

**Ark-Tex Council of Governments**  
4808 Elizabeth Street, Texarkana, Tx 75503



**REQUEST FOR PROPOSAL**  
**ATCOG EPA BROWNFIELDS PROGRAM SERVICES**

**Submission due by**  
**12:00 p.m. August 15<sup>th</sup> 2024**

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## RFP Events Timetable

<u>ACTION</u>	<u>DATE</u>
Public media notification of RFP	7/17/2024
RFP packets made available for distribution	7/17/2024
Deadline to submit questions	7/31/2024
Questions must be emailed to Deborah Purifoy-dpurifoy@atcog.org	
Deadline for Response to Questions	8/9/2024
Proposal deadline	8/15/2024
Proposals must be received & date-stamped by <u>12:00 pm</u> via email sent to Deborah Purifoy- dpurifoy@atcog.org	
Proposal review and evaluation process begins	8/16/2024
Selection and negotiation with winning proposer	8/19/2024

# **General Information**

## **Introduction**

Ark-Tex Council of Government, hereafter known as *ATCOG* is soliciting proposals for professional environmental services from qualified environmental consulting firms (*Respondents*) to provide grant writing and environmental services to ATCOG with the needs outlined in the RFP. ATCOG plans to select a single Respondent that meets the threshold and selection criteria outlined in this RFP.

The RFP is open to all qualified environmental professionals (QEPs) capable and qualified to meet the objectives and requirements described in this document. Qualified Woman-owned businesses (WBE) Minority-owned businesses (MBE) and/or Veteran-owned businesses (VBE) organizations are encouraged to respond.

As provided in 2 CFR 200.320(b)(2)(iv), “[q]ualifications-based procurement,” where price is not a factor, may be used when acquiring services that can only be provided by a licensed Architectural and Engineering (A/E) firm; such as when state or local law requires that an A/E firm develop specifications for construction work that is part of a remediation project. When the remediation activities do not require the services of an A/E firm, price must be evaluated for those activities.

Qualification-based procurement does not apply to Brownfield Assessment Grants or assessment-related activities that occur under Brownfields Multipurpose Grant. Although A/E firms are one potential source for a Qualified Environmental Professional (QEP) for site assessments as indicated in the definition of Environmental Professional in the All Appropriate Inquiry Rule, 40 CFR 312.10, other types of firms and individuals may also provide QEP services.

Note: The Brooks Act provisions contained at 40 USC 1101 et seq. relating to the selection of architects and Engineers do not apply to the Brownfields Grant Program

## **Background**

The Ark-Tex Council of Governments (ATCOG) was organized by local governmental entities in 1966 and was chartered as a not-for-profit corporation under Chapter 391, Local Government Code. In 1968, ATCOG was recognized by the State of Texas and Arkansas as a sub-state political subdivision. So, designated as a political subdivision of the state, ATCOG plans, assists local governments, and delivers public services.

ATCOG is governed by a Board of Directors composed primarily of local government elected officials. The ATCOG region consists of nine (9) counties in Texas and one (1) in Arkansas, and includes cities, counties, school districts, and special districts with membership open to all interested governmental entities. The general purpose of ATCOG is to plan for the unified, far-reaching development of the region, eliminating duplication of services, and promoting economy and efficiency through coordination.

ATCOG received an EPA Brownfields Combined Hazard Substance and Petroleum Assessment Grant Funds for grant period September 2009 through August 2012. The goal of the project was to coordinate the work of area environmental service firms to conduct Phase I and II site assessments, coordinate clean-up activities and other activities to encourage potential economic development and job creation, reuse of existing infrastructure and overall improvement of community needs, as well as encourage healthy and safe environments.

## **Purpose**

Ark-Tex Council of Governments (ATCOG) invites interested parties to respond to our Request for Proposal (RFP) to provide environmental and consulting services in support of ATCOG's development of a new Brownfields program, for a contract period of up to three years with option years. The total period of the contract will be determined at the sole discretion of ATCOG. ATCOG is looking for firms with documented experience providing brownfields grant-related consulting services. The project objectives include supporting a successful brownfields program by assisting ATCOG with the development and implementation of future grants. (i.e., FY 24 EPA Brownfields Coalition Assessment Grant; EPA Revolving Loan Fund Grant, etc.)

## **Scope of Work**

All anticipated and future work performed by the selected firm will comply with EPA grant Terms and Conditions. **Activities of the consultant may include, but are not necessarily limited to:**

**Grant Writing Services:** Identify and assist ATCOG in writing grant applications for available Environmental Protection Agency (EPA) grants. The chosen consultant will be asked to take the lead in preparing for and writing EPA Brownfields grant(s) in partnership with ATCOG. Typical tasks include but are not limited to, the collection of data (*including demographic data to address grant criteria*) required for the grant applications; identifying and coordinating with key community partners; meeting with community groups and stakeholders; identifying resources to leverage for cleanup and redevelopment; taking the lead role in writing the application; and ensuring timely submission of grant application package(s) with ATCOG for routing, approval, and submittal through grants.gov.

**Community Involvement Assistance:** Provide support for public involvement and community outreach activities during application preparation phase and grant implementation. These activities should be designed to be sure that community concerns are considered and addressed in the assessment, planning, and execution of the project. This may include but not necessarily be limited to:

- Developing a Community Outreach and Communication Plan to detail a strategy for involving the community in the brownfields project;
- Conducting and/or participating in public meetings and hearings to solicit community interest and provide educational information;
- Developing and implementing effective methods of communicating information about the brownfields program to the public; and
- Communication with prospective private landowners and other key parties to encourage participation in the program.

**Property Identification and Inventory:** Work with ATCOG to identify, develop, refine, and finalize a list of sites to be assessed based on need and financial availability/grant capacity. Included in this work will be the development

and implementation of a set of criteria to prioritize the identified properties for evaluation.

**Site Characterization and Assessment Activities:** Complete thorough Phase I and Phase II assessments on the selected parcels to determine the scope and extent of contamination of each site. All assessment activities must meet federal and state requirements.

**Cleanup and Development Planning and Health Monitoring:** Perform area wide planning activities including educational site visits, public meetings and summary of site redevelopment profiles, as determined necessary in the grant application. Develop cost-effective and efficient scenarios for cleanup and remediation, as necessary, for the sites.

**Grant administration Support:** Provide support for grant administration activities to include, but not necessarily be limited to assisting with the preparation of monthly and quarterly reports; Quality Assurance Project Plans, acting as a liaison between ATCOG and applicable regulatory agencies (primarily EPA and TCEQ); participating in kickoff and monthly meetings; entering property specific information in the Assessment, Cleanup and Redevelopment Exchange System (ACRES); and assisting with the completion of final reports for grant closeout.

**Other Brownfield Related Duties:** Coordinate with ATCOG to implement other grant-related activities that may be required for a successful program but that have not been anticipated in this RFP.

***THE FOLLOWING TASKS WILL BE REQUIRED ONLY IF THE GRANT IS SELECTED FOR AWARD.***

- **Work Plan Development** – Assist ATCOG draft its grant work plan and address the Terms and Conditions under its Cooperative Agreement with U.S. EPA.
- **Implement Tasks and Activities Outlined in the grant application and subsequent EPA Approved Work Plan**
  1. **Program Development and Outreach** - Provide coordination for public meetings, stakeholder meetings; draft media releases, FAQ sheets, presentations for outreach. Respondent will assist ATCOG Development Department and Environmental Specialist in preparing quarterly and annual reports, updating the ACRES database, and other programmatic and planning activities in support of inventory, assessment, and outreach activities.
  2. **Brownfields Inventory and Prioritization** - Tour community, inspect sites, meet with stakeholders, collect eligibility data for sites, maintain inventory, input data into EPA's ACRES, setting up and maintenance of a brownfields site inventory, tracking, and management database (e.g. the Brownfield Inventory Tool, BiT, meet with ATCOG to prioritize sites and document the site selection process.
  3. **Quality Assurance Project Plan (QAPP), Phase I and Phase II Environmental Site Assessments (ESA's)** - Respondent will draft a QAPP; conduct Phase I ESAs and Phase II ESAs as outlined in the work plan; develop site-specific sampling and analysis plans and health and safety plans for each site where a Phase II ESA is conducted; and conduct building assessments if determined necessary. All Phase I assessments must meet the federal all appropriate inquiries (AAI) requirements (e.g., ASTM 1527-21).
  4. **Conduct Cleanup Planning Activities** - As deemed applicable by ATCOG, Respondent will

prepare remedial action plans (RAPs) in accordance with the State of Texas Voluntary Program.

The resulting contract will be for 3 years. ATCOG may amend or extend this contract beyond the initial 3 years to apply for additional grant funds and, or accommodate the terms and conditions of future EPA grants awarded to ATCOG within this 3-year project period provided a market survey conducted by ATCOG indicates that the prices the contractor proposes are reasonable.

## **Submission Requirements**

Responses must be received no later than 12:00 P.M., Central Standard Time, August 15th, 2024, to be considered. Respondents must submit one (1) electronic copy to Deborah Purifoy – [dpurifoy@atcog.org](mailto:dpurifoy@atcog.org) The proposal must include the following information.

1. Cover Letter describing the Respondent’s general understanding of the scope of work and any key issues associated with performing the required services. The cover letter shall not to exceed one page, must be signed by an individual(s) authorized to bind the Respondent contractually, and include the name, title, address, email address and telephone number of one or more individuals who can respond to requests for additional information.
2. Resumes of primary personnel assuming responsibilities for this project, not to exceed one (1) pager per resume.
3. Detailed description of Respondent’s approach to the scope of work and relevant experience, not to exceed 15 pages including:
  - a. Experience in grant writing including applying for and securing federal grant dollars.
  - b. Description of the history, experience, and qualifications of the Respondent including key personnel and their respective responsibilities.
  - c. If relevant, a listing of subcontractors regularly used for activities identified in the Scope of Work along with their services they will provide and a description of Respondent’s process to select and oversee subcontractors. The use of WBE/MBE organizations are encouraged and if included in the project team, please attach a one-page letter from each firm indicating their desire to be included in the project team.
  - d. Methodologies to perform site assessments and confirmatory sampling.
  - e. Ability to meet all applicable state and federal regulations governing environmental site assessments.
  - f. Technologies or testing methods utilized to assess specific types of contamination.
  - g. Innovative ideas for maximizing the value and amount of work that can be completed within a budget available through the grant. Provide rationale and evidence of the value and effectiveness of the proposed approach to the scope of services.
  - h. Strategy and timeline for completing the project including key milestones.
  - i. Experience conducting assessments on contaminated properties and remediation to address state and federal requirements,
  - j. Discussion on Respondent’s Health and Safety practices/programs including Respondent’s record for the last three years, and,
  - k. List of other projects along with references for up to three (3) similar projects.
4. Cost proposal including rate schedule.

Note that the cover letter, resumes, and cost proposal are not included in the 15-page limitations.

ATCOG will not be held responsible for responses not received by the deadline. Faxed responses will not be accepted. Any questions regarding this RFP must be submitted in an email to Deborah Purifoy at [dpurifoy@atcog.org](mailto:dpurifoy@atcog.org) no later than July 31st, 2024. Responses to questions will be posted on the ATCOG website (<https://atcog.org/doing-business-with-atcog/>) and Texas Smart Buy. Inquiries pertaining to the RFP are NOT to be directed to any other member of ATCOG. Any such action may disqualify the Respondent from further consideration. Respondents may not rely upon verbal responses to any inquiry.

## **Terms and Conditions**

1. ATCOG does not create any obligation, expressed or implied, of any kind or description in issuing this RFP or receiving a response. Neither this RFP nor the response shall be construed as a legal offer.
2. ATCOG reserves the right to alter, amend, or modify any provisions of this RFP, or to withdraw this RFP, at any time prior to the award of the contract resulting from qualification under this process, if it is in the best interest of ATCOG to do so.
3. ATCOG reserves the right to reject any and all responses without cause, waive irregularities in all procedures related to this RFP, make inquiries of Respondents and their references and clients regarding qualifications or information submitted as part of their responses as deemed necessary, conduct personal interviews of any or all Respondents, and request and receive additional information as ATCOG deems necessary.
4. Work performed under agreements resulting from this RFP may be subject to federal contractual provisions. ATCOG hereby puts Respondents on notice that a successful award at the end of this process may be contingent upon an agreement between ATCOG and the Respondent to comply with standard federal contractual provisions, including but not limited to, minimum Federal wage rates (Davis-Bacon).
5. In the event the selected Respondent does not enter into the required agreement with ATCOG to carry out the purposes described in this RFP, ATCOG may, in addition to any other rights and remedies available at law or in equity, commence negotiations with another person or entity.
6. In no event shall any obligation of any kind be enforceable against ATCOG unless a written agreement has been entered into.
7. ATCOG will not assume any responsibility or liability for any expenses incurred by a Respondent, or prospective Respondent, in connection with the preparation or delivery of a response, requested interview, or any action related to the process of completing and submitting a response to this RFP.
8. Respondent shall disclose any existing or potential conflict of interest relative to the performance of the contractual services resulting from this RFP. Any such relationship that might be perceived or represented as a conflict should be disclosed. By submitting a qualification in response to this RFP, Respondents affirm that they have not given, nor intend to give at any time hereafter, any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant of ATCOG or any employee or representative of same, in connection with this qualification process. Any attempt to



intentionally or unintentionally conceal or obfuscate a conflict of interest will automatically result in the disqualification of a Respondent's qualification. ATCOG will determine whether a conflict of interest exists and whether it may reflect negatively on ATCOG's selection of a Respondent. ATCOG reserves the right to disqualify any Respondent on the grounds of actual or apparent conflict of interest.

## Open Records

All proposals and accompanying attachments become the property of ATCOG upon submission and are subject to the Texas Open Records Act.

1. If the respondent considers any portion of its proposal to be privileged or confidential by statute or judicial decision, including trade secrets and commercial or financial information, clearly identify those portions.
2. Proposals will be opened in a manner that avoids disclosure of the contents to competing proposers and keeps the proposals secret during negotiations. All proposals are open for public inspection after the contract is awarded, but trade secrets and confidential information in the submissions are not open for public inspection.
3. ATCOG will honor the respondent's notation of trade secrets and confidential information and decline to release such information initially. The final determination of whether a particular portion of the proposal is, in fact a trade secret or commercial or financial information that may be withheld from the public inspection will be made by the Texas Attorney General.
4. In the event a public information request is received for a portion of the proposal that has been noted as being confidential information, the respondent will be notified of the request and the respondent will be required to justify its legal position in writing to the Texas Attorney General pursuant to Section 552.305 of the Government Code. In the event that it is determined by the opinion or order of the Texas Attorney General that such information is, in fact not privileged and confidential, then such information will be made available to the requester.
5. Marking the entire proposal CONFIDENTIAL/PROPRIETARY is not in conformance with the Texas Open Records Act.

The services of any vendor(s) awarded from this RFP must be delivered by the vendor named on the proposal. Subcontracting will not be allowed unless prior authorization from ATCOG is given.

## **Procurement Grievance Procedures**

### **Definitions**

1. A grievance is defined as a dispute regarding an alleged improper interpretation, application, or violation of an individual's terms and conditions regarding the Request For Proposal/Bid/Information or Invitation For Bid/Proposal (RFP, RBP, RFI, OR IFB, IFP) process.
2. A "party of interest" is the person or persons making the appeal and any person who might be required to take action, or against whom action might be taken to resolve the claim.
3. Workdays are those days when administrative offices are scheduled to be open.

### **Protest Procedure and Debriefing**

Requests for a debriefing must be made within five (5) business days of notification of non-selection. ATCOG reserves the right to not conduct debriefings if requests are made after that time. This procedure is NOT available to respondents who did not participate in the Solicitation, to non-responsive or non-timely respondents, or when all responses are rejected

A respondent must submit a written request per the instructions of the Solicitation, for a debrief and furnished the basis for the selection decision and contract award. Debriefings of successful and unsuccessful respondents will be done orally. The Department Head is responsible for performing all debriefs and notes of the evaluation committee regarding strengths and weaknesses of the respondent will be shared with the requesting respondent.

The debriefing will NOT include point-by-point comparisons of the debriefed respondent's response with those of other respondents. Moreover, the debriefing will not reveal any information prohibited from disclosure or exempt from release; information may include, but is not limited to:

- Trade secrets;
- Proprietary information;
- Privileged or confidential manufacturing processes and techniques;
- Commercial and financial information that is privileged or confidential, including cost breakdowns, profit, indirect cost rates, and similar information; and
- The names of individuals providing reference information about a respondent's past performance.

The following language is included in all ATCOG solicitations:

Any Respondent who is aggrieved in connection with a purchase transaction may file a grievance. The grievance may be filed at any phase of the procurement, and up to five (5) days after the ATCOG Board of Directors public agenda is posted for action regarding the questioned item. Grievances filed more than five (5) working days after action by the ATCOG Board of Directors will not be deemed timely and will not be considered. In order for a Respondent to enter the grievance process, a written complaint must be sent to the Deput Director of ATCOG by certified mail and sent to 4808 Elizabeth Street, Texarkana Texas,5503, and must include the following:

1. Name, mailing address and business phone number of the complainant.
2. Appropriate identification of the procurement being questioned.
3. A precise statement of the reasons for the protest.
4. Supporting exhibits, evidence or documents to substantiate any claims.

The grievance must be based on an alleged violation of ATCOG's Procurement Procedures, a violation of State or Federal Law (if applicable), or a violation of applicable grant or contract agreements to which ATCOG is a party. Failure to receive a procurement award from ATCOG in and of itself does not constitute a valid grievance. Upon receipt of grievance, the Compliance and Purchasing Officer will initiate the informal resolution process.

The Compliance and Purchasing Officer will contact the complainant and all interested parties and attempt to resolve the allegations informally within ten (10) working days from the date of the complaint. If the allegations are successfully resolved by mutual agreement, documentation will be forwarded to the Deputy Director of the resolution with specifics on each point addressed in the original complaint.

If the Compliance and Purchasing Officer is not successful in resolving the allegations, the complaint, along with the comments, will be forwarded to the DEPUTY DIRECTOR immediately. The DEPUTY DIRECTOR will review all documentation. All interested parties will be given written notice of the date, time, and place of hearing and an opportunity to present evidence. A written decision will be issued within five (5) working days after the hearing along with notice of appeal rights.

The complainant may appeal the DEPUTY DIRECTOR decision by submitting a written appeal, within five (5) working days, to the Executive Director of ATCOG. The Executive Director upon receipt of a written notice of appeal, shall contact the complainant and schedule a hearing within ten (10) working days. The EXECUTIVE DIRECTOR of ATCOG has the option of appointing a Hearing Officer to preside over the hearing. If appointed, the Hearing Officer will conduct a hearing and forward a summary and recommended resolution to the EXECUTIVE DIRECTOR.

The decision reached by the EXECUTIVE DIRECTOR or designee will be final and conclusive. This decision will be forwarded to the complainant in writing within thirty (30) working days.

The Respondent may, if it elects to do so, appeal the final and conclusive decision of the Executive Director to a court of competent jurisdiction.

## **Selection Process**

Responses will be evaluated based on the documented ability of the Respondent to satisfy the threshold criteria and the requirements of this RFP. Respondents passing the threshold requirements will be further evaluated against the selection criteria. Both the Threshold and Selection criteria are detailed below. It is expected that the review committee will include five people. Each reviewer will complete the scoring independently. Ratings will be assigned by reviewers and multiplied by the weight to determine the score. All of the scores will be combined for each Respondent to determine a total score. If determined necessary by the selection committee, the top-scoring Respondents will be invited to participate in an in-person (or virtual) interview during the month of August 2024, the specific date and time to be determined.

### **Threshold Eligibility**

The respondent must have demonstrated experience in conducting community outreach and public meetings.

Respondent has at least one (1) full-time Environmental Professional as defined in ASTM 1527- 21.

Respondent must have a minimum of \$1,000 in Professional Errors and Omissions insurance and \$1,000,000 in General Liability Insurance.

Respondent has a minimum of ten (10) years of environmental professional experience.

Respondent must have knowledge of and experience with the development of Quality Assurance Project Plans.

The respondent must have knowledge of the Northeast Texas Region.

If a Respondent does not satisfy the threshold eligibility requirements above, the response will not be further evaluated and scoring will not be completed.

### **HUB Best Practices**

ATCOG shall ensure that small, minority, disadvantaged, and women's businesses are considered as sources for acquisitions whenever possible. Proposer is encouraged to make a good faith effort to consider HUBs when subcontracting. Some methods for locating HUBs include:

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

## Bid Opening

ATCOG reserves the right to a closed RFP process for bid submission review/analysis and award recommendation procedures to the best interest of and best benefit to ATCOG and programs served as well as ensure the best competitive edge for all parties, and in accordance to [Texas Local Government Code: Sec. 252.049. CONFIDENTIALITY OF INFORMATION IN BIDS OR SUBMISSIONS](#). Bid submissions will be received by the deadline date/time as referenced under 'RFP Timeline Schedule'.

All bid submissions become the property of ATCOG after the RFP deadline/opening date.

All programs and employers under the auspices of ATCOG follow EEO. Auxiliary aids and services are available to individuals with disabilities upon request.

## **Evaluation Terms and Selection Criteria**

- Bid submissions will be evaluated by ATCOG staff to determine if bid proposals meet program needs and if requested information and required documentation, as identified throughout the RFP document, have been returned with submitted proposals.
- ATCOG reserves the right to contact any source regarding, but not limited to, vendor reputation, product/service quality, work history, and/or past performance to evaluate/award the bid submission(s) that best meet ATCOG program needs, and clients served.
- The evaluation team's preferred proposal will be presented to governing bodies as a recommendation for award so they may make a final award decision.
- Proposal must have original signature of the person having the authority to bind the organization to a contract or it may be rejected for non-compliance.

### **The responding firms will be evaluated, but not limited to, the following criteria:**

- Approach and understanding of the scope of work;
- Experience and ability of your firm and the designated project manager to complete the work;
- Demonstrated Texas Brownfields experience including the ability to work with EPA Region 6 and TCEQ;
- EPA Brownfields grant writing capabilities and success in securing brownfield funding for communities in Texas and EPA Region 6;
- Proven track record of community engagement;
- Ability to leverage other sources of local, state, and federal funding;
- Environmental assessment and cleanup planning experience;
- Quality of performance on Brownfields projects and EPA Brownfields program compliance;
- Qualifications of staff and key personnel who will be performing the work;
- Location of the firm;
- Costs of various environmental services; and
- Participation of small, minority, woman, and veteran owned businesses.

## Evaluation Process

Respondents will be ranked based on qualifications and project understanding as determined to be in the best interests of ATCOG. Those that satisfy the threshold eligibility requirements above will be evaluated against the additional selection criteria listed below. The reasonableness of cost/price proposals must be evaluated for the scope of services outlined in the RFP/RFQ and must be a substantially weighted criterion. This is to help ensure that recipients are receiving the most advantageous offer, with price and other factors considered, for the work proposed by each bidder. EPA recommends that the cost/price Reasonableness criterion is weighted at 25%

<b>Written Proposal Criteria</b>	<b>Rating Score (1-5)</b>	<b>Weight</b>	<b>Comments</b>
Identification of key personnel and experience/capability		5	
Resources and key personnel available to perform work in reasonable time frame		3	
Respondent's approach to successfully complete each scope of services task		4	
Ability to handle multiple projects simultaneous and meet deadlines		4	
Specific experiences, references and/or considerations the Respondent has that makes it uniquely qualified		4	
<b>Interview Criteria</b>		<b>Weight</b>	
Participation from project manager and other key personnel		2	
Presentation specific to applicable scope of work tasks		3	
Responses to questions		2	
Reasonable overall costs/hours/rate schedule		1	
<b>Ratings:</b> Clearly Outstanding in this Item (5) Well qualified in the item (4) Average on this item (3) Weak on this item (2) Unsatisfactory in this item (1) Insufficient Response (0)			

## Award Terms

- Federal Brownfields grant funding is yet to be awarded, therefore, no minimum order or work is guaranteed. Note: The effective date for any awarded contract as a result of this RFP process will be determined by the receipt of an FY 2025 EPA Brownfields award.
- ATCOG reserves the right to ask questions, request additional information or clarifications, hold individual interviews and/or oral presentations at any given time throughout the evaluation and negotiation process to determine the proposal which best meets the procurement needs being sought to the best benefit of ATCOG and programs served.
- ATCOG reserves the right to allow corrections of non-material errors or omissions at ATCOG's sole discretion.
- Submission of a proposal indicates Proposer's acceptance of the evaluation and award process and agrees that the evaluation team may make subjective judgments in evaluating the proposals to determine best value to best benefit ATCOG and programs served.
- ATCOG reserves the right to accept or reject any bid proposal received, as well as cancel the RFP in its entirety at any time during the bidding, evaluating, and negotiation processes without notice or explanation which may result due to unforeseen circumstances, irregularities, low response, or procurement scope or needs not being met.
- ATCOG may modify or waive any provisions set forth in this RFP for any reason and all herein mentioned without notice to anyone if deemed in the best interest of ATCOG and programs served.
- ATCOG reserves the right to negotiate the final terms of any potential contract or service agreement resulting from this RFP to include but not limited to the RFP document, Proposer(s) submitted proposal, and the RFP exhibits and attachments, i.e., 'ATCOG General Terms & Conditions,' and the 'Essential Clauses and Certifications' pages requiring signatures, all acting as binding documents to said contract or service agreement.
- ATCOG reserves the right, should contract negotiations fail, to enter negotiations with the next highest ranked and most responsible Proposer submitting a proposal considered best to meet program needs, and may continue in like manner until successful negotiations have been reached. Furthermore, although ATCOG has the right to negotiate with the next highest ranked Proposer, it is not required to do so and may re-procure or cancel the RFP at ATCOG's sole discretion.
- Execution of any resulting contract or service agreement is required prior to processing any payments to the successful Proposer

## **Award Notification**

It is expected an award will be made in August 2024. (date subject to change).

Upon notification of award results, all Proposers who responded to this RFP will be contacted.



## **Affirmation and Signature**

### **AFFIRMATION**

Responding entity affirms understanding and acknowledgement of all RFP bid and program requirements, attached ATCOG Terms and Conditions, Essential Clauses & Certifications, and Appendix or Exhibits are explicit to this bidding procurement and agrees to sign and return all pages within or as attachments and further understands and acknowledges making a false statement and/or proclamation of compliance is a material breach of any subsequent award or service agreement and is grounds for award cancellation.

### **SIGNATURE**

The undersigned hereby certifies and warrants that he/she has been fully authorized to execute this bid submission on behalf of their firm and to legally bind the firm to all the terms, performances, and provisions as herein set forth.

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*Company/Provider Name*

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*Signature*

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*Date*

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*Printed Name and Title of Authorized Representative*

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*Email*

## Assurances

We understand and agree that this proposal is not a contract and does not obligate the Ark-Tex Council of Governments to pay for costs incurred in the preparation of this proposal or costs incurred prior to the execution of a written contract or prior to the receipt of funds designated for this program from the funding agency.

We understand and agree that the contract provisions may vary from the provisions set forth in this request, when deemed necessary by the Ark-Tex Council of Governments. However, we agree to abide by the contract provisions contained in the proposed contract.

We understand and agree that we may be subject to an on-site review and must be able and willing to provide documentation of information in the proposal at the request of the Ark-Tex Council of Governments prior to execution of a contract.

We understand and agree that the Ark-Tex Council of Governments is not required to select the lowest cost proposal.

We understand and agree that any material misrepresentation or deliberate omission of a fact in this proposal may be justification for rejection of the proposal.

We understand and agree to abide by all federal, state and local laws, policies and regulations governing these and those additional rules which may be promulgated, or as amended, subsequent to the execution of a contract.

- Clean Air Act (42 U.S.C. § 7401-7671q)
- Federal Water Pollution Control Act as amended (33 U.S.C. § 1251-1387)
- Executive Orders 12549 and 12689 that requires “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.”

We understand and agree that we may be subject to a monitoring review or audit by the Texas Office of the Governor Public Safety Office, U.S. Department of Homeland Security and/or Ark-Tex Council of Governments.

We understand and agree to submit this proposal in a good faith effort to provide services to the benefit of economically disadvantaged individuals eligible for services under this proposal.

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

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_