to respondents.
- 2.7.5 Proposal materials should be submitted via sealed envelope and must clearly identify the submittal deadline, the RFP number, and the name and return address of the respondent.

2.8 EVALUATION OF PROPOSALS:

The evaluation of the proposals shall be based on the requirements described in this RFP. All properly submitted proposals will be reviewed, evaluated, and ranked by the LRGVDC.

2.9 LRGVDC's RESERVATION OF RIGHTS:

The LRGVDC may evaluate the proposals based on the anticipated completion of all or any portion of the project. The LRGVDC reserves the right to divide the project into multiple parts, to reject any and all proposals and re-solicit for new proposals, or to reject any and all proposals and temporarily or permanently abandon the project. LRGVDC makes no representations, written or oral, that it will enter into any form of agreement with any respondent to this RFP for any project and no such representation is intended or should be construed by the issuance of this RFP.

2.10 ACCEPTANCE OF EVALUATION METHODOLOGY

By submitting its proposal in response to this RFP, respondent accepts the evaluation process and acknowledges and accepts that determination of the "most qualified" firm(s) will require subjective judgments by the LRGVDC.

2.11 REIMBURSEMENT FOR COSTS:

Respondent acknowledges and accepts that any costs incurred from the respondent's participation in this RFP shall be at the sole risk and responsibility of the respondent.

2.12 ELIGIBLE RESPONDENTS:

Only individual firms or lawfully formed business organizations may apply. The LRGVDC will contract only with the individual firm or formal organization that submits a proposal.

2.13 SALES AND USE TAXES:

Section 151.311, Tax Code, as amended effective October 1, 1993, permits the purchase free of state sales and use taxes of tangible personal property to be incorporated into realty in the performance of a contract for an improvement to realty for certain exempt entities that include the LRGVDC. The section further permits the purchase tax-free of tangible personal property for use in the performance of such a contract if the property is "necessary and essential for the performance of the contract" and "completely consumed at the job site." In addition, the section permits the purchase tax-free of a tangible service for use in the performance of such a contract if the service is performed at the job site and if "the contract expressly requires the specific service to be provided or purchased by the person performing the contract" or "the service is integral to the performance of the contract."

2.14 CERTIFICATION OF FRANCHISE TAX STATUS:

Respondents are advised that the successful respondent will be required to submit certification of franchise tax status as required by State Law (H.B. 175, Acts 70th Leg. R.S., 1987, Ch. 283, p. 3242). The contractor agrees that each subcontractor and supplier under contract will also provide a

certification of franchise tax status.

2.15 DELINQUENCY IN PAYING CHILD SUPPORT:

Under Section 231.006, Family Code, the vendor or applicant certifies that the individual or business entity named in this contract, bid, or application is not ineligible to receive the specified grant, loan, or payment and acknowledges that this contract may be terminated, and payment may be withheld if this certification is inaccurate.

2.16 STATE REGISTRATION OF ENGINEERING FIRMS:

Respondents are advised that the Texas Board of Professional Engineers requires that any entity providing engineering services to the public must register with the Texas Board of Professional Engineers. An entity is defined as a sole proprietorship, firm, partnership, corporation or joint stock association.

2.17 DISCLOSURE OF INTERESTED PARTIES STATUTE.

In its proposal, Respondents must agree to comply with [Section 2252.908, Texas Government Code](#) (“Disclosure of Interested Parties Statute”) and [1 Texas Administration Code Sections 46.1 through 46.3](#) (“Disclosure of Interested Parties Regulations”) as implemented by the Texas Ethics Commission (“TEC”), including, among other things, providing the TEC and LRGVDC with the information required by the Disclosure of Interested Parties Statute and the Disclosure of Interested Parties Regulations on the form promulgated by the TEC. The form will be required to be submitted to LRGVDC prior to the countersigning of the final agreement and not submitted with this RFP.

SECTION III: PROPOSING CONDITIONS

3.1 QUALIFICATION SUBMISSION

Proposals submitted by sealed envelope are invited by the LRGVDC for all labor, services, materials, supplies, equipment, tools, transportation, and other facilities necessary or proper to meet the requirements of the specifications included in scope of service. The LRGVDC may waive and/or disqualify any proposal not prepared and submitted in accordance with the provisions herein.

Proposals will be received via sealed envelope. Any proposals received after the time and date deadline will not be considered. Also, any proposals may be withdrawn prior to the scheduled time for the opening thereof.

3.2 STATUS OF INFORMATION

The LRGVDC shall not be bound by oral or written information released prior to the issuance of the bid. All inquiries regarding this application must be submitted in writing via email to lrgvdc@lrgvdc.org.

Offerors are advised that from the date this solicitation is issued until the award of the contract, NO contact with personnel and/or Governing Body related to this solicitation is permitted, except as authorized such as email inquiries.

3.3 QUALIFYING CONDITIONS

The proposal shall state whether the offeror is a corporation or co-partnership, and, if a corporation, under the laws of what state and have the corporate seal affixed. If a co-partnership, specify the full name or names of all interested parties.

The successful offeror shall submit a certificate of incorporation in the state of Texas or proof of authorization to do business in the State of Texas.

The Contractor shall procure and maintain insurance for the duration of the contract. The Contractor shall indemnify and hold the LRGVDC harmless.

The Contractor shall pay any and all Federal, State, County, or City taxes which may be applicable herein.

The LRGVDC shall not be liable for any costs incurred by offerors in the preparation of proposals or for any work performed in connection therewith.

The LRGVDC reserves the right to postpone or cancel the bid and to reject any or all proposals.

3.4 NON-COLLUSIVE PROPOSING CERTIFICATE

All offerors must complete the Non-Collusion certification included submitted as part of the proposal. Any offers submitted without the fully executed Non-Collusion Certifications will be rejected.

If in any case the offeror cannot make the foregoing certification, the offeror shall so state and shall furnish with the proposal a signed statement which sets forth in detail the reason, therefore.

The offeror whose proposal is accepted shall, after written notice by the designated agency staff member enter into a contract and furnish an insurance certificate complying with the provisions of insurance specification. The notice shall be served personally or by the mailing thereof in a postpaid wrapper addressed to the offeror at the address given in the proposal. This contract must be approved by the LRGVDC.

The contract shall be governed and construed under the laws of the State of Texas. Venue for any and all disputes under the contract shall be in Hidalgo County, Texas. Any and all settlement discussions, examinations before trial, depositions and or any other proceedings related to any disputes under the contract shall also be held in Hidalgo County, Texas.

3.5 ADDENDA

Any addenda issued during the time of proposing must be included in the proposal, and in enacting the contract, they shall become a part thereof.

The LRGVDC will issue responses to inquiries and any other corrections or amendments it deems necessary, in written addenda issued prior to the proposal deadline.

Offerors should not rely on any representations, statements or explanations other than those made in this bid or in a formal addendum.

The offeror should verify with the designated contact person, prior to submitting a proposal, that all addenda have been received. Offerors are required to acknowledge the number of addenda received as part of their proposals.

3.6 CONFIDENTIAL/PROPRIETARY INFORMATION

Offerors should specifically identify those portions of the proposal to be confidential, proprietary information or trade secrets and provide justification why such material, upon request, should not be disclosed.

3.7 OFFERORS ACCEPTANCE OF CONTRACT PROVISIONS

By submitting a proposal to the LRGVDC the offeror accepts the standard contract provisions that will become part of the final contract subject to agreement by both parties.

3.8 CONTRACT AWARD

Any proposed contract award shall be subject to all required approvals. Contract award shall be subject to the conditions listed in this solicitation, where applicable. The contract type, as it relates to this RFP is a Project-specific contract: a contract between the LRGVDC and the consultant firm for the performance of services and defined scope of work related to this project.

In regard to the submission of billing: the LRGVDC will accept monthly invoices of work performed and milestones achieved. The funding available for this project is a combination of local and federal (FHWA) pass-through grants. As a result, funding will be remitted within forty-five days (45) allowing first for the LRGVDC to review and verify the work performed, second, for TxDOT to review and verify the work performed, and third for payment to be processed. Payments will be made be paid by the LRGVDC to the CONSULTANT monthly upon receipt of an invoice for payment from the CONSULTANT specifying that he has performed a certain percentage of the work under this Contract as outlined in the deliverables and is entitled to receive the amount invoiced under the terms of the Contract, provided, however, that the LRGVDC will retain ten percent (10%) of the amount invoiced until successful completion of all work in accordance with this Agreement. The Retainage shall be paid upon final acceptance by the LRGVDC of the project deliverables.

3.9 CONTINUATION CONTRACTS

The following provisions apply to continuing contracts awarded as the result of this solicitation: The contract is subject to modification or cancellation if adequate funds are not appropriated to the LRGVDC to support the continuation of performance in any fiscal year succeeding the first year.

The contract is subject to modification or cancellation if the contractor's performance is not satisfactory; and the Contract Coordinator will notify the contractor as soon as it is practicable that the funds are not available for the continuation of the contract term for each succeeding year.

3.10 FORCE MAJEURE

Neither Respondent nor Agency shall be liable to the other for any delay in, or failure of performance, of any requirement included in a contract resulting from this solicitation caused by force majeure. The existence of such causes of delay or failure shall extend the period of performance until after the causes of delay or failure have been removed provided the non-performing party exercises all reasonable due diligence to perform. Force majeure is defined as acts of God, war, fires, explosions, hurricanes, floods, failure of transportation, or other causes that are beyond the reasonable control of either party and that by exercise of due foresight such party could not reasonably have been expected to avoid, and which, by the exercise of all reasonable due diligence, such party is unable to overcome.

FEDERALLY REQUIRED PROVISIONS

Attached are the Federal Clauses pertaining to this particular procurement. The Contractor is responsible for reading each clause, signing when appropriate, and following the requirements of each clause. Failure to comply with these Federal Clauses will result in breach of contract. Any clauses not related to this opportunity, such as those pertaining to construction projects, may be omitted.

In compliance with the provisions of Texas Government Code, Title 10, Subtitle D, Section 2155.074, Section 2155.075, Section 2156.007, Section 2157.003 and Section 2157.125, and Texas Administrative Code, Title 1, Chapter 113.6, information obtained from the SPD's Vendor Performance Tracking System may be used in evaluating responses to solicitations for goods and services to determine best value.

FEDERAL TRANSIT ADMINISTRATION REQUIRED CLAUSES

It is the responsibility of the Bidder to ensure that all clauses applicable to the work of an Agreement resultant from this Purchase Order are adhered to by the Contractor and its Sub-contractors when applicable.

Sec.	Contract Clause	Applicability to Type of Contract
1.	Fly America Requirements	When Transportation Paid FTA Funds
2.	Buy America Requirements	Value > 100K for Goods, Rolling Stock
3.	Seismic Safety Requirements	New Construction/Additions
4.	Energy Conservation Requirements	All
5.	Lobbying	Construction, A/E, Services, Rolling Stock
6.	Access to Records and Reports	Construction, A/E, Services, Rolling Stock
7.	Federal Changes	All
8.	Recycled Products	Value > 10K In Fiscal Year
9.	Davis-Bacon and Copeland Anti-Kickback Acts	Construction > \$2000
10.	Contract Work Hours and Standards Act	Construction > \$2000, Stock, Operational > \$2,500
11.	No Government Obligation Third Parties	All
12.	Program Fraud and False or Fraudulent Statements and Related Acts	All
13.	Termination	Value > 10K
14.	Government-Wide and Suspension (Non-procurement)	Value > 25K
15.	Privacy Act	All
16.	Civil Rights Requirements	All
17.	ADA Access Requirements	All
18.	Patent and Rights in Data	Research Projects Only
19.	Disadvantaged Business Enterprise (DBE)	All
20.	Incorporation of FTA Terms	All
21.	Metric Requirements	Sealed Bid Procurements, Stock, Construction
22.	Conformance with National Architecture	Contracts and Solicitations ITS projects only
23.	Corridor Preservation	Right of Way Development
24.	Veterans Employment	Capital Projects

SECTION IV: LRGVDC PROPOSAL PACKET

LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL
301 WEST RAILROAD-BUILDING "D" WESLACO, TEXAS 78596

THE FOLLOWING FORMS MUST BE COMPLETED AND SUBMITTED WITH THE PROPOSAL:

- A. Authorization Form**
- B. Addenda**
- C. Certificate of Incorporation**
- D. References Sheet**
- E. Non-Collusion Certificate**
- F. Declaration of Conflict of Interest**
- G. DBE Program Compliance Forms**
- H. Contract Contact Form**

A. LRGVDC FORM (A) - AUTHORIZATION FORM

RFP - For Active Transportation and Active Tourism Plan

By signing below the contractor accepts terms and conditions listed in RFP and any addendums. If the bidder does not agree to the terms and conditions, the contractor shall submit a request for clarifications & modifications prior to proposal due date. Failure to follow this procedure may cause the LRGVDC to award contract to the next highest contractor due to the added cost LRGVDC may incur due to the change in Terms and Conditions.

Proposal shall be valid for ninety (90) days from proposal due date.

CONTRACTOR Name: _____

Address: _____

Phone: _____ Email: _____

Web Site: _____

License Registration Number: _____

Federal Tax ID number: _____

Signature: _____

Date _____

Title: _____

B. ADDENDA

In the space provided below, acknowledge receipt of addenda: *(if applicable)*

Date Received:

- #1 _____
- #2 _____
- #3 _____
- #4 _____
- #5 _____

C. CERTIFICATION OF INCORPORATION

CONTRACTOR MUST SUBMIT CERTIFICATION OF INCORPORATION IN THE STATE OF TEXAS OR MUST SHOW PROOF OF AUTHORIZATION TO DO BUSINESS IN THE STATE OF TEXAS.

To facilitate correct drawing and execution of contracts, offerors shall supply full information concerning legal status as follows:

NAME: _____

Type: CORPORATION CO-PARTNERSHIP INDIVIDUAL TRADE NAME N/A

If Foreign Corporation, state if authorized to do business in the State of Texas: YES NO

ADDRESS OF PRINCIPAL OFFICE:

Street:	
City:	
State:	
Zip code:	

PRINCIPAL OFFICERS:

NAME	ADDRESS	TITLE
------	---------	-------

PRINCIPAL STOCKHOLDERS:

NAME	ADDRESS	TITLE
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If Co-Partnership, Names of Partners and Addresses are:

If doing business under Trade Name, Assumed Name or Firm Style:

Name of LRGVDC:	Certificate Filed:	(Place)	(Date)
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D. REFERENCES

List below at least three (3) references where your firm is providing or has provided services comparable to those contained in your proposal:

Company:	
Contract Person:	
Address:	
Phone #:	
Years of Service Provided:	
Additional Info: (optional)	

Company:	
Contract Person:	
Address:	
Phone #:	
Years of Service Provided:	
Additional Info: (optional)	

Company:	
Contract Person:	
Address:	
Phone #:	
Years of Service Provided:	
Additional Info: (optional)	

E. NON-COLLUSION AFFIDAVIT

STATE OF TEXAS §
§
COUNTY OF
HIDALGO §

By the signature below, the signatory for the bidder certifies that neither he nor the firm, corporation, partnership or institution represented by the signatory or anyone acting for the firm bidding this project has violated the antitrust laws of this State, codified at Title 2 - Section 15.01, Texas Business and Commerce Code, or the Federal antitrust laws, nor communicated directly or indirectly the bid made to any competitor or any other person engaged in the same line of business, nor has the signatory or anyone acting for the firm, corporation or institution submitting a bid committed any other act of collusion related to the development and submission of this bid proposal.

EXECUTED this _____ day of _____, 20__ .

Signature: _____
Printed Name: _____
Title: _____
Company: _____

SWORN TO AND SUBSCRIBED before me by _____ ,
on the __ day of _____, 20__ .

Notary Public, State of Texas

Commission Expiration

1. This Affidavit must be filed with the Lower Rio Grande Valley Development Council and be maintained as part of the permanent procurement record.

F. DECLARATION OF CONFLICT OF INTEREST (AFFIDAVIT OF INTEREST)

STATE OF TEXAS § COUNTY OF HIDALGO §

I, _____, as an **employee, officer or agent, or any member of his/her immediate family, a partner or a person or an organization which employs or may employ in the near future any of these individuals** of the LRGVDC, make this affidavit and state that I have a financial or other substantial interest in the LRGVDC which may be considered for the award of **specify contract or procurement**.

My interest is as follows:

Upon the filing of this affidavit with the Lower Rio Grande Valley Development Council, I affirm that I will abstain from any further participation in this **contract or procurement** whatsoever.

EXECUTED this ___ day of __, 20__.

Signature: _____

Printed Name: _____

Title: _____

Company: _____

SWORN TO AND SUBSCRIBED before me by___,

on the _____ day of _____, 20__.

Notary Public, State of Texas

Commission Expiration

1. This Affidavit must be filed with the Lower Rio Grande Valley Development Council and be maintained as part of the permanent procurement record.
2. Upon filing the Affidavit, the officer, employee or agent must abstain from participating in the procurement process pursuant to the ethics policy set forth in Article VII.

G. DBE PROGRAM COMPLIANCE FORMS

49 CFR PART 26

The following Proposal conditions apply to this United States Department of Transportation assisted contract. Submission of a proposal by a prospective Contractor shall constitute full acceptance of these Proposal conditions.

REQUIRED CONTRACT CLAUSES (49 CFR 26.13) UTILIZATION OF DISADVANTAGED BUSINESS ENTERPRISES

Lower Rio Grande Valley Development Council will ensure that the following clauses are included in each DOT assisted contract and subcontract:

- i) Policy - It is the policy of LRGVDC that Disadvantaged Business Enterprises shall have the maximum practicable opportunity to participate in the performance of contracts. Consequently, the DBE requirements of 49 CFR Part 26, do apply to this agreement. Proposers shall use sufficient and reasonably good faith efforts to carry out this policy in the award of their subcontracts to the fullest extent, consistent with the efficient performance of this contract.
- ii) DBE Obligation - The contractor agrees to ensure that Disadvantaged Business Enterprises as defined in 49 CFR Part 26, Subpart D, have the maximum opportunity to participate in the performance of contracts and subcontracts. In this regard, all contractors shall take necessary and reasonable steps in accordance with 49 CFR Part 26 to ensure that Disadvantaged Business Enterprises have the maximum opportunity to compete for and perform contracts. Contractors shall not discriminate on the basis of race, color, national origin or sex.
- iii) Contract Goal - If the contractor is not a DBE, then the Proposer/proposer agrees that the DBE goal for this Contract will be met by subcontracts or by joint ventures with DBE's. The goal set forth for this Contract is 0% of the final Contract price, including amendments and modifications. The amount of DBE participation will be determined by the dollar value of the work performed and/or supplies furnished by DBE firms as compared to the total value of all work performed and/or supplies furnished under this Contract. The contractor shall have met this goal if the contractor's DBE participation meets or exceeds this goal.

In cases where work is added to the contract by modification such that additional DBE participation is necessary to meet this goal, the Contractor shall increase the participation of one or more firms listed on the —Schedule of DBE Participation or submit additional DBE firms to meet the goal. In cases where work is deleted from the Contract, the goal shall be applicable to the new Contract amount. The Contractor shall be permitted to meet the goal by revising its DBE participation, provided, however, that the revision shall not result in DBE participation that is less than the original goal.

- iv) Compliance - All Proposers, potential contractors, or sub-contractors for this contract are hereby notified that failure to carry out the policy and the DBE obligation, as set forth above, shall constitute a breach of contract which may result in non-selection; termination of the contract; or

such other remedy as deemed appropriate by LRGVDC. Agreements between a Proposer/proposer and a DBE, in which the DBE promises not to provide sub-contracting quotations to other PROPOSERS/PROPOSERS, are prohibited.

- V) Sub-contract Clauses - All Proposers and potential contractors hereby assure that they will include the above clauses in all sub-contracts which offer further sub-contracting opportunities.
- VI) Acceptable Good Faith Efforts - "Good faith efforts" means efforts to achieve a DBE goal or other requirements of LRGVDC's DBE Program Plan which by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the goal program requirement. If any Proposer fails to meet the DBE goals for this solicitation, the Proposer shall submit, with the Proposal, proof of good faith efforts, using the guideline listed in Appendix A of 49 CFR 26, along with a written statement of efforts made and reasons for not meeting said goals.

General Instructions

IMPORTANT! READ CAREFULLY!

All Proposers/contractors shall complete and submit, with their Proposals, DBE Forms 1, 2, and 3.

Each subcontractor listed on DBE Form 1 shall complete and sign DBE Form 2 and DBE Form 3 as a DBE Subcontractor.

Business Contractors seeking to participate as DBEs must be certified at the time of Proposal submittal. Lower Rio Grande Valley Development Council does not certify DBEs. Please check with your state's DBE office.

Proposers who fail to achieve the contract goal(s) stated in the Proposal document must provide (with the Proposal) an explanation as to why the goal was not achieved and documentation demonstrating that a "Good Faith Effort" was made by the Proposer as outlined in DBE Form 4.

Contractors may duplicate as many forms as needed. All DBE Program questions should be directed to the Lower Rio Grande Valley Development Council, 301 W. Railroad, Weslaco TX, 78596.

DBE Forms 1, 2, and 3 must be submitted with the Proposal in order to be eligible to receive a contract award. If there are sub-contractors listed, the sub-contractor must fill out DBE Form 3.

The Proposer must provide documentation and explanation as to why the DBE goal as was not achieved by filling out DBE Form 4.

LRGVDC FORM (A)

**DBE FORM 1
REQUEST FOR PROPOSALS
“For Active Transportation and Active Tourism Plan”
No: 2023-04**

DBE SCHEDULE OF DBE PARTICIPATION

Name of Proposer: _____

Project: _____

Project No.: _____

Proposal No: _____

Total Proposal Amount: _____

NAME OF DBE SUBCONTRACTOR	ADDRESS (COUNTY,	TYPE OF WORK SUBCONTRACTE	DBE	SUBCONTRACT VALUE
				\$
				\$
				\$
				\$
				\$
				\$

DBE PARTICIPATION TOTAL VALUE_ \$

The attainment of DBE participation goals for this contract will be measured as a percentage of the total dollar value of the contract.

The undersigned will enter into a formal agreement with the DBE Subcontractors identified herein for work listed in this schedule conditioned upon execution of a contract with

LRGVDC

**FORM (A) DBE FORM 2
REQUEST FOR PROPOSALS
“For Active Transportation and Active Tourism Plan”
No: 2023-04**

DBE SUBCONTRACTOR IDENTIFICATION

(Reproduce as necessary)

I HEREBY DECLARE AND AFFIRM THAT I AM THE_(Title - Owner, President, etc.) and duly authorized representative of_____(Name of Firm) and I hereby declare and affirm that I am a certified DBE.

(Signed)

(Printed)

This firm has current DBE certification from the following agencies and/or state(s):

A copy of the current certification letter notifying the firm that it has been DBE certified must be attached to this form.

LRGVDC
FORM (A) DBE FORM 3
REQUEST FOR PROPOSALS
“For Active Transportation and Active Tourism Plan”
No: 2023-04

LETTER OF INTENT TO PERFORM AS A SUBCONTRACTOR

TO: _____ (Name of General Contractor Proposing)

PROJECT:

The undersigned intends to perform work in connection with the above project.

The status of the undersigned is confirmed on the attached DBE Contractor Identification (DBE FORM 2).

The undersigned is prepared to perform the following described work in connection with the above project:

(Specify in detail, work items or parts thereof to be performed)

at the following price: \$_____.

The undersigned agrees to enter into a contract with you to perform the above work, if you are awarded the prime contract.

(Date)(Telephone No.)

(Name of DBE Subcontractor)

By:

(Firm Address)

(Signature)

Name:

(City and State)

(Typed)

Title:

LRGVDC
FORM (A) DBE
FORM 4
REQUEST FOR PROPOSALS
“For Active Transportation and Active Tourism Plan”
No: 2023-04
UNAVAILABILITY CERTIFICATION

I, _____,

of _____, certify that on the dates below,

I invited the following DBE Subcontractor(s) to Proposal work items to be performed on XXX

<u>DATE OF REQUEST</u>	<u>DBE</u>	<u>NAME OF SUBCONTRACTOR</u>	<u>ITEMS SOUGHT</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

The following Subcontractors submitted Proposals, which were not the low responsible Proposal:

_____ \$ _____

_____ \$ _____

_____ \$ _____

_____ \$ _____

_____ \$ _____

H. LRGVDC FORM – CONTRACT CONTACT FORM

LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL CONTRACT CONTACT FORM

Contact for Contract Administration

For use in the event that your firm receives a contract as a result of this RFP, please designate on the attached form, the person whom the LRGVDC may contact, during the period of the contract, for prompt action on matters pertaining to your administration of the contract.

AUTHORIZED ADMINISTRATOR:

NAME: _____ TITLE: _____

ADDRESS: _____

TELEPHONE NO.: _____ FAX: _____

INTERNET EMAIL ADDRESS: _____

Contact for Authorized Negotiator

The person designated below will be authorized to negotiate terms, conditions, and pricing on behalf of your firm until a contract is awarded and can contractually commit your firm.

AUTHORIZED NEGOTIATOR:

This person is authorized to contractually commit your firm.

NAME: _____ TITLE: _____

ADDRESS: _____

TELEPHONE NO.: _____ FAX: _____

INTERNET EMAIL ADDRESS: _____