



REQUEST FOR QUALIFICATIONS

230503-07

Wetland Determination and Delineation (CDBG-DR Diemer Road Project)

DEBARMENT CERTIFICATION

Neither my company nor an owner or principal of my company has been debarred, suspended, or otherwise made ineligible for participation in Federal Assistance programs under Executive Order 12549, "Debarment and Suspension," as described in the Federal Register and Rules and Regulations. Neither my company nor an owner or principal of my company is currently listed on the government-wide exclusions in SAM, debarred, suspended, or otherwise excluded by agencies or declared ineligible under any statutory or regulatory authority. My company agrees to immediately notify Waller County if my company or an owner or principal is later listed on the government-wide exclusions in SAM, or is debarred, suspended, or otherwise excluded by agencies or declared ineligible under any statutory or regulatory authority.

By signature below, I certify that the above is true, complete, and accurate, and that I am authorized by my company FPto make this certification.

Company Name

Date

Signature of Authorized Company Official

Printed Name

RESIDENT/NONRESIDENT CERTIFICATION

Chapter 2252, Subchapter A of the Texas Government Code establishes certain requirements applicable to proposers who are not Texas residents. Under the statute, a "resident" proposer is a person whose principal place of business is in Texas, including a contractor whose ultimate parent company or majority owner has its principal place of business in Texas. A "nonresident" proposer is a person who is not a Texas resident. Please indicate the status of your company as a "resident" proposer or a "nonresident" proposer under these definitions.

Please mark one of the following:

I certify that my company is a Resident Proposer.

I certify that my company is a Nonresident Proposer.

If your company is a Nonresident Proposer, you must provide the following information for your resident state (the state in which your company's principal place of business is located):

Company Name

Address

City

State

Zip Code

A. Does your resident state require a proposer whose principal place of business in is Texas to under-price proposers whose resident state is the same as yours by a prescribed amount or percentage to receive a comparable contract?

Yes No

B. What is the prescribed amount or percentage? \$ _____ or _____ %



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NO ISRAEL BOYCOTT CERTIFICATION

Effective September 1, 2017, as amended effective May 7, 2019 (H.B. 793), a Texas governmental entity may not enter into a contract with a value of \$100,000 or more that is to be paid wholly or partly from public funds with a company (excluding a sole proprietorship) that has 10 or more full-time employees for goods or services unless the contract contains a written verification from the company that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the Contract. (Tex. Gov't Code Ch. 2270). Accordingly, this certification form is included to the extent required by law.

“Boycott Israel” means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes. Tex. Gov't Code §808.001(1).

By signature below, I certify and verify that Vendor does not boycott Israel and will not boycott Israel during the term of any contract awarded under this RFQ, that this certification is true, complete, and accurate; and that I am authorized by my company to make this certification.

Company Name

Signature of Authorized Company Official

Printed Name

NO EXCLUDED NATION OR FOREIGN TERRORIST ORGANIZATION CERTIFICATION

Effective September 1, 2017, Chapter 2252 of the Texas Government Code provides that a Texas governmental entity may not enter into a contract with a company engaged in active business operations with Sudan, Iran, or a foreign terrorist organization – specifically, any company identified on a list prepared and maintained by the Texas Comptroller under Texas Government Code §§806.051, 807.051, or 2252.123. (A company that the U.S. Government affirmatively declares to be excluded from its federal sanctions regime relating to Sudan, Iran, or any federal sanctions regime relating to a foreign terrorist organization is not subject to the contract prohibition.)

By signature below, I certify and verify that Vendor is not on the Texas Comptroller's list identified above; that this certification is true, complete, and accurate; and that I am authorized by my company to make this certification.

Company Name

Date

Signature of Authorized Company Official

Printed Name



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HISTORICALLY UNDERUTILIZED BUSINESS CERTIFICATION

A Proposer that has been certified as Historically Underutilized Business (HUB) is encouraged to indicate its HUB certification status when responding to this RFQ.

Please mark all that apply:

- I certify that my company has been certified as a HUB in the following categories:
- Minority Owned Business
 - Women Owned Business
 - Service-Disabled Veteran Owned Business (veteran defined by 38 U.S.C. §101(2), who has a service-connected disability as defined by 38 U.S.C. § 101(16), and who has a disability rating of 20% or more as determined by the U.S. Department of Veteran Affairs or Department of Defense.)

Certification Number:

Name of Certifying Agency:

- My company has **NOT** been certified as a HUB.

By signature below, I certify that the above is true, complete, and accurate, and that I am authorized by my company to make this certification.

Company Name

Date

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Printed Name



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DEVIATION AND COMPLIANCE

If your company intends to deviate from the Terms and Conditions, Specifications, or any other requirements contained in the RFQ, you must identify on this form where the deviations are specified in your Proposal. Complete and detailed information regarding deviations must be clearly identified in your Proposal. The County will consider any deviations in its Contract award decision, and reserves the right to accept or reject a Proposal based upon any submitted deviation.

In the absence of the identification on this form of deviations in your Proposal, your company must fully comply with the Terms and Conditions, Specifications, and all other requirements associated with this RFQ if awarded a Contract under this RFQ. A deviation will not be effective unless it is accepted by the County. The County may, in its sole discretion, seek clarification from and/or communicate with Proposer(s) regarding any submitted deviation, consistent with general procurement principles of fair competition. The County reserves the right to accept or reject a Proposal based upon any submitted deviation.

Please mark one of the following:

- Proposal contains NO deviations.
- Proposal CONTAINS deviations.

Specifically identify the location of any proposed deviations in your Proposal:

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Date

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Printed Name



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PROPOSER'S BUSINESS NAME

By submitting a Proposal, Proposer is seeking to enter into a legal contract with the County. As such, a Proposer must be an individual or a legal business entity capable of entering into a binding contract. Proposers must completely and accurately provide the information requested below or your Proposal may be deemed non-responsive.

Name of Company: _____

Type of Business (please check one):

- Individual/Sole Proprietor
- Corporation
- Limited Liability Company
- Partnership
- Other

If other, please specify _____

State of Incorporation (if applicable): _____

Federal Employer Identification Number: _____

List any other names the Company uses, or is known by (dba, aka, etc.): _____

Company Name

Date

Signature of Authorized Company Official

Printed Name



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NO ENERGY COMPANY BOYCOTT CERTIFICATION

Effective September 1, 2021, a Texas governmental entity may not enter into a contract with a value of \$100,000 or more that is to be paid wholly or partly from public funds with a company (excluding a sole proprietorship) that has 10 or more full-time employees for goods or services unless the contract contains a written verification from the company that it: (1) does not boycott energy companies currently; and (2) will not boycott energy companies during the term of the Contract. (Tex. Gov't Code Ch. 2274). Accordingly, this certification form is included to the extent required by law.

“Boycott Energy Companies” means without an ordinary business purpose, refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations with a company because the company:

(a) engages in the exploration, production, utilization, transportation, sale, or manufacturing of fossil fuel-based energy and does not commit or pledge to meet environmental standards beyond applicable federal and state law; or

(b) does business with a company described by Paragraph (a) above. Tex. Gov't Code §809.001(1).

“Company” means a for-profit sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or any limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of those entities or business associations that exist to make a profit. (Tex. Gov't Code Ch. 2274.001(2)).

By signature below, I certify and verify that Vendor does not boycott energy companies and will not boycott energy companies during the term of any contract awarded under this RFQ, that this certification is true, complete, and accurate; and that I am authorized by my company to make this certification.

Company Name

Date

Signature of Authorized Company Official

Printed Name



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NO DISCRIMINATION AGAINST FIREARM AND AMMUNITION INDUSTRIES CERTIFICATION

Effective September 1, 2021, Chapter 2274 of the Texas Government Code provides that a Texas governmental entity may not enter into a contract with a company (excluding a sole proprietorship) for the purchase of goods or services unless the contract contains a written verification from the company that it (1) does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association, and (2) will not discriminate during the term of the contract against a firearm entity or firearm trade association. (Tex. Gov't Code §2274). Accordingly, this certification form is included to the extent required by law.

"Discriminate against a firearm entity or firearm trade association" means, with respect to the entity or association, to (1) refuse to engage in the trade of any goods or services with the entity or association based solely on its status as a firearm entity or firearm trade association; (2) refrain from continuing an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association; or (3) terminate an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association. The phrase does not include (1) the established policies of a merchant, retail seller, or platform that restrict or prohibit the listing or selling of ammunition, firearms, or firearm accessories; and (2) a company's refusal to engage in the trade of any goods or services, decision to refrain from continuing an existing business relationship, or decision to terminate an existing business relationship:

- (a) to comply with federal, state, or local law, policy, or regulations or a directive by a regulatory agency; or
- (b) for any traditional business reason that is specific to the customer or potential customer and not based solely on an entity's or association's status as a firearm entity or firearm trade association.

"Company" means a for-profit organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or associations that exists to make a profit.

By signature below, I certify and verify that Vendor does not discriminate against firearm and ammunition industries; that this certification is true, complete, and accurate; and that I am authorized by my company to make this certification.

Company Name

Date

Signature of Authorized Company Official

Printed Name



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CERTIFICATION ON INDEBTEDNESS TO COUNTY

Pursuant to Local Government Code 262.0276, and the Order Adopting Contracting Rules for Persons Indebted to County adopted on September 10, 2014, Waller County will not enter into any contract(s) with any person, business, or any other entity that proposes or otherwise seeks to enter into a contract or other transaction with Waller County that is indebted to the County.

Please provide the following information:

Taxpayer Identification Number (TIN): _____

Waller County Property Accounts: Real Estate _____ Personal Property _____

Vendor hereby certifies that they do not owe a debt to Waller County, Texas.

By signature below, I certify that the above is true, complete, and accurate, and that I am authorized by my company to make this certification.

Company Name

Date

Signature of Authorized Company Official

Printed Name

AGREEMENT TO PROVIDE CERTIFICATE OF INSURANCE

I certify that certificates of insurance showing proof of coverages that meet the requirements outlined in this RFQ shall be provided to Waller County within ten (10) calendar days of any Notice of Award.

Company Name

Date

Signature of Authorized Company Official

Printed Name



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CERTIFICATE OF INTERESTED PARTIES TEXAS ETHICS COMMISSION **(FORM 1295)**

Texas Government Code §2252.908 requires that a business entity submit a disclosure of interested parties at the time it submits a signed contract to Waller County. This includes new, amended, extended, or renewed contracts that:

- (1) Require an action or vote by the Commissioners Court before the contract may be signed;
- (2) Have a value of at least \$1 million; or
- (3) Are for services that would require a person to register as a lobbyist under Texas Government Code Chapter 305.

A Proposer must:

- (1) Go to: <https://www.ethics.state.tx.us/filinginfo/1295/> and follow the instructions to submit an electronic filing application. If you already have an account then you may log in and proceed with the process.
- (2) Complete and print a copy of the form which will contain a unique certification number.
- (3) Have an authorized agent sign the printed copy of the form.
- (4) Include the completed Form 1295 with your Proposal when it is submitted to Waller County. (Scanning and emailing this form is sufficient for renewals & maintenance of solicitations.)



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CERTIFICATION OF PROVISIONS APPLICABLE TO EXPENDITURES OF FEDERAL FUNDS

Waller County will specify in the RFQ when it expects to fund a project partially or wholly with Federal grant money. If the project will be funded in whole or in part with Federal grant money, conditions/requirements apply in addition to the Terms and Conditions contained in the RFQ. If there is a conflict between the Term and Conditions in the RFQ and any of the conditions/requirements applicable to the expenditure of Federal funds, the Federal Funds conditions/requirements shall control.

1. Remedies for Vendor Breach/Contract Violations: Contracts for more than the simplified acquisition threshold, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

Waller County addresses in its RFQ Terms and Conditions the remedies available to it for a Vendor's breach, including section 2.67. The remedies included therein are in addition to any remedies that may be available either in law or equity. Vendor agrees to all of the violation and breach of contract terms provided in the RFQ.

2. Termination for Cause/Convenience: Contracts in excess of \$10,000 that are paid with Federal grant money, whether in whole or in part, may be terminated for cause and/or convenience by Waller County on ten (10) days' notice to the Vendor. If the Contract is terminated in accordance with this section, the County shall only be required to pay Vendor for goods and/or services rendered to the County prior to termination. If the Contract is terminated under this section, the County shall be allowed to return to Vendor any goods in accordance with Vendor's return policy. If the County has paid Vendor for goods and/or services that have not been delivered prior to termination under this section, Vendor shall immediately refund such payment(s). If the County agrees with Vendor in writing to an alternate provision for termination for cause and/or convenience, that agreement shall control.

3. Equal Employment Opportunity: Except as otherwise provided under 41 CFR Part 60, all Waller County contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 are deemed to include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor." The equal opportunity clause provided under 41 CFR 60-1.4(b) is hereby incorporated by reference. Vendor agrees that such provision applies to any County purchase or contract that meets the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 and Vendor agrees that it shall comply with such provision.

4. Davis-Bacon Act: Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, Vendor agrees that for all Waller County prime construction contracts in excess of \$2,000 Vendor shall comply with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, Vendor is required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, Vendors shall pay wages not less than once a week. Waller County has included a copy of the current prevailing wage determination issued by the Department of Labor with this RFQ. Vendor agrees that for any purchase or Contract to which this provision applies, the award of the purchase or contract is conditioned on



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Vendor's acceptance of the wage determination. Waller County shall report all suspected or reported violations to the Federal awarding agency. Vendor also agrees to comply with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. Waller County shall report all suspected or reported violations to the Federal awarding agency.

5. Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708): Where applicable, all Waller County contracts in excess of \$100,000 that involve the employment of mechanics or laborers, the Vendor agrees to comply with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, the Vendor shall compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

6. Rights to Inventions Made Under a Contract or Agreement: If Waller County's Federal award meets the definition of "funding agreement" under 37 CFR § 401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency. Vendor agrees to comply with these requirements if applicable.

7. Clean Air Act and the Federal Water Pollution Control Act: Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended - Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA). When required, Vendor agrees to comply with all applicable standards, orders, and/or regulations issued pursuant to the Clean Air Act and the Federal Water Pollution Control Act.

8. Debarment and Suspension (Executive Orders 12549 and 12689): A contract award (see 2 CFR 180.220) must not be made to parties listed on the government-wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

Vendor certifies that Vendor is not currently listed on the government-wide exclusions in SAM, is not debarred, suspended, or otherwise excluded by agencies or declared ineligible under statutory or regulatory authority other than Executive Order 12549. Vendor further agrees to immediately notify Waller County if Vendor is later listed



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on the government-wide exclusions in SAM, or is debarred, suspended, or otherwise excluded by agencies or declared ineligible under statutory or regulatory authority other than Executive Order 12549.

9. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352): Proposers who apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

As applicable, Proposer agrees to file all certifications and disclosures required by, and otherwise comply with, the Byrd Anti-Lobbying Amendment (31 USC 1352).

10. Solid Waste Disposal Act: When Waller County uses Federal grant money to fund a Contract, the awarded Vendor must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

11. Public Law 115-232, section 889, Telecommunications Equipment: When Waller County uses Federal grant money to fund a Contract, the awarded Vendor shall not obligate or spend loan or grant funds to:

- (1) procure or obtain;
- (2) Extend or renew a contract to procure or obtain; or
- (3) Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).
 - (i) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities);
 - (ii) Telecommunications or video surveillance services provided by such entities or using such equipment; or
 - (iii) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

Vendor agrees that it will comply with Public Law 115-232, section 889.



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12. Profit as Separate Element of Price: For purchases using Federal grant money in excess of the Simplified Acquisition Threshold (SAT), the County must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. Where applicable, the Vendor agrees to negotiate profit with Waller County as a separate part of its Contract in accordance with 2 CFR 200.324(b).

Vendor certifies and agrees that if Federal money is used to fund the project referenced in the RFQ, Vendor shall comply with the Federal Funds conditions/requirements in addition to the Terms and Conditions contained in the RFQ.

By signature below, I certify that the above is true, complete, and accurate, and that I am authorized by my company to make this certification.

Company Name

Signature of Authorized Company Official

Printed Name