

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



**REQUEST FOR STATEMENTS OF QUALIFICATIONS (RFQ)
for
Consultant Services for a Population Study**

**Due Date: November 28, 2022
Time Due: 5:00 P.M.**

INTRODUCTION

The Ark-Tex Council of Governments (ATCOG) is a voluntary association of local governments established under Texas Local Government Code, Chapter 391 for the purpose of promoting intergovernmental cooperation and strengthening units of local government. The primary goal of ATCOG is to improve the quality of life for all citizens of the region by providing resources, programs and services, along with coordinating funding. ATCOG serves the local governments within Bowie, Cass, Delta, Franklin, Hopkins, Lamar, Morris, Red River, and Titus Counties in Texas and Miller County in Arkansas.

The Sulphur River Basin Authority (SRBA) is an Authority Texas Special District Local Laws Code, Chapter 8508 to provide for the conservation and development of the state's natural resources within the basin of the Sulphur River. The Sulphur River Basin is in the northeast corner of Texas. The basin includes all or part of Fannin, Hunt, Lamar, Hopkins, Red River, Franklin, Titus Morris, Bowie, Cass and Delta counties.

OVERVIEW

ATCOG, in conjunction with SRBA, intends to develop a high-level investigation of the available information base relating to long-term projections of population as it relates to water usage and housing needs, along with business and industrial growth in Northeast Texas. The services include the counties of Bowie, Cass, Delta, Franklin, Hopkins, Hunt, Lamar, Morris, Red River, and Titus. The study will assess the methodologies employed for the State and Regional planning process in terms of relative uncertainties at the local level through exploration of past trends and establish literature. Attention will be given to the important implications for the long-term planning horizon in Northeast Texas, with a high-level characterization of historical and potential growth patterns at the regional and county level.

PURPOSE

ATCOG is seeking qualified candidates to submit a statement of qualifications and methodology to assist the ATCOG team in the development of a comprehensive report on population changes in the ATCOG service region. ATCOG requires this report with projections for future utility, housing, and overall population estimates. The data is meant to turn the findings into a useful tool that can be easily read and utilized to apply for funding in the ATCOG/NETEDD and the SRBA Region. As population in the State of Texas continues to grow and the rural area(s) of Northeast Texas has resource potentials with land, education (University & Community Colleges), medical, military base, US & Interstate Highway Systems, Rail, and a multitude of industries and businesses, it

increases the need to efficiently manage available resources and project for future generations. Under planning for growth can have real consequences, such as not securing adequate water supplies and infrastructure and/or deficits in housing to support the influx of population to meet the needs of growing industry. ATCOG requires this data and associated report for the accurate projection of population in the region. The report is meant to turn the findings into a learning tool for use by officials and the public that can be easily read and understood by the general population encompassing the counties of Bowie, Cass, Delta, Franklin, Hopkins, Hunt, Lamar, Morris, Red River, and Titus.

ATCOG envisions the following sequence of events for the Population study beginning with the selection of a candidate who will conduct an assessment of information that is currently available to support the base data of the analysis. Information readily available from online sources will be collected. Consultant will conduct a review of data and determine long-term trends in regional population and economic growth, housing, utilities, potential pandemic impacted areas, major disruptors in regional population trends, and other relevant data important to population changes. The study area will include enough counties and historical iterations to demonstrate the accuracy of the projections for the region and, based on the data collected, alternate population trajectories will be explored. Consultant will summarize the results into a format that can be utilized by each county and/or city to maximize future economic growth in various areas broken down by county. The results of the study and report will provide valid data and resource information to public and stakeholders for their education as supportive documentation for potential community action(s), economic decision planning, and/or funding opportunities.

SCOPE OF WORK

1. Collect relevant reports and data from identified sources and local jurisdictions pertaining to long-term projections of population as it relates to water usage and housing needs, along with business and industrial growth in Northeast Texas.
2. Conduct literature review to characterize long-term trends and uncertainty in water usage projections, regional population and economic growth, housing preference shifts, and COVID-19 societal reorganization impacts. Identify areas of research (to be utilized in the next two tasks with approval of SRBA and ATCOG) to include, but not limited to:
 - a. Characterization and Comparison of Population Projection Methods
 - b. Texas Growth Drivers
 - c. Urban Sprawl from Major Metroplex Regions into Peripheral Rural Counties
 - d. COVID-19 Impacts on Inter- and Intra-state Migration

- e. The Impact of Remote Work on Rural Area Growth Trends
 - f. Major Disruptors in Regional Population Trends
3. Assess existing Northeast Texas growth projections and potential, and prepare alternate population and housing growth trajectories by county.
4. Compile all information into a comprehensive report and online interactive map for use by the counties, ATCOG, SRBA, and the public displayed at the SRBA, ATCOG and county levels.

TARGET AREA

Bowie, Cass, Delta, Franklin, Hopkins, Hunt, Lamar, Morris, Red River and Titus Counties.

ATCOG / SRBA's INTENDED USE OF PROJECT RESULTS

- Utilize as a basis for SRBA regional water need projections.
- Post online for the education and future use of the citizenry and their public servants.
- Examine how identified deficiencies have impacted local economies as a result of COVID-19.
- Incorporate the data into the Comprehensive Economic Development Strategy (CEDS).
- Provide data as appropriate to the Region D Water Planning Group and Region 2 Flood Planning Group.

RFQ TIMELINE SCHEDULE

RFQ Release:	November 7, 2022
Deadline for Questions:	November 18, 2022 5:00PM
Responses to Questions:	November 21, 2022 5:00PM
Submissions Due:	November 28, 2022 5:00PM
Submission Review/Selection:	December 9, 2022 5:00PM

NOTE: All dates are subject to change

INSTRUCTIONS FOR RESPONSES

Responses may be in a format selected by the submitter but must include the following information:

- (1) Name, address, phone number, and e-mail address of the submitter and of the contact person who shall be available to discuss qualifications and contract terms.
- (2) A description of the submitter's experience and qualifications.
- (3) References of similar projects (minimum of 3 required)
- (4) Signed Essential Clauses and Certifications Form (Attachment A); and
- (5) Signed Certification Regarding Lobbying Lower Tier Covered Transactions (Attachment B)
- (6) Signed Conflict of Interest Questionnaire (Attachment C)

NOTE: Only submitters who have submitted all information in the Instructions For Responses will be considered.

SUBMISSION OF STATEMENTS OF QUALIFICATIONS

Solicitation for Request for Statement of Qualifications (RFQ) shall conform to all State and Federal laws and regulations governing procurement of services. Submitters are responsible for familiarizing themselves with such laws and regulations. Failure to comply with or violation of any requirements or conditional limitations set forth in this RFQ process may invalidate a submission.

An emailed PDF submission must be received via email by 5:00 P.M. on November 28, 2022. Responses submitted after the deadline will not be accepted.

EMAIL SUBMISSION:

Mary Beth Rudel, Deputy Director
Subject: RFQ Population Study NETEDD 2022
mrudel@atcog.org

INCOMPLETE SUBMISSIONS

Submissions determined not to comply to RFQ guidelines, specifications, and requests put forth in this RFQ and/or missing required signatures may be deemed null and void and disqualified for award consideration.

AMENDMENT OR WITHDRAWAL OF RESPONSE

Submitters may amend/resubmit a response, after receipt by ATCOG only, by submitting an amended response clearly identified by the submission deadline of November 28, 2022, 5:00PM. Submitters may withdraw a response after receipt by ATCOG only by written request by the deadline of November 28, 2022, 5:00PM. However, ATCOG may waive an error or omission from a submission if the error or omission is not material.

RFQ INFORMATION AND UPDATES LOCATION

The RFQ document, RFQ updates, and any additional RFQ information or amendments will be posted on the ATCOG website and may be retrieved online at <https://atcog.org/doing-business-with-atcog>.

QUESTIONS/RESPONSES

Submitter questions and/or requests for additional information regarding this RFQ must be in writing. No verbal requests for clarification will be addressed, no exceptions. As referenced in the RFQ Timeline Schedule, November 18, 2022, 5:00 PM is the deadline for questions and/or requests for clarification or any other additional information to be submitted.

Please email all questions and/or inquiries to Mary Beth Rudel at: mrudel@atcog.org by the aforementioned deadline to ensure response.

QUALIFICATIONS

ATCOG expects potential candidates to have the knowledge, expertise, and demonstrated abilities to help develop a development of a comprehensive report on population changes in the ATCOG service region. A qualified submitter must have the following to be considered:

- Advanced understanding and experience in this type of project and adherence to a strict schedule; and
- Experience working with United States Department of Agriculture (USDA), Texas Department of Agriculture (TDA), Economic Development Administration (EDA), and/or other government entities and with local providers; and
- Demonstrated knowledge of population assessments in rural areas and population impacts on the economy; and
- Demonstrate ability to project population and housing growth trajectories; and

- Demonstrate ability to map population projections potential impact on utilities and transportation within the region; and
- Demonstrated expertise in government funding and in public-private partnerships.

EVALUATION CRITERIA

Statements of Qualifications will be evaluated based on the following evaluation criteria:

Evaluation Criteria	Possible Points	Points Given
Advanced understanding and experience in this type of project and adherence to a strict schedule	20	
Experience working with United States Department of Agriculture (USDA), Texas Department of Agriculture (TDA), Economic Development Administration (EDA), and/or other government entities and with local providers	10	
Demonstrated knowledge of population assessments in rural areas and population impacts on the economy	20	
Demonstrate ability to project population, and housing growth trajectories	30	
Demonstrate ability to map population projections potential impact on utilities and transportation within the region	10	
Total Points	100	

A composite score will be given for the above-mentioned criteria of 0-100. Responses will be rated numerically and those that receive a minimum of 70 points will be eligible for selection. The ratings will be based on the qualifications provided in the response by the closing date of the RFQ.

Note: ATCOG reserves the right to consult with any source available in evaluating submissions.

GENERAL PROVISIONS

- ATCOG reserves the right for any contract resulting from the RFQ to be contingent upon the continued availability of funding.
- ATCOG reserves the right to accept, reject or negotiate statements of qualifications received as well as to vary or waive any provisions set forth in this request for statements of qualifications in the best interests of ATCOG.
- This request for statements of qualifications does not commit or obligate ATCOG to allow any costs incurred in the preparation of a response or in advance of the execution of a contract.
- Conflict of interest is a serious issue. Submitters may not hire ATCOG management or support staff, or policy board members that were involved in the evaluation and/or selection process under this submittal. Submitters must sign and submit the Conflict of Interest form (Attachment A).
- ATCOG reserves the right to negotiate the final terms of any potential agreement or contract as a result of this RFQ with submitters, to include but not limited to, any essential clauses or certifications in this RFQ. Submissions must include the signature of the person having the authority to bind the organization to a contract or it may be rejected for non-compliance.
- ATCOG reserves the right to claim ownership of any document submitted in response to this RFQ to be the property of ATCOG, and is not obligated to return documents to submitters. Submitters should not include proprietary information or trade secrets. Information submitted may be subject to disclosure under the Texas Open Records Act. It will be the responsibility of the submitter to seek an exemption from disclosure and file any necessary documents with the Attorney General.
- Submitters not selected may be appealed only with respect to any fault or violation of law or regulation regarding the review process. Appeals must be filed within ten calendar days of the final ATCOG action, at the address identified above.
- All programs and employers under the auspices of ATCOG are following EEO. Auxiliary aids and services are available, upon request, to individuals with disabilities.

HISTORICALLY UNDERUTILIZED BUSINESS (HUB) BEST PRACTICES

A Historically Underutilized Business (HUB) is defined as a business that is formed for the purpose of making a profit and is otherwise a legally recognized business organization under the laws of the state of Texas. At least 51% of the assets and interest and/or classes of stock and equitable securities must be owned by one or more economically disadvantaged persons who are United States citizens born or naturalized.

The following are recognized by the State of Texas as having been economically disadvantaged because of their identification as members of the qualifying groups - Asian Pacific Americans (AS), Black Americans (BL), Hispanic Americans (HI), Native Americans (NA), and American Women (WO). These individuals must demonstrate active participation in the control, operation, and management of the daily business affairs of the company that is proportionate to their ownership interest.

HUB businesses must have a permanent business office located in Texas where the majority HUB owner(s) makes the decisions, controls the daily operations of the organization, and participates in the business. Owners must be residents of the state of Texas and meet all other certification and compliance requirements. Out-of-state businesses are ineligible for state certification. ATCOG shall ensure that small, minority, disadvantaged, and women's businesses are considered as sources for acquisitions whenever possible by:

- choosing the HUB organization in the case of tie bids;
- soliciting these businesses whenever they are potential sources;
- when economically feasible, dividing total desired services into smaller components to permit maximum participation by these businesses;
- if the requirement permits, establishing delivery schedules that will encourage small, minority, disadvantaged, and women's businesses to participate; and
- using the services and assistance of the Small Business Administration or the Minority Business Development Agency, as needed.

A contractor/provider 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 Web sites or other minority/women directory listings maintained by local Chambers of Commerce;
- advertising subcontract work in local minority publications; and/or
- contacting the contracting state agency for assistance in locating available HUBs.

Subcontract means a contract entered between a prime contractor and a third party. The subcontract expressly provides all or a portion of the work specified in the prime contract. A prime contractor's purchase of ancillary goods and services that support the direct provision of the contract are excluded. Each Health and Human Services agency, at its option, specifies in the contract what is and is not ancillary.

EQUAL OPPORTUNITY

ATCOG is an equal opportunity employer. Auxiliary aids and services are available upon request to individuals with disabilities. Equal Opportunity Employer/Program Deaf, hard of hearing or speech impaired customers may contact Relay Texas: 800-735-2989 (TD) and 711 (Voice).

RFQ Submission Checklist

- ☐ Qualifications in Response Format
 - Name, address, phone number, and e-mail address of the submitter and of the contact person who shall be available to discuss qualifications and contract terms.
 - A description of the submitter's experience and qualifications.
 - References of similar projects (minimum of 3 required)
- ☐ Signed Essential Clauses and Certifications Form (Attachment A)
- ☐ Signed Certification Regarding Lobbying Lower Tier Covered Transactions (Attachment B)
- ☐ Signed Conflict of Interest Questionnaire (Attachment C)
- ☐ Submission of 1 electronic copy of response by 5:00PM (CST), November 28, 2022, via email to Mary Beth Rudel at mrudel@atcog.org.

ATTACHMENT A

ESSENTIAL CLAUSES AND CERTIFICATIONS

The following forms must be completed, signed, and included with the submission: (1) certification for lobbying, (2) certification for debarment, (3) certification for Texas Corporate Franchise Tax, and also be in full agreement and compliance of general essential clauses. Failure to return any pages requiring Submitter signature may cause submission to be null and void.

Equal Opportunity

ATCOG is an equal opportunity employer. All programs under the auspices of ATCOG are equal opportunity entities. Contractor represents and warrants that it shall not discriminate against any person on the basis of race, color, national origin, creed, religion, political belief, sex, sexual orientation, age, and disability in the performance of this Contract.

Antitrust

Neither Submitter nor firm, corporation, partnership, or institution represented by Submitter or anyone acting for such firm, corporation, or institution has (1) violated the antitrust laws of the State of Texas under Texas Business & Commerce Code, Chapter 15, or the federal antitrust laws; or (2) communicated the contents of this submission either directly or indirectly to any competitor or any other person engaged in the same line of business during the procurement process for this IFB.

Conflict of Interest Questionnaire

Chapter 176 of the Texas Local Government Code requires vendors and consultants contracting or seeking to contract with ATCOG to file a conflict of interest questionnaire (CIQ) if they have an employment or other business relationship with an officer of ATCOG or an ATCOG officer's close family member. The CIQ must be completed and filed with the response if an employment or business relationship defined in the law exists.

Abandonment or Default

If the successful Submitter defaults on a contract resulting from this IFB, ATCOG reserves the right to cancel the contract without notice and either re-solicit or re-award the contract to the next best responsive and responsible respondent. The defaulting Submitter will not be considered in the re-solicitation and may not be considered in future solicitations for the same type of work, unless the specifications or scope of work significantly changed. The period of suspension will be determined by the agency based on the seriousness of the default.

Buy Texas

In accordance with Texas Government Code, Section 2155.4441, and the State of Texas requires that during the performance of a contract for services, Contractor shall purchase products and materials produced in the State of Texas when available at a price and time comparable to products and materials produced outside the state (if applicable).

Texas Sales and Use Tax

Pursuant to § 2155.004, Government Code, a state agency may not accept a bid or award a grant to any individual not residing in this state or business entity not incorporated in or whose principal domicile is not in this state unless: the individual or business entity holds a permit issued by the comptroller to collect or remit all state and local sales and use taxes that become due and owing as a result of the individual's or entity's business in this state or certifies that it does not sell tangible personal property or services that are subject to the state and local sales and use tax,

The undersigned authorized representative of the business entity being awarded a grant herein certifies that it (*indicate the statement that applies to your business entity*): holds a permit issued by the comptroller to collect or remit all state and local sales and use taxes that become due and owing as a result of the individual's or entity's business in this state; or does not sell tangible personal property or services that are subject to the state and local sales and use tax.

Change Management

The Submitter agrees that the key personnel assigned to Contract shall remain available for the entirety of the project throughout the term of the Contract as long as that individual is employed by the Submitter unless ATCOG agrees to a change in key personnel.

Liability for Property Damage

Successful Submitter shall be liable for all damages to ATCOG owned, leased, or occupied property and equipment caused by Submitter and its employees, agents, subcontractors, and suppliers, including delivery or cartage company, in connection with any performance pursuant to a Contract as a result of this IFB. The Submitter shall notify ATCOG Contract Manager in writing of any such damage within one (1) calendar day.

Limitation on Authority; No Other Obligations

Successful Submitter shall have no authority to act for or on behalf of ATCOG except as expressly provided for in a contract or agreement resulting from this IFB; no other authority, power, or use is granted or implied. Successful Submitter may not incur any debts, obligations, expenses, or liabilities of any kind on behalf of ATCOG.

Liability for Taxes

Successful Submitter represents and warrants that it shall pay all taxes or similar amounts from any contract or agreement resulting from this IFB, including, but not limited to, any federal, State, or local income, sales, or excise taxes of successful Submitter or its employees. ATCOG shall not be held liable for any taxes resulting from the Successful Submitter executing the performance of any contract or agreement.

Force Majeure

Neither Submitter nor ATCOG shall be liable to the other for any delay in, or failure of performance, of any requirement included in a contract resulting from this IFB caused by force majeure. The existence of such causes of delay or failure shall extend the period of performance until after the causes of delay or failure have been removed provided the non-performing party exercises all reasonable due diligence to perform. Force majeure is defined as acts of God, war, fires, explosions, hurricanes, floods, failure of transportation, or other causes that are beyond the reasonable control of either party and that by exercise of due foresight such party could not reasonably have been expected to avoid, and which, by the exercise of all reasonable due diligence, such party is unable to overcome. Each party must inform the other in writing, with proof of receipt, within three (3) business of the existence of such force majeure, or otherwise waive this right as a defense.

Lobbying

This certification is required by the Federal Regulations, implementing Section 1352 of the Program Fraud and Civil Remedies Act, Title 31 U.S. Code, for the Department of Agriculture (7 CFR Part 3018), Department of Labor (29 CFR Part 93), Department of Education (34 CFR Part 82), Department of Health and Human Services (45 CFR Part 93).

The undersigned certifies that:

- (1) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, the extension, continuation, renewal, amendment, or modification of any federal grant award, grant, loan or cooperative agreement.
- (2) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with this federal grant award, grant loan or cooperative agreement, the undersigned shall complete and submit

Standard Form - LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

- (3) The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including subgrant awards, subgrants, and awards under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

Debarment, Suspension, and Other Responsibility Matters

This certification is required by the Federal Regulations, implementing Executive Order 12549, Government- wide Debarment and Suspension, for the Department of Agriculture (7 CFR Part 3017), Department of Labor (29 CFR Part 98), Department of Education (34 CFR Part 85), Department of Health and Human Services (45 CFR Part 76).

The undersigned certifies that neither it nor its principals:

- (1) Are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or Agency.
- (2) Have not within a three-year period preceding this grant award been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or Local) transaction or grant award under a public transaction, violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity with commission of any of the offenses enumerated in Paragraph (2) of this certification; and,
- (4) Have not within a three-year period preceding this grant award had one or more public transactions terminated for cause or default.

Texas Corporate Franchise Taxes

Pursuant to Article 2.45, Texas Business Corporation Act, State agencies may not award grants to for-profit corporations that are delinquent in making state franchise tax payments.

The undersigned certifies that the certification marked below applies to its business entity:

The entity is a non-profit corporation or is otherwise not subject to payment of franchise taxes to the State of Texas.

The entity is a for-profit corporation and certifies that it is not delinquent in its franchise tax payments to the State of Texas.

SUBMITTER ACKNOWLEDGEMENT AND AFFIRMATION

Acknowledgement of Essential Clauses and Certifications

The above Essential Clauses and required Certifications are a material representation of fact upon which reliance is placed when entering into any contract or agreement as a result of this RFQ. The return of these required documents signed with original signatures by an authorized representative of Submitter are prerequisites for finalizing the award and must be returned with the response. Failure to do so will deem the submission null and void.

Where the undersigned Submitter is unable to certify to any of the statements above, a valid and just explanation must be attached or submission will be rejected.

AFFIRMATION

The undersigned certifies that the indicated statements and/or essential clauses are true and correct and understands that making a false statement or proclamation of compliance is a material breach of the award and is grounds for award cancellation.

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

Signature

Date

Typed Name and Title of Authorized Representative

Attachment B

FORM CD-512
(REV 05-17)

U.S. DEPARTMENT OF COMMERCE

CERTIFICATION REGARDING LOBBYING LOWER TIER COVERED TRANSACTIONS

Applicants should review the instructions for certification included in the regulations before completing this form. Signature on this form provides for compliance with certification requirements under 15 CFR Part 28, "New Restrictions on Lobbying."

LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 15 CFR Part 28, for persons entering into a grant, cooperative agreement or contract over \$100,000 or a loan or loan guarantee over \$150,000 as defined at 15 CFR Part 28, Sections 28.105 and 28.110, the applicant certifies that to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure occurring on or before October 23, 1996, and of not less than \$11,000 and not more than \$110,000 for each such failure occurring after October 23, 1996.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

In any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure occurring on or before October 23, 1996, and of not less than \$11,000 and not more than \$110,000 for each such failure occurring after October 23, 1996.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above applicable certification.

NAME OF APPLICANT

AWARD NUMBER AND/OR PROJECT NAME

PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

SIGNATURE

DATE

CONFLICT OF INTEREST QUESTIONNAIRE**FORM CIQ****For vendor doing business with local governmental entity****This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.**

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

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

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

OFFICE USE ONLY

Date Received

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

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

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

Name of Officer

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

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

☐ Yes ☐ No

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

☐ Yes ☐ No

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

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

7

Signature of vendor doing business with the governmental entity

Date

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

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

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

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

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

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

- (2) the vendor:

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

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

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

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

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

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

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

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

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

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

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

- (1) the date that the vendor:

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

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

- (2) the date the vendor becomes aware:

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

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

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

EXHIBIT A - APPENDIX II TO PART 200

CONTRACT PROVISIONS FOR NON-FEDERAL ENTITY CONTRACTS UNDER FEDERAL AWARDS

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

(A) Contracts for more than the simplified acquisition threshold currently set at \$150,000, 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.

(B) All contracts more than \$10,000 must address termination for cause and for convenience by the non-Federal entity including how it will be affected and the basis for settlement.

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must 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."

(D) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts more than \$2,000 awarded by non-Federal entities must include a provision for compliance 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, contractors must be 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, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance 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. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity more than \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance 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, each contractor must be required to compute the wages of every mechanic and laborer based on a standard work week of 40 hours. Work more than 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 more than 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.

(F) Rights to Inventions Made Under a Contract or Agreement. If the 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.

(G) 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 more than \$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).

(H) 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 governmentwide 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.

(I) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that 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.

(J) See §200.322 Procurement of recovered materials.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75888, Dec. 19, 2014]

EXHIBIT B – SYSTEM FOR AWARD MANAGEMENT (SAM) INFORMATION

Submitter must include information indicating an active SAM.gov activity and must not be debarred for federal contract participation.