



Waller County, Texas

**REQUEST FOR QUALIFICATIONS
FOR
DESIGN-BUILD SERVICES**

Courthouse Renovations and County Annex Facility

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SECTION I – INSTRUCTIONS TO PROPOSERS

Pursuant to the provisions of the Texas Government Code, Chapter 226g, Subchapter G, it is the intention of Waller County, Texas to select, via a One-Step Method, Request for Qualifications (RFQ), for Design-Build Services for the projects described in the table in Section II. For the purposes of this document, 'Waller County' shall be referred to as "The Owner."

This Request for Qualifications (RFQ) contains information and instructions to enable interested Submitters to prepare and submit a Qualifications Submittal, as well as information on the selection process.

1. **PRE-RESPONSE QUESTIONS.** All questions regarding clarification or interpretation of the RFQ will be submitted in writing by the Submitter, and must be received by **2:00 P.M., December 1, 2020**. No questions will be addressed unless provided in writing. The County will provide written responses to questions to all Submitters by posting answers to the questions online at <https://www.co.waller.tx.us/page/Construction%20Manager>. Answers will be posted online by 5:00 PM on December 3, 2020. To receive an email when information (answers to questions, any relevant addenda, etc.) is posted online, please send an email with your contact information to Danny Rothe at the email address below. All correspondence pertaining to this RFQ should be addressed to:

Danny Rothe
Construction Manager
Waller County
836 Austin Street, Suite 124
Hempstead, Texas 77445
Email: d.rothe@wallercounty.us
Phone: (979) 826-7737

All correspondence to Danny Rothe about this RFQ should reference "RFQ for Design-Build services" in the subject line or on the front page.

2. **SUBMISSION OF PROPOSAL RESPONSES.**
 - 2.1. Submission.
 - 2.1.1. The Qualifications Submittal responses shall be returned in an envelope or package marked on the outside with the Submitter's name, address, and proposal information listed below.
 - 2.1.2. Qualifications Submittal responses must be returned in sufficient time so as to be received and time stamped by the County on or before the time and date shown on this RFQ. It is the sole responsibility of the Submitter to ensure timely delivery of the Qualifications response. The County will not be responsible for failure of service on the part of the U.S. Postal Office, courier companies, or any other form of delivery service chosen by the Submitter.
 - 2.1.3. Receipt of any Addenda must be acknowledged by signing in the space provided on the attached Qualification Certification Form to be enclosed with the Submitter's response.

- 2.1.4. Your Qualifications Submittal package shall include: one (1) original and five (5) hard copies, one (1) electronic copy (preferably on a flash drive), and one (1) separate hard copy of the Submitter's Financial Information (Financial Information should not be included in the electronic copy). The package should be plainly marked:

**Qualifications Submittal
for Design-Build Services**

- 2.2. Closing Time.
- 2.2.1. All Qualifications Submittal responses must be received by the County Auditor's Office no later than the time and date listed below.

Time/Date: Submissions received until **2:00 PM, December 8, 2020.**

Place: Deliver proposals to:

Waller County Auditor's Office
836 Austin Street, Room # 221
Hempstead, TX 77445

- 2.2.2. The Qualification responses will be publicly opened and the respondents' names read aloud during the Commissioners Court meeting at 9:00 AM on December 9, 2020.
- 2.2.3. Qualification responses received after the published time and date shall not be considered.

3. **REQUIRED SUBMITTAL CONTENTS.** The County has established guidelines to facilitate review and evaluation of each Submitter's response. The Submitter will include and organize their response in accordance with the following:

- 3.1 **Number of Qualifications Submittal Responses. Submit one (1) original and five (5) hard copies, plus one (1) electronic copy (preferably on a flash drive), each without Section III. Item 2. Confidential Financial Information. Submit one (1) copy of response to Section III. Item 2. Confidential Financial Information in a separately sealed envelope clearly marked with the same information as Section 2.1.4. above.**
- 3.2 Order of Response Information
- 3.2.1 Cover Letter – One (1) page
- 3.2.2 Questionnaire Response
- 3.2.3 Certification Form
- 3.3 Each Submitter shall furnish the information required by this RFQ and in the order required. The person signing the Qualification Certification Form must be a person authorized by the proposing firm to sign the proposal and bind the firm thereto.
- 3.4 Each Firm must certify that each architect and engineer that is a member of the Design-Build Team was selected based on demonstrated competence and qualifications.

4. Design-Builder SELECTION.

- 4.1. Upon receipt, the County will review the RFQ responses, conduct interviews if deemed appropriate, and make recommendations to the Commissioners Court.
- 4.2. Selection Process
 - 4.2.1. THIS IS A NEGOTIATED PROCUREMENT, and as such, award will not necessarily be made to the Firm submitting the lowest fee/cost Submission.
 - 4.2.2. **The Owner will evaluate all qualifications on the basis of eight (8) of the selection criteria listed below.**
 - 4.2.3. Each item will be rated by assigning a point value between 1 (not acceptable/poor) and 10 (excellent). Each of the point values will then be multiplied by the weighted value to produce a score for that criterion. The Owner reserves the right to conduct interviews with as many firms as they deem necessary.
- 4.3. Evaluation.
 - 4.3.1. The Design-Build Team will be selected via the one-step evaluation process, pursuant to Texas Government Code Chapter 2269.
 - 4.3.2. Upon receipt of Qualifications Submittals, the Evaluation Team will review and evaluate the proposals based on the following evaluation criteria:
 - Area 1 (05%): Organization**
 - Area 2 (10%): Experience of the Design-Builder**
 - Area 3 (05%): Financial Strength**
 - Area 4 (50%): Past Performance of the Design-Builder (on projects with courtrooms and related offices, including security aspects for such facilities)**
 - Area 5 (10%): Proposed Personnel and Management Team**
 - Area 6 (05%): Reputation**
 - Area 7 (05%): Uniqueness**
 - Area 8 (10%): Job Safety**
 - 4.3.3. The County reserves the right to conduct interviews or other additional evaluation processes that are deemed necessary by the County to assist in a complete and thorough evaluation of the proposals.
 - 4.3.4. An administrative recommendation (based on "Best Value") will be made to the Commissioners Court at a future Court Meeting based on the Firm receiving the highest evaluation score.
 - 4.3.5. It is the County's intent to award all projects to a single firm. However, if the County finds that it is in their best interest to award the work to multiple firms, the County reserves the right to do so and how to subdivide the work to more than one firm.

5. RESERVATIONS. The County has the right to:

- 5.1. Waive any minor informality in any Selection procedure.
- 5.2. Reject or cancel any or all Qualification responses.
- 5.3. Reject the Submitter's response based on partnerships(s) and/or any other factor the County deems not in the best interest of the County.

- 5.4. Extend the Submittal opening time and date.
- 5.5. Reissue a new Request for Qualifications.
- 5.6. Consider and accept any Proposal response that is considered in the best interest of the County.
- 5.7. The County may make an award without discussion with any Submitter, after Qualifications Submittal responses are received and evaluated.
- 5.8. Open Records Requirement – All documents submitted as part of the Design-Builder’s Submission response will be deemed confidential during the evaluation process. Design-Builder Submission will not be available for review by anyone other than the County staff or its designated agents. Following award of contract, all Submissions become public documents and are available for public viewing upon written request to the County except where submission information is considered to be confidential or a trade secret belonging to the Submitter and, if released, would give advantage to a competitor. Such information should be clearly marked by Design-Builder: “CONFIDENTIAL – DO NOT DUPLICATE WITHOUT PERMISSION.” Please note that all information is subject to the Texas Public Information Act.
- 5.9. Availability of Funds – In the event that sufficient funds are not available for the project, the County reserves the right to negotiate the scope of this contract, delay implementation, reject all Submissions, or award another type of contract other than that required in this RFQ.

6. THE CONTRACT.

- 6.1. The Owner proposes to base the Design-Build Agreement on the AIA Document A141-2014 as amended and modified by **Waller County**. In addition, General Conditions of the Contract for Construction will be AIA Document A201-2007 as amended and modified by **Waller County**.

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SECTION II – PROJECT SCOPE and INFORMATION

Pursuant to the provisions of the Texas Government Code, Chapter 226g, Subchapter G, it is the intention of the Waller County to select, via a One-Step Method, Request for Qualifications (RFQ), for Design-Build Services for the construction of the projects described in the following table. For the purposes of this document, 'Waller County' shall be referred to as "The Owner."

The Owner is soliciting Qualifications for Design-Build project delivery services for proposed new construction of a Courthouse Annex, renovations to the existing Courthouse, and other construction activities as identified by a global assessment of County Administrative and Courthouse requirements. The global assessment shall include a Texas Historical Society review of the existing Courthouse, a needs assessment of existing buildings currently being used by the County to include the Calvit Street Jail Facility, the County Hospital, existing Courthouse, new Courthouse Annex, and other departments conducting County business.

***** Intention is to begin Design/Preconstruction portion of Design-Build Services immediately upon execution of Design-Build Agreement (December 2020). *****

TOTAL ESTIMATED VALUE: \$45,000,000 – 55,000,000

SELECTIONSCHEDULE

RFQ Released – November 17, 2020

The Request for Qualifications is released to the public for potential Design-Build firms to pick up.

Questions about RFQ – due by 2:00 PM December 1, 2020; answered by 5:00 PM December 3, 2020

The Owner's representative, Danny Rothe, will receive written questions about the RFQ until 2:00 PM on December 1st. Answers will be posted online by 5:00 PM on December 3rd.

Qualifications Submittal Due – 2:00 PM December 8, 2020; opened on December 9, 2020

The Owner shall receive, publicly open, and read aloud the names of the offerors in accordance with Texas Government Code, Chapter 226g, Subchapter G. (Please submit six (6) hard copies and one electronic copy.)

Review/Select/Short-list – December 9, 2020 – December 16, 2020

The Owner's Review Committee shall review all Design-Build submittals. In accordance with Texas Government Code, Chapter 226g, Subchapter G, the County may request that five or fewer Submitters, selected solely on the basis of qualifications, be available for interviews.

Interview Firms on Short-list (If Necessary) – December 9, 2020 – December 16, 2020

Should the Owner choose, interviews with the short-listed firms will be held during this time.

Recommendation to Commissioners Court – December 16, 2020 (tentatively) at 9:00 AM

The Owner's Review Committee will make its evaluation and ranking recommendation to the Commissioners Court on this day.

Submissions are to include the information requested in the attached Questionnaire in the sequence and format prescribed. Failure to do so will result in reduction of points or disqualification.

In addition to and separate from the requested information, organizations submitting may provide supplementary materials further describing their capabilities and experience (limited to three (3) pages).

Contact with the County during the Submission Process. Submitters are not permitted to contact any Waller County Commissioners Court member, officer, or employee during the Submission Process (with the exception of Danny Rothe). No gratuities of any kind will be accepted, including meals, gifts, or trips. **Violation of these conditions will subject Submitter to immediate disqualification.**

SECTION III – QUESTIONNAIRE

RFQ submittals are to include the information requested in this questionnaire in the sequence and format prescribed. Failure to respond in this sequence and format will result in reduction of points or disqualification.

Supplemental materials providing additional information may be attached if limited to three (3) pages.

1. Organization

- 1.1 Name of Firm:
Address of Principal Office:
Telephone and Fax:
Form of Business Organization (corporation, partnership, individual, joint venture, other?):
Year Founded:
Primary Individual to Contact:
- 1.2 How many years has your organization been in business in its current capacity?
- 1.3 How many years has your organization been in business under its present name? Under what other or former names has your organization operated?
- 1.4 If your organization is a corporation, answer the following: date of incorporation, State of incorporation, president's name, vice president's name(s), secretary's name, treasurer's name.
- 1.5 If your organization is a partnership, answer the following: date of organization formation, type of partnership (if applicable), name(s) of general partner(s).
- 1.6 If your organization is individually owned, answer the following: date of organization formation, name of owner.
- 1.7 If the form of your organization is other than those listed above, describe it and name the principals.
- 1.8 Does your company principally work in Texas?
- 1.9 What is the dollar value of work done within a 100-mile radius of the County, for the three-year period of 2017-2020, and what percentage of your total work does this represent?
- 1.10 List jurisdictions and trade categories in which your organization is legally qualified to do business and indicate registration or license numbers, if applicable.
- 1.11 List jurisdictions in which your organization's partnership or trade name is filed.

2. Experience of the Design-Builder

- 2.1 Work over the last five years: List each of the last 10 Texas County or Municipal projects constructed by your organization (omit no projects). For each project, provide the name, nature of the project/function of the building, size (SF), location, cost, delivery method used, date of notice to proceed, contractual completion date, actual completion date, owner and architect (and their telephone numbers), and what type of project (new or addition/renovation).
- 2.2 What percentage of your work in the last five (5) years has been county facility construction?
- 2.3 What percentage of your work for the past ten (10) years has been for repeat clients? Please break down between commercial and public clients.
- 2.4 List projects (Similar Projects) in the past five (5) years that demonstrate your ability to complete in the above-mentioned schedule or less. What strategies were implemented in order to accelerate the schedule accordingly?
- 2.5 List the categories of work that your organization normally performs with its own forces. Would you propose to do any work with your own forces or to bid all work to subcontractors?

- 2.6 List any subcontractors in which your organization has some ownership and list the categories of work those subcontractors normally perform.
- 2.7 Claims and suits (If the answer to any of the questions below is yes, please attach details).
 - 2.7.1 Has your organization ever failed to complete any work awarded?
 - 2.7.2 Are there any judgments, claims, arbitration proceedings or suits, pending or outstanding against your organization or its officers?
 - 2.7.3 Has your organization filed any lawsuits or requested arbitration with regard to construction contracts within the last five (5) years?
- 2.8 Within the last five (5) years, has any officer or principal of your organization ever been an officer or principal of another organization when it failed to complete a construction contract? (If the answer is yes, please attach details.)
- 2.9 Please provide examples of work that your firm considers to be exceptional. Also, list the project and the owner's contact person and telephone number.
- 2.10 List five (5) county projects where your firm, as a Design-Builder, has had input in building design and has demonstrated leadership, innovation, and technical expertise. Give examples of your input.
- 2.11 List the HVAC, electrical, plumbing, drywall, and masonry subcontractors for your last five (5) county projects, along with contacts and telephone numbers.

3. Financial Strength (please include only one (1) hard copy of this information in a sealed envelope marked "Confidential" in accordance with section 2.1.4 in Part I above)

- 3.1 Attach a financial statement, preferably audited, including your organization's latest balance sheet and income statement showing the following items:
 - * Current assets (e.g., cash, joint venture accounts, accounts receivable, notes receivable, accrued income, deposits, materials inventory, and prepaid expenses).
 - * Noncurrent assets (e.g., net fixed assets, other assets).
 - * Current liabilities (e.g., accounts payable, notes payable, accrued expenses, provision for income taxes, advances, accrued salaries and accrued payroll taxes).
 - * Noncurrent liabilities (e.g., notes payable).
 - * Capital accounts and retained earnings (e.g., capital, capital stock, authorized and outstanding shares par value, earned surplus, and retained earnings).
- 3.2 Name and address of firm preparing attached financial statement and date thereof.
- 3.3 Is the attached financial statement for the identical organization named under item 1 above? If not, explain the relationship and financial responsibility of the organization whose financial statement is provided (e.g., parent-subsidiary).
- 3.4 Will the organization whose financial statement is attached act as guarantor of the contract for construction?
- 3.5 Provide name, address and telephone number of your financial institution.
- 3.6 Surety: Name of bonding company and name and address of agent. Performance and Payment Bonds for 100% of the construction cost will be required upon submission of the guaranteed maximum price (GMP).
- 3.7 Bonding Capacity: Provide total bonding capacity, and list current capacity obligated.

4. Past Performance of the Design-Builder (on projects with courtrooms and related offices, including security aspects for such facilities)

- 4.1 Describe your organization's concepts for working in a team relationship with the Owner and Architect during the design and construction of major projects. Describe your organization's methods for estimating costs, and for scheduling during the design/documents phase. It is possible that the GMP may be requested prior to completion of construction documents. Is this acceptable to you?
- 4.2 Design-Builder's Fee: Please describe your organization's methodology in developing the CM Fee.

- 4.3 General Condition Cost: Please describe your organization's methodology in developing General Conditions cost.
- 4.4 Savings: Describe your organization's concept and reasoning for the disbursement of savings realized during construction.
- 4.5 Contingencies: Describe your organization's concept for cost contingencies during design and during construction. What is your organization's concept for the disposition of contingency funds after the completion of the project?
- 4.6 Cost Information: Your firm would be required to make all cost information during design and construction available to Owner and architect. Describe how this information would be furnished and how the Owner and architect would be assured that it is complete and accurate.
- 4.7 Please provide examples of pre-construction services provided in past county projects and the results of those services. Also, list the county project and project contact and telephone number.
- 4.8 Provide five (5) examples of your input and ideas during the design phase of county projects that has resulted in:
 - Improved air quality,
 - Reduced maintenance and/or operating costs, and/or
 - Reduced construction cost, and/or resulted in a better county facility.
- 4.9 List five (5) county project examples where your firm has provided cost saving ideas after establishment of the GMP and your ideas and efforts have resulted in decreasing the cost of construction and/or shortening of the construction schedule. Provide details.
- 4.10 How does your firm propose to deal with the current or anticipated steel, concrete, and petroleum based product cost escalation in the marketplace, relative to the completion of this project?
- 4.11 Describe your firm's warranty program, in particular, staffing, reporting, follow-up procedures.
- 4.12 What is your record and philosophy on Change Orders?

5. Proposed Personnel and Management Team

- 5.1 Are the Design-Builders' personnel experienced in similar county projects?
- 5.2 Have the proposed personnel demonstrated the ability to achieve quality work?
- 5.3 Given the scope and schedule of the project, identify the specific Job Superintendent, Assistant Job Superintendent, Project Manager, Assistant Project manager, Estimator and Field Operations personnel who would work on the project(s). Provide a resume and references for each individual. Prior to contracting with a Design-Build firm, the Owner, should they choose, will interview the Project Manager/Job Superintendent who will be assigned to the project(s). The Project Manager/Project Superintendent will be required to remain on the project through final completion unless the Owner directs for any personnel to be removed. The Design-Builder may request that a Project Superintendent or a Project Manager be removed from the project only with the approval of the Owner.

6. Reputation

- 6.1 Demonstrate examples of the Design-Builder "Team Player" relationship and how any adversarial situation during construction was remedied.
- 6.2 Has the Design-Builder demonstrated a long-term presence in the greater Houston market?
- 6.3 Have past clients expressed a willingness to work with the Design-Builder again?
- 6.4 For six of the ten projects listed above (*reference item 2.1*), identify a representative of the owner and a representative of the architect (provide name, telephone/fax numbers) whom we could contact as references regarding your organization's services. References should include owners of County projects of comparable scope.
- 6.5 Claims and suits. (If the answer to any of the questions below is yes, please attach details.)

- a. Has your organization ever failed to complete any work awarded?
- b. Are there any judgments, claims, arbitration proceedings or suits pending or outstanding against your organization or its officers?
- c. Have there been any judgments, claims, arbitration proceedings or suits against your organization or its officers in the last ten (10) years?
- d. Has your organization filed any lawsuits or requested arbitration with regard to construction projects within the last five (5) years?

7. Uniqueness

What do you feel is unique about your firm's contribution to the **Waller County** building program?

8. Job Safety

- 8.1 How does your firm propose to maintain a safe working environment around a busy county site?
- 8.2 Has your firm had any major accidents in the past ten years? Deaths, Workers Comp claims, etc. If yes, please explain processes put in place to prevent similar incidents.

End of Questionnaire

ATTACHMENT 'A'
Design-Builder Expectations

Pre-Design

Conduct a "Needs Assessment" to determine overall project scope.
Conduct Assessments related to viability of existing buildings based on determined County needs.
Conduct a Texas Historical review of the existing Courthouse.
Develop a comprehensive program and phasing plan to meet design/construction requirements .
Complete constructability review.
Establish Project Goals and Priorities with Owner and Architect.
Establish and/or confirm overall budgets with Owner and Architect.
Establish procedures for decision-making, review, etc.
Develop an Overall Management Plan and CPM Scheduling Plan of critical design and construction dates in order
to accomplish the stated objectives.
Develop, implement, and monitor cost model for continuous budget control.
Prepare Design Change Order control system for elected modifications.
Complete phase cost estimate.

Schematic Design

Prepare Conceptual Estimate from design sketches.
Hold Technical Review Sessions with Owner and Architect.
Consult with the Owner and Architect on means and methods of construction.
Review Schematic Design documents and report on the following items:
a) Analyze the potential for use of systems components.
b) Submit to Owner and Architect any special input relative to time and cost control of the plan.
c) Prepare "Cost Evaluation" Studies relative to value engineering.
Generate a Critical Data Schedule.
Prepare a professional construction CPM network for the issuance of Proposal Packages.
Complete phase cost estimate.

Design Development

Review the Design Development documents with the Owner and Architect.
Revise and update the Critical Data Schedule sheet.
Develop and arrange Pre-bid Packages.
Prepare a site use study to be used for allocation of space for construction storage, lay-down areas, parking and
temporary facilities.
Prepare a Cash Flow Analysis for both the design and construction phases.
Complete constructability review.
Prepare a detailed estimate based on available design drawings in a CSI or Subcontractor bid
format.

Construction Documents

Complete phase cost estimate in the CSI format at 50% and 95%.
Complete constructability review at 50% and 95%.
Review the drawings and project manual relative to the bid packages and notify Owner and
Architect of
inconsistencies.
Develop Bid Package requirements, phasing, work restrictions.
Determine bid date and time.
Publish advertisement for proposals.
Schedule and conduct Pre-bid conferences.

Update Project Budget and Schedule consistent with final construction documents.

Proposals & Negotiations

Distribute documents to plan rooms, subcontractors and suppliers.

Solicit bids from subcontractor and suppliers on advertised day.

Negotiate with subcontractors as necessary to meet the current budget.

Compile list of subcontractors and suppliers to form Guaranteed Maximum Price.

Present the GMP to the County Commissioner Court for approval.

Scope and execute contracts with selected subcontractors and suppliers.

ATTACHMENT 'B'

AFFIDAVIT OF NON-COLLUSION, NON-CONFLICT OF INTEREST, ANTI-LOBBYING

By submission of this response, the undersigned certifies that:

1. Neither the Respondent nor any of its officers, partners, owners, agents, representatives, employees, or parties in interest, has in any way colluded, conspired, or agreed, directly or indirectly with any person, firm, corporation or other Respondent or potential Respondent or given any money or other valuable consideration for assistance in procuring or attempting to procure a contract or fix the prices in the attached response or the response of any other Respondent, and further states that no such money or other reward will be hereinafter paid.
2. No attempt has been or will be made by this firm's officers, employees, or agents to lobby, directly or indirectly, the County's Commissioners Court between response submission date and award by the County's Commissioners Court.
3. No officer, or stockholder of Respondent is a member of the staff, or related to any employee of the Waller County except as noted below:

The undersigned certifies that he/she is fully informed regarding the accuracy of the statements contained in this certification, and that the penalties herein are applicable to the Respondent as well as to any person signing on its behalf.

Signature of Authorized Official: _____

Printed Name: _____

Title: _____

Date: _____

ATTACHMENT 'C'

SUSPENSION AND DEBARMENT CERTIFICATION

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. Covered transactions include procurement contracts for goods and services equal to or in excess of \$100,000 and all non-procurement transactions (e.g., sub-awards to sub-recipients).

Firms receiving individual awards of \$100,000 or more and all sub -recipients must certify that their organization and its principals are not suspended or debarred by a federal agency.

Before an award of \$100,000 or more 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: _____

ATTACHMENT 'D'

CERTIFICATION OF RESIDENCY

Chapter 2252 of the Texas Government Code relates to Resident versus Nonresident and the requirements governmental entities must follow when awarding contracts to Nonresidents. The pertinent portion of the Chapter is as follows:

2252.001...

"Resident" refers to a person whose principal place of business is in this state, including a contractor whose ultimate parent company or majority owner has its principal place of business in this state.

"Nonresident" refers to a person who is not a resident.

"Governmental contract" means a contract awarded by a governmental entity for general construction, an improvement, a service, or a public works project or for a purchase of supplies, materials, or equipment.

2252.002...

A governmental entity may not award a governmental contract to a nonresident bidder unless the nonresident underbids the lowest bid submitted by a responsible resident bidder by an amount that is not less than the amount by which a resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in:

- (1) the state in which the nonresident's principal place of business is located; or
- (2) a state in which the nonresident is a resident manufacturer.

Please complete the appropriate statement below:

A. I certify that _____ is a Resident of
(Company Name)

Texas as defined in Chapter 2252.

B. I certify that _____ is a Nonresident
(Company Name)

of Texas as defined in Chapter 2252. Our principal place of business is:

(City and State)

Signature: _____

Printed Name: _____ Date: _____

ATTACHMENT 'E'

CONFLICT OF INTEREST NOTICE Waller County

Notice to Vendors Conflict of Interest Questionnaire Required by Chapter 176 of the Texas Local Government Code

A person or entity who contracts or seeks to contract with Waller County for the sale or purchase of property, goods, or services (as well as agents of such persons) are required to file a Conflict of Interest Questionnaire with the County's Records Administrator. Each covered person or entity who seeks to or who contracts with Waller County is responsible for complying with any applicable disclosure requirements. Waller County will post the required completed questionnaires on its website.

The Conflict of Interest Questionnaire must be filed 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.

The Vendor shall file an updated completed questionnaire with the appropriate records administrator not later than September 1 of the year in which an activity described in Section 176.006(a), Local Government Code, is pending, and not later than the seventh business day after the date of an event that would make a statement in the questionnaire incomplete or inaccurate.

Note: A Vendor is not required to file an updated completed questionnaire in a year if the person has filed a questionnaire on or after June 1, but before September 1, of that year.

The Conflict of Interest Questionnaire may be downloaded from the Texas Ethics Commission's website at <https://www.ethics.state.tx.us/forms/CIQ.pdf>. You may also use the copy provided.

Questions regarding House Bill 914 requirements should be directed to the County. Completed forms should be sent submitted with the Bid.