

**LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL (LRGVDC) /
COMMUNITY AND ECONOMIC DEVELOPMENT (CED)**



Request for Proposals

*Rider 7 PM2.5 Program Services / Air Quality Planning
Activities*

No: 2024-05

RELEASE DATE:

July 20, 2024

SUBMISSION DEADLINE:

August 9, 2024, by 5pm (CST)

Lower Rio Grande Valley Development Council / Community & Economic Development
301 W Railroad St. Weslaco, TX 78596

WWW.LRGVDC.ORG

SCHEDULE OF EVENTS

SOLICITATION SCHEDULE

Release Date of Request for Proposals:..... July 20, 2024

Last Day to Submit Written Questions:..... Aug 02, 2024

Proposal Submission Deadline:.....Aug 09, 2024, by 5:00 P.M. CST

- *Official Time Clock is LRGVDC Phone System*

Bid Opening..... Aug 12, 2024

Anticipated Submission Review and Evaluation:..... Aug 19, 2024
(May be Subject to change)

Anticipated Board Approval Date:.....Aug 28, 2024
(May be Subject to change)

Anticipated Award Date:.....Aug 30, 2024
(May be Subject to change)

The LRGVDC and CED reserve the right, in its sole discretion, to change the above dates. Notices of changes to items directly impacting the Original RFP or proposal process will be submitted to each Offer of record as having received a Proposal.

AUTHORIZED AGENCY CONTACT

The following will be the means of contact with the LRGVDC, CED and potential Proposal submitters.

- Submitters may refer questions and inquiries via email only to lrgvdc@lrgvdc.org. Questions submitted to any member of the LRGVDC & CED email directly will not be considered.
- No phone or in-person inquiries regarding the proposal shall be conducted.
- Questions submitted in writing, via email, will be answered within 3 business days.
- Inquiries, questions, and responses shall be posted as addendums on the LRGVDC website. Submitters should frequently check for any updates.
<https://www.lrgvdc.org/procurement.html>

PROPOSAL SUBMISSIONS

Interested parties should submit one *(1) original signed, (7) copies and one (1) electronic file of the Proposal*. Original documents need to be identified with “Original” lettering on the front page. The electronic file would need to be formatted as a Microsoft Word document or Adobe PDF and saved on a USB flash drive (USB drivers will not be returned and will be considered property of the LRGVDC). Proposals must include all forms and required documentation. *Incomplete submissions will not be considered and deemed disqualified.*

All submissions must be received in the offices of the Lower Rio Grande Valley Development Council (details below) no later than 5:00 P.M. Central Standard Time, August 09, 2024. The LRGVDC & CED are not responsible for lateness or non-delivery of mail, carrier, etc. The date/time stamp at the receptionist area of the LRGVDC shall be the official time of receipt. *Proposals received late will not be considered or returned.*

Proposal contents considered confidential/proprietary by the Submitter, shall be clearly identified and subject to confirmation by the LRGVDC and CED. Should the material not be deemed confidential/proprietary, the Submitter may withdraw the designated materials from consideration prior to review and the evaluation process.

A transmittal letter must accompany the Proposal that is being submitted.

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

**Hand Delivered
Or
Mail To:**

**Asst. Director of Bus. Operations
LRGVDC – Procurement Dept.
Building D
301 W Railroad
Weslaco, Texas 78596**

RFP Title: 2024-05 Rider 7 PM2.5 Program Services / Air Quality Planning Activities

LRGVDC office hours of operation are:.....Monday – Friday / 8:00am to 5:00pm CST

The Lower Rio Grande Valley Development Council will be closed Monday, September 02, 2024, in observance of the Labor Day holiday.

INTRODUCTION

LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL

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.

Mission Statement

To promote and encourage cooperation among local units of government in order to improve the region's health, safety, and general welfare and to plan for future development.

COMMUNITY AND ECONOMIC DEVELOPMENT

The Community & Economic Development Department is responsible for a wide range of projects. Projects include EDA, Solid Waste, Water Quality, and Community Development Block Grant. The vision for Economic Development is, as a highly desirable place to live, work, and visit, the Lower Rio Grande Valley will ensure regional prosperity and a premier quality of life by sustaining a balanced and resilient international economy, developing an educated, qualified workforce and providing enhanced opportunities for commercial, industrial and entrepreneurial growth.

The Community Development vision statement is, through effective services, education and preservation efforts, we shall strive for the healthiest environment where urban and rural community growth ensures residents safe and sustainable community development, housing opportunities, appropriate infrastructure development and proactive planning for the conservation of the Region's vital agricultural and natural resources.

PURPOSE

Lower Rio Grande Valley development Council Community & Economic Development (LRGVDC/CED) is seeking qualified firms to provide services for the Rider 7 expanded PM.2 Program. The successful Proposer will conduct air quality planning activities for PM2.5 as mandated in the Rider 7 of the Texas Commission on Environmental Quality's (TCEQ) Legislative Appropriation from the 88th Legislature.

The PM2.5 performance activities for this RFP procurement are restricted to inventorying emissions, monitoring of pollution levels, air pollution and data analysis, and modeling pollution levels. The intended focus area encompasses Hidalgo, Willacy, and Cameron counties.

LRGVDC reserves the right to negotiate with any or all the respondents for all or part of the following scope of work

SCOPE OF WORK

The contract or contracts will include air quality consulting services to LRGVDC, for projects most useful for the State Implementation Program (SIP) and limited to any off the following activities:

- Inventorying emissions.
- Monitoring of pollution levels.
- Air pollution and data analysis; and
- Modeling pollution levels.
- Development of Quality Assurance Project Plan (QAPP)
- Identify and solicit air quality monitoring data with other regional stakeholders/partners

For each technical area, outline the approach to perform the work required and give previous project experience examples.

A. Inventorying PM2.5 emissions:

The Performing Party may extend Rider 7 funding on activities related to inventorying emissions. Emission inventory projects must be approved in advance by the TCEQ and will be limited to those most useful for the State Implementation Plan (SIP). To maintain consistency with the SIP, the Performing Party and its sub-

guarantees and subcontractors shall use point, area, and mobile source emissions factors and existing program assumptions used by TCEQ when working with emissions inventories (for any purpose) or existing control strategy programs. These assumptions include compliance and/or control effectiveness parameters.

B. Monitoring of PM2.5 pollution levels:

The Performing Party may expend Rider 7 funding on activities related to monitoring of pollution levels. Pollution monitoring projects under this grant should be limited to those most useful for SIP and must be associated with PM2.5 Grant recipients may use Rider 7 funds to support existing or historically operated ambient air monitoring stations or to establish new ambient air monitoring stations. Other stationery or mobile-based monitoring projects are potentially allowed on a case-by-case basis.

C. Analysis of PM2.5 air pollution levels and data emissions:

The Performing Party may expend Rider 7 funding on activities related to air pollution and data analysis. Air pollution and data analysis projects under this grant should be limited to those most useful for the Sip and must be associated with PM2.5.

D. Modeling Pollution Levels associated with PM2.5:

The Performing Party may expend Rider 7 funding on activities related to modeling of pollution levels. Pollution modeling projects under this grant should be limited to those most useful for the SIP and must be associated with PM2.5.

E. Cost of service – Proposers are to submit pricing for expenditures to be incurred by LRGVDC for the performance of said services submitted in their proposals and be in keeping with fair market value and an expected budget of \$161,150.00. (AWARDED CONTRACTUAL AMOUNT)

STATEMENT OF QUALIFICATIONS

The successful Proposer(s) must include a Statement of Qualifications and demonstrate air quality consulting service experience in the above PM2.5 areas identified in the SOW, with a special focus on small-urban, rural areas in Texas.

Statement of Qualifications must also include previous work experience and performances which will be used as part of the evaluation as described below in the evaluation section.

INSTRUCTIONS & RESPONSIBILITIES

The LRGVDC/CED shall pay no costs or other amount incurred by any entity in responding to this RFP. The LRGVDC & CED reserves the right to refuse and reject any and all submitted proposals that are deemed incomplete and/or missing any required information in response to this RFP. All proposals will become part of the LRGVDC official procurement files and will be available for public inspection.

GENERAL INSTRUCTIONS

- Proposers should carefully read the information contained herein and submit a complete response to all requirements and questions as directed.
- Proposals, which are qualified with conditional clauses, or alterations, or items, not called for in the RFP documents, or irregularities of any kind are subject to disqualification by LRGVDC/CED, at its option.
- Each proposal should be prepared simply and economically, providing a straightforward, concise description of your firm's ability to meet the requirements of this RFP. Emphasis should be on completeness, clarity of content, responsiveness to the requirements, and an understanding LRGVDC/CED's needs.
- LRGVDC & CED make no guarantee that an award will be made as a result of this RFP and reserves the right to accept or reject any or all proposals, waive any formalities or minor technical inconsistencies, or delete any item/requirements from this RFP or resulting Agreement when deemed to be in LRGVDC and CED's best interest. Representations made within the proposal will be binding on responding submitters. LRGVDC & CED will not be bound to act by any previous communication or proposal submitted by the bidder other than this RFP.
- Failure to comply with the requirements contained in this Request for Proposals may result in the rejection of your statement of qualifications.
- Submitters must be signed by Proposer's company official(s) authorized to commit such statement of qualifications and proposal. Failure to sign and return these forms will subject your statement of qualifications to disqualification.

REQUIRED ATTACHMENTS

LRGVDC aspires to achieve as uniform a review process as possible to ensure the maximum degree of comparable balance among proposals received. Therefore, before submitting a proposal, make sure all items indicated below are returned with submitted proposals.

Proposers shall complete all noted Attachments and submit with the proposal, Attachment Number.

| Attachment Number | Attachment Title |
|-------------------|---|
| Attachment No. 1 | Solicitation Request Acknowledgement Form |
| Attachment No. 2 | DBE Certification Form |
| Attachment No. 3 | Conflict of Interest Questionnaire <i>*note</i> |
| Attachment No. 4 | Suspension and Debarment Certification |
| Attachment No. 5 | References |
| Attachment No. 6 | DBE/HUB Subcontracting |
| Attachment No. 7 | Form PTN-130 |

** NOTE: When completing this Questionnaire, please be certain to answer each and every question; indicate "Not Applicable", if appropriate. Please sign and date.*

EVALUATION CRITERIA

Proposals received will be evaluated and ranked according to the following criteria:

- **Experience (60%)**
 - a. Qualifications of firm and staff – 30%
 - b. Necessary skills – 20%
 - c. Understanding of LRGVDC area and local issues – 10%
- **Work Performance (25%)**
 - a. Timely completion of previous projects – 10%
 - b. References – 15%
- **Capacity to Perform (15%)**
 - a. Financial condition and Resources to Sustain Project – 5%
 - b. Demonstration of Professional Responsibility – 10%

Scoring

Submitted proposals will be scored numerically from 'highest to lowest' for award consideration by, but not limited to, the program evaluation criteria in the table below. The number of proposals selected for award consideration will be at the sole discretion of LRGVDC.

| Evaluation Criteria | Available Points |
|------------------------------|-------------------------|
| Experience and Expertise | 60 |
| Previous Work Performances | 25 |
| Capacity to Perform the Work | 15 |
| Total Points | 100 |

Eligibility for Award

In order for a proposer to be eligible to be awarded the contract, the proposal and statement of qualifications must be responsive to the solicitation and the LRGVDC must be able to determine that the proposer is responsible and has the resources and capacity to perform the resulting contract satisfactorily. Responsive proposals are those that comply with all material aspects of the solicitation, conform to the solicitation documents, and meet the requirements set forth in this solicitation. Proposals which do not comply with all the terms and conditions of this solicitation will be rejected as non-responsive.

General Terms and Conditions

Any terms and conditions attached to a Response will not be considered unless specifically referred to in the Response. TEX GOVT CODE § 2155.0012

A response to this RFP does not commit or obligate the Lower Rio Grande Valley Development to award a contract nor to pay for any other costs incurred prior to the execution of a formal contract.

LRGVDC reserves the right to accept or reject any bid proposal received, as well as cancel the RFP in its entirety at any time during the entire bidding process including the negotiations phase if started, without notice or explanation, which may result due to unforeseen irregularities, low response, or program needs not being met by submitted proposals, and/or extend the RFP by up to two (2) additional weeks from original bid submission date if deemed warranted.

Proposers who are partnering with other companies or agencies must list the names of all service providers or joint providers and the amount to be spent by each partner. All sub awarded costs must be itemized in the budget so it is clear how the funds will be allocated and spent by each partner. Subawards may be written independently with each of the organizations.

Proposer shall indemnify and hold harmless LRGVDC, its officers, agents, and employees from any injuries or damages received by any person during any operations connected with an awarded contract, by use of any improper material, equipment, or by any act or omission of the Proposer/contractor or his subcontractor, agents, servants, or employees whenever applicable.

If the execution of work to be performed by the Proposer requires hiring of subcontractors, it must clearly state this in the proposal. Subcontractors must be identified and the work they will perform must be defined. The proposal should provide the name, address, and Federal Employer Identification Number (FEIN) of the subcontractor. LRGVDC will not refuse a proposal based upon the use of subcontractors; however, retains the right to refuse the subcontractors the proposer selected.

Proposer agrees to protect LRGVDC from claims involving infringement of patent or copyrights, if warranted.

Proposer shall comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any court or administrative bodies or tribunals in any matter affecting the performance of the agreement including, if applicable, workers' compensation laws, minimum and maximum salary and wage statutes and regulations, and licensing laws and regulations. When required, the proposer shall furnish the Board with satisfactory proof of its compliance.

Respondent represents and warrants that, in accordance with Section 2155.005 of the Texas Government Code, neither Respondent nor the firm, corporation, partnership, or institution represented by Respondent, or anyone acting for such a firm, corporation or institution has (1) violated any provision of the Texas Free Enterprise and Antitrust Act of 1983, Chapter 15 of the Texas Business and Commerce Code, or the federal antitrust laws, or (2) communicated directly or indirectly the contents of this Response to any competitor or any other person engaged in the same line of business as Respondent.

Respondent may not assign the contract or assign, transfer or delegate, in whole or in part, any of its interest in, or rights or obligations under, the contract without the prior written consent of the LRGVDC, and any attempted or purported assignment, transfer or delegation thereof without such consent shall be null and void.

In accordance with Section 2155.4441 of the Texas Government Code, Respondent agrees that during the performance of a contract for services it shall purchase products and materials produced in Texas when they are available at a price and time comparable to products and materials produced outside this state.

Respondent understands that the LRGVDC will comply with the Texas Public Information Act (Chapter 552 of the Texas Government Code) as interpreted by judicial rulings and opinions of the Attorney General of the State of Texas. Information, documentation, and other material in connection with this Solicitation or any resulting contract may be subject to public disclosure pursuant to the Texas Public Information Act. In accordance with Section 2252.907 of the Texas Government Code, Respondent is required to

make any information created or exchanged with the State pursuant to the contract, and not otherwise excepted from disclosure under the Texas Public Information Act, available in a format that is accessible by the public at no additional charge to the State.

The state auditor may conduct an audit or investigation of any entity receiving funds from the state directly under the contract or indirectly through a subcontract under the contract. The acceptance of funds directly under the contract or indirectly through a subcontract under the contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. Under the direction of the legislative audit committee, an entity that is the subject of an audit or investigation by the state auditor must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

Respondent certifies that for contracts for services, Respondent shall utilize the U.S. Department of Homeland Security's E-Verify system during the term of the contract to determine the eligibility of:

1. all persons employed by Respondent to perform duties within Texas; and
2. all persons, including subcontractors, assigned by Respondent to perform work pursuant the contract within the United States of America.

Conflict of Interest

Respondent represents and warrants that the provision of goods and services or other performance under the contract will not constitute an actual or potential conflict of interest or reasonably create an appearance of impropriety. Respondent will disclose in writing to LRGVDC & CED any and all existing or potential conflicts of interest relative to the performance of this RFP.

Any firm who is ultimately selected to provide legal services to the LRGVDC/CED will be prohibited from engaging in or carrying on any legal activity on behalf of any client which is directly adverse to the LRGVDC and CED or their interests, without the specific written consent of the LRGVDC Board of Directors. Waivers will be evaluated on a case-by-case basis. Any firm or attorney engaged to represent the LRGVDC/CED shall have a continuing duty to disclose such information.

Pursuant to Section 2155.003 of the Texas Government Code, Respondent represents and warrants that it has not given, offered to give, nor intends to give at any time hereafter any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant in connection with the solicitation.

Suspension and Debarment

Respondent certifies that it and its principals are not suspended or debarred from doing business with the state or federal government as listed on the State of Texas Debarred Vendor List maintained by the Texas Comptroller of Public Accounts and the System for Award Management (SAM) maintained by the General Services Administration.

Respondent certifies that the offering entity and its principals are eligible to participate in this transaction and have not been subjected to suspension, debarment, or similar ineligibility determined by any federal, state, or local governmental entity. Entities ineligible for federal procurement are listed at <http://www.sam.gov>. TEX GOVT CODE § 2155.077

Termination

The LRGVDC/CED shall have the right to terminate any contract for legal services at any time, with or without cause. The decision to terminate shall be at the sole discretion of the LRGVDC/CED. The contracting firm or attorney will be paid for all services actually rendered and all costs actually incurred prior to the date of termination, and such payment for services already completed shall be the total compensation due to such firm or attorney for termination.

Tax Liability

The Proposer certifies that:

- It has no unpaid federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.
- Is not delinquent in any tax owed the State of Texas under Chapter 171, Tax Code; signing and submitting the statement of qualifications is so certifying to such non-delinquency.
- Respondent agrees that any payments due under the contract shall be applied towards any debt or delinquency that is owed to the State of Texas.

DBE / HUB Subcontracting

LRGVDC shall ensure small, minority, disadvantaged, and women's businesses are considered as sources for acquisitions whenever possible.

The proposer is encouraged to make a good faith effort to consider HUBs when subcontracting. Some methods for locating HUBs include:

- utilizing the Texas Comptroller of Public Accounts, Texas Smart Buy website <http://www.window.state.tx.us/procurement/cmb1/cmb1hub.html>;
- utilizing Web sites or other minority/women directory listings maintained by local Chambers of Commerce.
- or advertising subcontract work in local minority publications; and/or contacting the contracting state agency for assistance in locating available HUBs.

Right to Appeal

Procedure

- a) A protest must be submitted to the LRGVDC designated official at lrgvdc@lrgvdc.org within seven (7) calendar days of the time the basis of the protest became known or should have become known.
- b) The protest must be submitted in writing and identify the protester, the solicitation being protested and specifically identify the basis for protest, providing all pertinent information regarding the solicitation, contract and/or actions of LRGVDC.
- c) A grievance hearing may be held at the request of the protester.

All interested parties must be given

- 1) Written notice of the date, time and place of the hearing.
- 2) An opportunity to present evidence.
- 3) A written decision within 60 days after the hearing; and
- 4) Notice of appeal rights.

Attachment 1

**LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL (LRGVDC) /
COMMUNITY AND ECONOMIC DEVELOPMENT (CED)**

Solicitation Request Acknowledgement Form

Solicitation Number: _____

Solicitation Title: _____

The undersigned hereby proposes and agrees to be bound by the requirements, terms and conditions and any and all amendments issued by the LRGVDC and made a part of this RFP as set forth or referenced in this RFP. The undersigned further certifies that he/she is legally authorized to make the statements and representations in its response to this solicitation and that said statements and representations are true and accurate to the best of his/her knowledge. The undersigned understands and agrees that when evaluating bids and making an award decision, the LRGVDC/CED relies on the truth and accuracy of the statements and representations presented in the bid response. Accordingly, the LRGVDC has the right to suspend or debar the undersigned from this process and/or terminate any contract award that may have resulted from this solicitation if the LRGVDC determines that any statements or representations made were not true and accurate. If awarded the undersigned agrees to furnish all services as described on the scope of services and any negotiations thereafter.

EXECUTED this ____ **day of** _____, **20**____ .

Signature: _____

Printed Name: _____

Title: _____

Firm: _____

SWORN TO AND SUBSCRIBED before me by _____,

on the ____ day of _____, 20____ .

Notary Public, State of Texas

Commission Expiration

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

Attachment 2

**LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL (LRGVDC) /
COMMUNITY AND ECONOMIC DEVELOPMENT (CED)**

Disenfranchised Business Enterprise (DBE) / Historically Underutilized Business (HUB)
Proposer Identification FORM

Solicitation Number: _____

Solicitation Title: _____

(Reproduce as necessary)

I HEREBY DECLARE AND AFFIRM THAT I AM THE _____ and duly
(Title – Owner, President, CEO, etc.)
authorized representative of _____ and I hereby declare and affirm
(Name of Firm)
that I am a certified DBE and/or HUB.

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/HUB certified
must be attached to this form.*

☐ Check if Not Applicable. *(must sign below)*

(Sign)

(Date)

(Printed)



CONFLICT OF INTEREST QUESTIONNAIRE**FORM CIQ****For vendor doing business with local governmental entity**

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

2 ☐ **Check this box if you are filing an update to a previously filed questionnaire.** (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

☐ Yes

☐ No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

☐ Yes

☐ No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director or holds an ownership interest of one percent or more.

6 ☐ **Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).**

7

Signature of vendor doing business with the governmental entity

Date

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

(i) a contract between the local governmental entity and vendor has been executed;
or

(ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

Local Government Code § 176.006(a) and (a-1)

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

(1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);

(2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or

(3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

(A) begins discussions or negotiations to enter into a contract with the local governmental entity; or

(B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

(A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);

(B) that the vendor has given one or more gifts described by Subsection (a); or

(C) of a family relationship with a local government officer.

**LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL (LRGVDC) /
COMMUNITY AND ECONOMIC DEVELOPMENT (CED)**

SUSPENSION AND DEBARMENT CERTIFICATION

Solicitation Number: _____

Solicitation Title: _____

Federal Law (A-102 Common Rule and OMB Circular A-110) prohibits non-federal entities from contracting with or making sub-awards under covered transactions to parties that are suspended or debarred or whose principals are suspended or debarred. LRGVDC does not do business with parties that have been suspended or debarred.

Firms receiving individual awards and all sub-recipients must certify that their organization and its principals are not suspended or debarred by a federal agency.

Before an award can be made to your firm, you must certify that your organization and its principals are not suspended or debarred by a federal agency.

I, the undersigned agent for the firm named below, certify that neither this firm nor its principals are suspended or debarred by a federal agency.

Name of Firm: _____

Signature of Authorized Official:

Printed Name:

Date Signed:





Lower Rio Grande Valley Development Council / Reference Form

Solicitation Number: _____

Solicitation Ref: _____

Please provide three (3) references from entities other than LRGVDC, but similar, who can verify performance of similar or like services rendered specific in nature to this RFP.

***NOTE:** Inaccurate, obsolete, or negative responses may result in rejection of quote proposals.*

Reference One:

Company Name: _____

Address: _____

Contact Person/Title: _____

Phone: Email: _____

Scope of Work Performed: _____

Contract Period: _____

Reference Two:

Company Name: _____

Address: _____

Contact Person/Title: _____

Phone: Email: _____

Scope of Work Performed: _____

Contract Period: _____

Reference Three:

Company Name: _____

Address: _____

Contact Person/Title: _____

Phone: Email: _____

Scope of Work Performed: _____

Contract Period: _____