



**Request for Proposals  
RFP No. 2023-001  
Downtown Denison 321 W. Main St.  
Public Facilities and Restrooms/Lease Space  
Public/Private Partnership**

**Issue Date: January 1, 2023  
Closing Date & Time: January 19, 2023, at 2:00 p.m.  
Opening Date & Time: January 19, 2023, at 2:01 p.m.**

**A Mandatory Pre-Submittal Conference is scheduled for  
2:00 p.m. CST, Tuesday, January 10, 2023**

at Denison City Hall  
Council Chambers  
300 West Main Street  
Denison, Texas 75020

**Proposals will be accepted by mail or hand delivery  
AND physically received by the City no later than  
2:00 p.m. CDT Thursday, January 19, 2023, to:**

City of Denison  
c/o Christine Wallentine, City Clerk  
300 West Main Street  
Denison, Texas 75020

**THE CITY IS NOT RESPONSIBLE FOR DELIVERY ERRORS OR LATE DELIVERIES BY  
THE POSTAL SERVICE OR DELIVERY PROVIDER. This is NOT a postmark deadline.  
Proposals must be physically received before the deadline.**

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**RFP No. 2023-001**  
**Downtown Denison 321 W. Main St. Public Facilities and**  
**Restrooms/Lease Space**  
**Public/Private Partnership**

**REGISTER INTEREST**

You have received a copy of the above-described Request document. If you would like to register your interest in this project so that you will receive any future notices or addenda concerning the project, please fill in the information requested below and email to: [cwallentine@cityofdenison.com](mailto:cwallentine@cityofdenison.com)

**Company/Firm:** \_\_\_\_\_

**Name of Contact Person(s):** \_\_\_\_\_

**Email(s):** \_\_\_\_\_

**Telephone:** \_\_\_\_\_

**Fax:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

It is your responsibility to complete and return this form to the City. Failure to do so will result in your not receiving notices and addenda related to this project from the City of Denison.

Notices and addenda are posted on the City's website and can be accessed at:  
<https://www.cityofdenison.com/rfps>

City of Denison  
c/o Christine Wallentine, City Clerk  
300 West Main Street  
Denison, Texas 75020

## I. Schedule for Solicitation Competitive Sealed Proposal

The proposed schedule of events is tentative and may be modified throughout the selection process at the discretion of the City of Denison.

Issuance of the RFP	January 1, 2023
Deadline for questions in by 5:00 p.m.	January 10, 2023
Proposals due by 2:00 p.m.	January 19, 2023
Evaluation of submission	January 24, 2023
Interviews or presentations <u>may</u> be conducted	January 31, 2023

Tentatively, the final selection decision will be made and proposers will be notified of award by February 10, 2023. This schedule is subject to change by the City.

## II. Contact with City of Denison

The contact person for this solicitation process is: Christine Wallentine, Assisatnt to City Manager/City Clerk

Email: [cwallentine@cityofdenison.com](mailto:cwallentine@cityofdenison.com) Telephone: (903) 465-2720, Ext. 2437

Questions concerning the solicitation must be submitted to contact person **in writing** on or before date shown in the schedule above.

**Contact with someone other than the City Clerk listed above or his/her designated representative at the City of Denison concerning this solicitation may be grounds for removal from consideration.**

Interpretation, modification, corrections, or changes to the solicitation documents will be made by addenda issued by the City of Denison. Addenda will be made available at:  
<https://www.cityofdenison.com/rfps>

Interested vendors are encouraged to return the Register Interest form on the previous page.

### **III. Definitions**

The following definitions apply to this document and the transaction between the City and the selected submitter unless otherwise designated in the context. Terms, which are singular, may include multiple, where applicable and when in the best interests of the City:

- (1) “City” means and refers to the City of Denison, Texas.
- (2) “Company” or “Firm” means and refers to any submitter, whether such submitter be a sole proprietor, corporation, company, partnership, company, or any other entity legally defined or recognized under the laws of the State of Texas.
- (3) “Contract documents” includes the RFP and all of the Appendices attached to the RFP.
- (4) “Day” means a calendar day unless otherwise specifically defined.
- (5) “P3” means Public Private Partnership.
- (6) “Private Floors” means the second and third stories of the Project.
- (7) “Project” means development of a City-owned 3-story building at 321 W, Main St., Denison, Texas.
- (8) “Project Review Committee” means a committee established by the City to review and score the submitted Proposals. The Committee may be composed of City of Denison staff, or other individuals selected to serve on the committee by the City.
- (9) “Proposal” or “Submission” or “Submittal” refers to a response submitted to an RFP.
- (10) “RFP” means and refers to this Request for Proposals.
- (11) “Selected submission” means and refers to the submission sent to the City of Denison by the Selected Firm.
- (12) “Selected Firm” means the firm who is selected by the City and to whom the City Council/City Manager awards a contract for the services or commodities requested in this solicitation.
- (13) “Solicitation” means an RFP issued by the City of Denison seeking products or services described in the document.
- (14) “Submitter” or “Vendor” or “Proposer” or “Contractor” means a firm that submits a response to a solicitation.
- (15) “Visitor Center” means the ground floor of the Project to contain a visitor center and public restrooms.

#### **IV. REQUESTED SERVICES**

##### **A. Scope of Services**

The City of Denison is requesting sealed proposals for the development (to include financing and constructing) of a City-owned 3-story building at 321 W, Main St., Denison, Texas with the ground floor to house the City's Visitor Center with proposals for development and uses of the second floor and third floor private space, to be leased or otherwise available to the selected firm as a Public Private Partnership.

- (1) Detailed scope of services attached as Appendices.

##### **B. Terms, Conditions, and Requirements**

In addition to the specifications for the Project, the attached Appendices include the City's Contract Requirements.

##### **C. Duration of Service:**

The proposed lease or other proposed contract for the private space will be for a term to be negotiated with the selected firm, taking into account the proposed uses and costs of development of the Project by the selected submission.

- D. Reservations by City:** The City of Denison reserves the right to reject any and all submittals. This issuance of this solicitation does not obligate the City to contract for expressed or implied services. The City of Denison will not reimburse proposers for any costs incurred during the preparation or submittal of responses to this solicitation.

Furthermore, the City expressly reserves the right to:

- (a) Waive any defect, irregularity, or informality in any submittal or procedure;
- (b) Extend the solicitation closing time and date;
- (c) Reissue this solicitation in a different form or context;
- (d) Procure any item by other allowable means;
- (e) Waive minor deviations from specifications, conditions, terms, or provisions of the solicitation, if it is determined that waiver of the minor deviations improves or enhances the City's business interests under the solicitation; and/or
- (f) Extend any contract when most advantageous to the City, as set forth in this solicitation.
- (g) Retain all proposals submitted and to use any ideas in a proposal regardless of whether or not that proposal is selected.

#### **V. REQUEST FOR PROPOSALS – SUBMISSION AND AWARD PROCEDURES**

##### **A. Requirements**

- (1) Proposals should be kept to the minimum necessary length to explain the proposer's attributes and pricing. Typed responses are preferred in Times New Roman, Arial or Calibri font. Responses must be clear and may be subject to disqualification if illegible.

**Proposals** should include the qualifications and the following information:

- (a) Cover sheet showing containing RFP number, project name, and proposer's name, address, telephone number, and email address
- (b) A brief company history.
- (c) Completed and signed copies of Forms included in Appendix C.
- (d) A short narrative of the proposer's approach to the project and a statement of understanding targeting the specific nature of this project.
- (e) Certificate showing current insurance coverage.
- (f) The submission shall include a list of five (5) references, three (3) of which obtained services from the proposer in the last 48 months.

(2) Pricing/Cost Information – Pricing Forms

- (a) All pricing and cost information is to be submitted less *Federal Excise* and State of Texas Sales Taxes. A tax exemption certificate will be executed upon request.

**B. Completeness of Submission**

- (1) Proposers are responsible for examining and being familiar with all specifications, drawings, standard provisions, instructions, and terms and conditions of the solicitation and their responses.
- (2) The proposer must attach all required forms with each submission copy. Forms must be signed by a representative of the proposer authorized to bind the proposer contractually. The proposer must include a statement identifying any exceptions to this RFP or declare that there are no exceptions taken to the RFP.

**C. Response Date and Location**

**Responses to this solicitation must be physically received by:**

**January 19, 2023**

**“RFP # 2023-001 321 W. Main St. P3”**

**Proposals will be opened at 2:01 p.m. (Central Time) on: January 19, 2023**

The City will **NOT** accept a proposal submitted by facsimile transmission (fax) or by electronic mail (email).

All submissions and accompanying documentation will become the property of the City.

**D. Modification to or Withdrawal of Submission**

Submissions cannot be altered or amended after the submission deadline passes. Submissions may be modified prior to the deadline by providing a written notice to the City's contact person

at the address previously stated. To modify a submission prior to the submission deadline:

- (1) Submit a written notice of the modification WITHOUT revealing the pricing/cost or terms information. The modification should provide the addition, subtraction, or other modifications so that the final pricing/costs or terms will not be revealed to the City until the sealed proposal is opened.
- (2) The written modification may be submitted by electronic transmission (email) to the City's contact person identified earlier in this document. The written modification must be received by the City prior to the closing time.

**E. Submission Validity Period**

A submission responding to this RFP signifies the vendor's agreement that the submission, and the content thereof, are **valid for ninety (90)** days following the submission deadline unless otherwise agreed to in writing by all parties. The submission may become part of the contract that is negotiated between the City and the successful proposer.

**F. Cost to Develop Submission**

Costs for developing and assembling submissions in response to this solicitation are entirely the responsibility and obligation of the proposer and shall not be reimbursed in any manner by the City.

**G. Evaluation Procedures**

The proposals will be initially reviewed and evaluated by a Project Review Committee. Each proposal should be as complete and accurate as possible. The City reserves the right to request additional information or clarifications, oral discussions, or presentations in support of the proposal.

**H. Vendor Presentation**

The evaluation by the project review committee will be presented to the City Manager or executive staff, who will determine whether proposers may be invited to make a formal presentation of their proposal and/or sit for a panel interview. There is no obligation for the City to host interviews in order to make the final selection



**I. Evaluation Criteria**

The following criteria will be used to evaluate the submittals (scoring points available):

<b>RFP Scoring Criteria</b>	<b>Scoring Points Available</b>
The proposed pricing	20
Reputation of the proposer and of the proposer's projects	10
Demonstrated success with commercial development and/or development in an historic area	10
Demonstrated compliance with Downtown Denison vision	20
Ability to develop a project meeting historic regulations	10
Proposed private space uses	5
The extent to which the project meets the City's needs for the visitor center	15
The impact on the ability of the municipality to comply with laws and rules relating to contracting with historically underutilized businesses and nonprofit organizations employing persons with disabilities	<b>10</b>
<b>TOTAL AVAILABLE POINTS</b>	<b>100</b>

**J. Final Selection**

Based on all information reviewed and presentations/interviews (if conducted), the City Manager or Executive staff shall establish the final ranking of the proposals.

- (1) During the evaluation process, the City reserves the right, where it may serve the City's best interest, to request additional information or clarifications from proposers.

**K. Contact Award and Execution**

The final contract must be awarded and approved by the Denison City Council. Proposers may be invited to make a formal presentation of their proposal and/or sit for an interview with the City Council.

**L. Proposer Acceptance of Evaluation Methodology**

WAIVER OF CLAIMS: Each proposer by submission of a response to this RFP waives any claims it has or may have against the City, its employees, officers and elected officials, agents, representatives, and professional contractor's that are connected with or arising out of this RFP, including, the administration of the RFP, the RFP evaluation, and the selection of qualified proposers to receive the Request for Proposals. Submission of qualifications indicates proposer's acceptance of the evaluation technique and proposer's recognition that some subjective judgments must be made by the City during the determination of qualification. Without limiting the generality of the foregoing, each proposer acknowledges that the basis of selection and that the evaluations shall be made public in accordance with applicable law and waives any claim it has or may have against the above-named persons, due to information contained in such evaluations. **DO NOT SUBMIT UNLESS YOU AGREE WITH THIS PARAGRAPH.**

# **APPENDIX A**

## **Scope of Services**

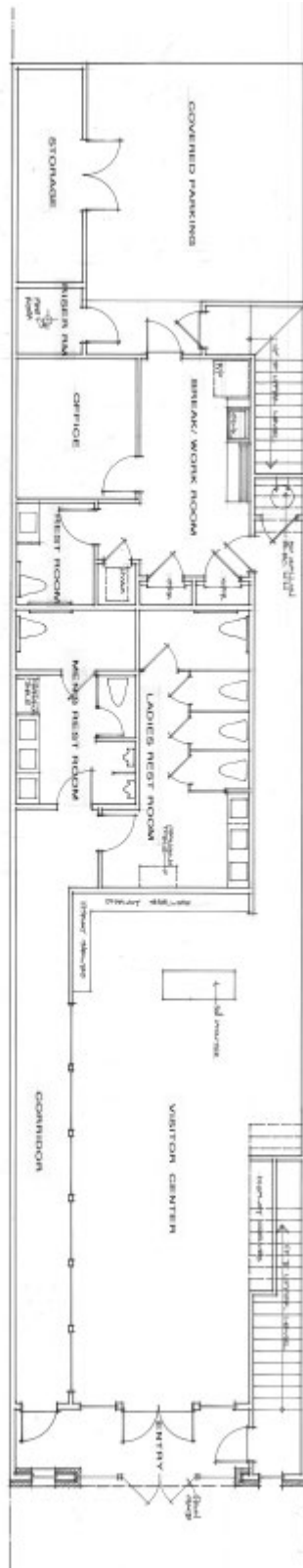
Denison is located in Grayson County, in North Texas, approximately 75 miles north of Dallas. Denison was incorporated 150 years ago and is a fast-growing community serving a population over 20,000 situated along Highway 75 corridor. Accessibility, location, great schools, and exceptional quality of life make Denison a desirable place to live and work.

Denison is seeking proposals for the financing, design, construction, development of the Project and use of the private space, summarized as the development of a City-owned 3-story building at 321 W, Main St., Denison, Texas with the ground floor to house the City's visitor center with proposals for development and uses of the second floor and third floor private space, to be leased or otherwise available to the selected firm as a Public Private Partnership.

The City's concept plan, which is subject to change, for the ground floor Visitor Center is attached below.

**GROUND LEVEL CONCEPT PLAN**

321 W MAIN ST., DENISON, TEXAS 75020  
APPROX. 47,000 SQ. FT. GROUND LEVEL  
APPROX. 10,000 SQ. FT. MORE AND SUBTERRANEAN



# **APPENDIX B**

## **Contract Requirements**

- (1) Insurance & Indemnification Requirements
- (2) Sales Tax Information
- (3) HB 1295 Information Sheet

## City of Denison Insurance Requirements

Bidder/Proposer performing work on City property or public right-of-way for the City of Denison shall provide the City a certificate of insurance evidencing the coverage provisions identified herein. Bidder/Proposer shall provide the City evidence that all subcontractors performing work on the project have the same types and amounts of coverage as required herein or that the subcontractors are included under the contractor's policy. The City, at its own discretion, may require a certified copy of the policy.

All insurance companies and coverage must be authorized by the Texas Department of Insurance to transact business in the State of Texas and must be acceptable to the City of Denison.

Listed below are the types and amounts of insurance required. The City reserves the right to amend or require additional types and amounts of coverage or provisions depending on the nature of the work.

Type of Insurance	Amount of Insurance	Provisions
Commercial General (Public) Liability to include coverage for: Premises/Operations  Products/ Completed  Operations	1,000,000 per occurrence, 2,000,000 general aggregate  Or  2,000,000 combined single coverage limit	City to be listed as additional insured and provide 30- days notice of cancellation or material change in coverage  City to be provided a waiver of subrogation
Independent Contractors  Personal Injury  Contractual Liability		City prefers that insurer be rated B+V 1 or higher by A.M. Best or A or higher by Standard & Poors
Business Auto Liability	1,000,000 combined single limit	City to be provided a waiver of subrogation
Workers' Compensation & Employers Liability	Statutory Limits 1,000,000 each accident	City to be provided a waiver of subrogation

Questions regarding this insurance should be directed to \_\_\_\_\_.  
A contract will not be issued without evidence of Insurance. We will only accept the  
ACORD 25 or ISO certificate of insurance forms.

## TEXAS SALES TAX EXEMPTION INFORMATION

**This information is being provided to assist contractors and is therefore general in nature. It is not a substitute for advice from the contractor's attorney or accountant.**

Under the Texas Tax Code Section 151.309, the City of Denison is exempt the payment of sales tax. In addition, when the City contracts with a third party to make certain improvements to real property, purchases of materials/consumable items that are physically incorporated into that real property may also exempt from state and local sales tax. Items qualifying for this exemption must be used up entirely on a job for the City of Denison.

To claim this exemption, a contractor who has a Texas Taxpayer Number (the number on their Texas Sales and Use Tax Permit number) can complete the Texas Sales and Use Tax Resale Certificate (front side of Form 01-339) and provide it to the vendor from whom the contractor is purchasing materials and supplies for use under a contract with the City of Denison. The form is available on the Texas Comptroller website at:

<http://www.window.state.tx.us/taxinfo/taxforms/01-forms.html>

or

<http://www.window.state.tx.us/taxinfo/taxforms/01-339.pdf>

A copy of a blank form has been attached for your convenience. In completing the exemption form (01-339 front) when purchasing materials and supplies, a contractor will:

- (1) List itself (the contractor) as the purchaser and complete required information;
- (2) Fill in the name and required information about the seller;
- (3) Describe the item being purchased or attached order or invoice – the only items included must be items that will be entirely consumed or used in the project for the City of Denison – might include statement that purchase is related to contract with City of Denison, Texas, for the project;
- (4) Describe the type of business activity generally engaged in by purchaser or type of items normally sold by the purchaser

Since the City of Denison is a governmental entity, the contract or purchase order with the City provides the necessary documentation that the materials are acquired for an exempt contract [See 34 TAC §3.291(c)(1)]. However, if requested, the City of Denison will provide to the contractor awarded the contract an executed exemption certification showing that the city is exempt from sales tax (Form 01- 339 back).

The state statutes and rules related to sales tax can be accessed from the Texas Comptroller website: <http://www.window.state.tx.us/taxinfo/sales/>

In addition, the Texas Comptroller's office can be contacted at 1-800-252-555 for questions about Sales and Use Taxes.

State statutes regarding sales tax can be found in Texas Tax Code Chapter 151 at:

<http://www.statutes.legis.state.tx.us/Docs/TX/htm/TX.151.htm>

Rules related to sales tax in the Texas Administrative Code can be found at:

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac\\_view=5&ti=34&pt=1&ch=3&sch=O&rl=Y](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=5&ti=34&pt=1&ch=3&sch=O&rl=Y)

## NOTICE OF HB 1295 DISCLOSURE

**Beginning January 1, 2016, business entities entering into a contract which is approved by the Denison City Council for goods or services to be used by the City of Denison are required to complete a Certificate of Interested Parties Form 1295 on the Texas Ethics Commission website.**

### **Certificate of Interested Parties (Form 1295):**

In 2015, the Texas Legislature adopted House Bill 1295, which added Section 2252.908 to the Texas Government Code. Beginning January 1, 2016, a business entity which:

- (1) enters into a contract which must be approved by the Denison City Council
- (2) for goods or services
- (3) to be used by the City of Denison

is required to complete a Certificate of Interested Parties Form 1295 on the Texas Ethics Commission website. The disclosure requirement applies to a contract (including an amendment, extension or renewal) entered into on or after January 1, 2016. Business entities required to comply include for-profit and non-profit entities.

The Texas Ethics Commission adopted rules to implement the law and adopted the Certificate of Interested Parties form (Form 1295). The Commission states that it does not have any additional authority to enforce or interpret House Bill 1295.

**Form 1295 requires disclosure of interested parties** (a) who have a controlling interest in a business entity with whom the government entity contracts or (b) who actively participate in facilitating a contract or negotiating the terms of a contract (such as a broker, advisor, or attorney for business entity) if the person receives compensation from the business entity (but is not an employee of the entity) and communicates directly with the governmental entity regarding the contract. A person has a controlling interest if the person: (1) has an ownership interest or participating interest in a business entity by virtue of units, percentage, shares, stock, or otherwise that exceeds 10 percent; has membership on the board of directors or other governing body of a business entity of which the board or other governing body is composed of not more than 10 members; or (3) serves as an officer of a business entity that has four or fewer officers, or serves as one of the four officers most highly compensated by a business entity that has more than four officers.

### **FILING PROCESS:**

The Texas Ethics Commission has made the filing Form 1295 available on its website as an electronic form at: [https://www.ethics.state.tx.us/whatsnew/elf\\_info\\_form1295.htm](https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm)

A business entity entering into a contract for goods or services with the City of Denison must use that website application to enter the required information on Form 1295 and then print a copy of the form. A certification of filing will be issued by the Commission containing a unique certification number established by the Commission. An authorized agent of the business entity must sign the printed copy of the Form. The original executed (with certification of filing) must be filed with the City of Denison. The City is then required to notify the Commission using the Commission's website that the Form 1295 has been received by the City. The information from the completed Form 1295 will then be posted on the Commission's website.

# **APPENDIX C**

## **Forms to Complete and Return**

- (1) Submission of Bid/Proposal and Acknowledgment of Addenda
- (2) Conflict of Interest Questionnaire (CIQ form)
- (3) Disclosure of Relationships with City Council/Officers
- (4) Historically Underutilized Business Form
- (5) Non-collusion Affidavit
- (6) Resident Certification
- (7) Texas Public Information Act
- (8) Drug Free Workplace



**Submission of Bid/Proposal and Acknowledgment of Addenda  
RFP No. 2023-001 Issued by City of Denison, Texas**

The entity identified below hereby submits its response to the above identified RFP. The entity affirms that it has examined and is familiar with all of the documents related to RFP.

**DECLARATION OF INTENT**

I attest that the bid submitted is: (check one box below)

- 1. to the exact Specifications and the Terms and Conditions of the bid documents.
- 2. to the exact specifications with modifications to the Specifications and/or the Terms and Conditions as noted in the attached documentation.  
or
- 3. NOT to the exact Specifications and/or the Terms and Conditions and is therefore an alternate bid, submitted for the City's consideration, with attached justification(s) and documentation defending the alternate bid as meeting or exceeding the intent of the specifications or scope of work.

Submitter further acknowledges receipt of the following addenda:

Addendum No \_\_\_\_\_ issued \_\_\_\_\_

Addendum No \_\_\_\_\_ issued \_\_\_\_\_

Addendum No \_\_\_\_\_ issued \_\_\_\_\_

Addendum No \_\_\_\_\_ issued \_\_\_\_\_

Date : \_\_\_\_\_

Bid of (entity name) \_\_\_\_\_

Signature of Person Authorized  
to Sign Submission: \_\_\_\_\_

Signor's Name and Title  
(print or type): \_\_\_\_\_

**PLEASE SIGN AND RETURN WITH PROPOSAL**

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

**FORM CIQ**

<p><b>This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.</b></p> <p>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).</p> <p>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.</p> <p>A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.</p>	<p><b>OFFICE USE ONLY</b></p> <hr/> <p>Date Received</p>
<p><b>1 Name of vendor who has a business relationship with local governmental entity.</b></p>	
<p><b>2</b> <input type="checkbox"/> <b>Check this box if you are filing an update to a previously filed questionnaire.</b> (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.)</p>	
<p><b>3 Name of local government officer about whom the information is being disclosed.</b></p> <p style="text-align: center;">_____</p> <p style="text-align: center;">Name of Officer</p>	
<p><b>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.</b></p> <p style="margin-left: 40px;">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?</p> <p style="margin-left: 80px;"><input type="checkbox"/> Yes      <input type="checkbox"/> No</p> <p style="margin-left: 40px;">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?</p> <p style="margin-left: 80px;"><input type="checkbox"/> Yes      <input type="checkbox"/> No</p>	
<p><b>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.</b></p>	
<p><b>6</b> <input type="checkbox"/> <b>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).</b></p>	
<p><b>7</b></p> <p style="text-align: center;">_____</p> <p style="text-align: center;">Signature of vendor doing business with the governmental entity</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">Date</p>	

## **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.

**DISCLOSURE OF RELATIONS WITH  
CITY COUNCIL MEMBER, OFFICER, OR EMPLOYEE OF CITY OF DENISON**

Failure to fully and truthfully disclose the information required by this form may result in the termination of any business the City is now doing with the entity listed below and/or could impact future dealings.

1. **Name of Entity/Business/Person doing business with City:** \_\_\_\_\_

Is the above entity: **(Check one)**

- A corporation       A partnership       A sole proprietorship or an individual  
 Other (specify): \_\_\_\_\_

**Check all applicable boxes.**

2. **Is any person involved as an owner, principal, or manager of name listed in #1 related to or financially dependent on Council member, officer, or employee of the City of Denison?**

- NO -- there is no such relationship between Entity/Business/Person and the City of Denison.  
 **YES, a person who is a/an**     owner,  principal, or  manager of this entity/business/person

**is:**    **(Check all applicable boxes below)**

- related to by blood or marriage\*    and/or     a member of the same household as  
and / or     financially dependent upon\*\*    and/or     financially supporting\*\*  
 City Council member,     officer    or     employee.

\* As used here, "related to" means a spouse, child or child's spouse, and parent or parent's spouse. It also includes a former spouse if a child of that marriage is living (the marriage is considered to continue as long as a child of that marriage lives).

\*\* As used herein, "financially dependent upon" and "financially supporting" refers to situations in which monetary assistance—including for lodging, food, education, and debt payments—is provided by owner, principal or manager of #1 to Council member, officer or employee of City of Denison, or that Council member, officer or employee of City of Denison provides to owner, principal or manager of #1.

If **YES**, provide (a) the name of owner, principal, or manager, **and** (b) the name of the City Council member, officer or employee (include the department the City officer or employee works for, if known), **and** (c) if a relationship by marriage or by blood/kinship exists. (Use back of sheet if more space is needed)

(a) Name of owner, principal, or manager	(b) Name of Council member, officer or employee & department	(c) What is relationship or household arrangement

3. **Is a current City Council member or City employee involved with the name listed in #1 as an owner, principal, manager, or employee, or employed as a contractor for name listed in #1?**

- NO (no person involved/working for Entity/Business/Person is Council member, officer or employee of the City).  
 **YES, a person is** **(Check all applicable boxes)**

- (a)                                               City Council member,     officer or     employee ,  
(b) **and is**     an owner,  a principal, or  a manager of the entity/business/person listed in #1,  
**or**     an employee or     an independent contractor of the entity/business/person listed in #1.

If YES, provide the name of owner, principal, manager, employee or independent contractor who is a City Council member, officer or employee. Include the department the City officer or employee works for, if known.

Signature: \_\_\_\_\_ Phone #: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_ Print Title: \_\_\_\_\_

**The selected contractor or vendor is required to complete this form**

**CITY OF DENISON**  
**Historically Underutilized Business**

The City of Denison is committed to assuring that all businesses are given prompt, courteous, and equal opportunity to provide goods and services to the City. To achieve this goal, the City Council requests the minority women owned status of each vendor on the City vendor list.

**Definition:** A Historically Underutilized Business (HUB) means a business concern owned and controlled by socially and economically disadvantaged individuals. This means any business concern that (a) is at least 51% owned by one or more socially and economically disadvantaged individuals; or in the case of publicly owned businesses, at least 51% of the stock which is owned by one or more socially or economically disadvantaged individuals; and (b) whose management and daily operations are controlled by one or more other socially and economically disadvantaged individuals who own it. The groups included in this program are Black Americans, Hispanic Americans, Women, Asian Pacific Americans, Service-Disabled Veterans, and Native Americans

**Certification: Bidder declares a minority and/or women owned business status:**

YES       NO

**If yes, check one of the blocks (indicate male or female):**

Black M/F \_\_\_; Hispanic M/F \_\_\_; Woman ; Asian M/F \_\_\_;

Native American M/F \_\_\_; Service Disabled Veteran of 20% or more M/F \_\_\_.

HUB certified  YES       NO

Visit <https://texashub.gob2g.com/> to become a certified HUB

COMPANY NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY/STATE: \_\_\_\_\_

EMAIL/PHONE: \_\_\_\_\_

PRODUCT/SERVICE: \_\_\_\_\_

AUTHORIZED SIGNATURE: \_\_\_\_\_

**NON-COLLUSION AFFIDAVIT**

STATE OF TEXAS §

§

COUNTY OF \_\_\_\_\_ §

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

Signature:

Printed Name:

Title:

Company:

Date:

THE STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_ (the person who signed above), known to me to be the persons whose names are subscribed to the foregoing instruments, and acknowledged to me that they executed same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this \_\_\_\_\_ day of \_\_\_\_\_

A.D., 20\_\_\_\_.

(Seal)

Notary Public Signature

**RESIDENT CERTIFICATION**

**Texas Government Code - Chapter 2252 “Contracts With Governmental Entity”  
Subchapter A. Nonresident Proposers**

In accordance with Chapter 2252 of the Texas Government Code, a governmental entity may not award a governmental contract to a nonresident bidder unless the nonresident bidder 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 the state in which the nonresident’s principal place of business is located.

Section 2252.001 includes the following definitions:

- (1) “Government 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.
- (2) “Governmental entity” means . . . .a municipality, county, public school district, or special-purpose district or authority;
- (3) “Nonresident bidder” refers to a person who is not a resident.
- (4) “Resident Bidder” 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.

**As used on this form, the term “bidder” includes a person or business entity responding to a request for bids or competitive sealed proposal or request for qualifications.**

I certify that as defined in Texas Government Code, Chapter 2252 that:

COMPANY NAME: \_\_\_\_\_

Yes, I am a Texas Resident Bidder \_\_\_\_\_ No, I am not a \_\_\_\_\_ Resident Bidder

PRINTED NAME: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

**Texas Public Information Act**  
**Steps To Assert Information Confidential or Proprietary**

All proposals, data, and information submitted to the City of Denison are subject to release under the Texas Public Information Act (“Act”) unless exempt from release under the Act. You are not encouraged to submit data and/or information that you consider to be confidential or proprietary unless it is absolutely required to understand and evaluate your submission.

**On each page where confidential or proprietary information appears, you must label the confidential or proprietary information. Do not label every page of your submission as confidential as there are pages (such as the certification forms and bid sheet with pricing) that are not confidential. It is recommended that each page that contains either confidential or proprietary information be printed on colored paper (such as yellow or pink paper). At a minimum the pages where the confidential information appears should be labeled and the information you consider confidential or proprietary clearly marked.**

**The City will comply with the Texas Public Information Act in providing any notice of any request.**

**In signing this form, I acknowledge that I have read the above and further state:**

- The proposal/bid submitted to the City **contains NO confidential information** and may be released to the public if required under the Texas Public Information Act.
  
- The proposal/bid submitted **contains confidential information**, which is labeled, and which may be found on the following pages: \_\_\_\_\_

and any information contained on page numbers not listed above may be released to the public if required under the Texas Public Information Act.

Vendor/Proposer Submitting: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_ Print Title: \_\_\_\_\_



## DRUG-FREE WORK PLACE ACT CERTIFICATION

1. The contractor certifies that it will provide a drug-free work place by:
  - (a) Publishing a statement notifying employees that unlawfully manufacturing, distributing, possessing or using a controlled substance in the contractor's work place is prohibited and specifying the actions that will be taken against employees for violation of such prohibition.
  - (b) Establishing a drug-free awareness program to inform employees about:
    - (1) the dangers of drug abuse in the work place;
    - (2) the contractor's policy of maintaining a drug-free work place;
    - (3) any drug counseling, rehabilitation, and employee assistance programs that are available; and
    - (4) the penalties that may be imposed upon employees for drug abuse violations in the work place.
  - (c) Making it a requirement that each employee to be engaged in the performance of the contract be given a copy of the statement required by paragraph (a).
  - (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the contract the employee will:
    - (1) Abide by the terms of the statement; and
    - (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the work place no later than five (5) days after such a conviction.
  - (e) Notifying the City of Denison within ten (10) days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction.
  - (f) Taking one of the following actions within thirty (30) days of receiving notice under subparagraph (d)(2) with respect to any employee so convicted:
    - (1) Taking appropriate personnel action against such an employee, up to and including termination; or
    - (2) Requiring such an employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
  - (g) Making a good faith effort to continue to maintain a drug free work place through implementation of paragraphs (a), (b), (c), (d), (e), and (f).
  
2. The contractor's headquarters is located at the following address. The addresses of all other work places maintained by the contractor are provided on the accompanying list.

Name of Contractor: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ County: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**SIGNED BY:** \_\_\_\_\_ **Date Signed:** \_\_\_\_\_

**Print Or Type Name And Title:** \_\_\_\_\_