

**BROWNSVILLE NAVIGATION DISTRICT
OF CAMERON COUNTY, TEXAS**

PORT OF BROWNSVILLE

Specifications for Bid

Treated Lumber

Deadline Date – January 15, 2019 – 3:00 pm
(956) 831-4592 fax (956) 831-5106 1000 Foust Road Brownsville, Texas 78521

Notice to Vendors

Notice is hereby given that bids will be received by the Brownsville Navigation District of Cameron County, Texas, for providing treated lumber, crushed limestone, hauling services and geogrid at the Port of Brownsville, Cameron County, Texas.

All bids must be sealed and delivered to the Brownsville Navigation District, located at 1000 Foust Road, Brownsville, Texas, by 3:00 PM on Tuesday the 15th day of January 2019. Bids will be calculated on a per unit basis. Bids must comply with the requirements set out in the "Specifications for Bid" which may be obtained from the office of the Director of Facilities Maintenance of the District. Bid security will be required as stated in the specifications.

THE RIGHT IS HEREBY RESERVED by the Board of Commissioners to reject any and all bids.

12/31/18 & 01/07/19

SECTION I GENERAL INFORMATION AND INSTRUCTIONS

NOTICE

Information provided in these specifications is to be used for purposes of preparing a bid detailing costs of providing treated lumber annually to the Brownsville Navigation District. It is further expected that each bidder will read these specifications with care, since failure to meet each condition or a combination of specified conditions may invalidate the proposal.

The Brownsville Navigation District (hereafter referred to as the District) reserves the right to reject any or all bids or any portion thereof and to accept the bid deemed most advantageous to the District.

Bidders are required to submit quotations on the basis of these specifications. Any exceptions to terms requested herein must be clearly noted in writing and be included as a part of the bid proposal.

The District believes that the data contained in these specifications is sufficient for the preparation of bids. The information is believed to be accurate and is based upon the latest available information, but it is not to be considered in any way as a warranty. Requests for additional information should be directed in writing to Oscar Garcia, Director of Facilities Maintenance, 1000 Foust Road, Brownsville, TX 78521-1000 (phone 956/831-8273).

STATEMENT OF PURPOSE

1. The information contained in these specifications is to be used only in connection with preparing a bid to provide treated lumber annually.
2. The District does not guarantee any volume of purchases.
3. The District reserves the right to accept or reject all or any part of the bid proposals, waive minor technicalities, and award the bid proposal to best serve the interest of the District. The District also reserves the right to waive or dispense with any of the formalities contained herein.
4. Bid proposals are to be submitted on the basis of the specifications contained herein. All deviations from the specifications must be clearly identified and explained.
5. The information contained herein is believed to be accurate and up-to-date, but is not intended to be an express or implied warranty.
6. No telephone, fax or e-mail bid proposals will be accepted. The District will not be responsible for missing, lost or late mail. Any bid proposals received after the time set for opening will be returned to the bidder unopened.
7. Bidders are cordially invited to the bid proposal opening, but are not required to attend.

TIMETABLE

1. Bid specifications ready for distribution on December 31, 2018.
2. Bid proposals should be received by the District's Director of Finance no later than 3:00 pm on January 15, 2019.
3. It is anticipated that the award of the bid will be made at a meeting of the District's Board of Commissioners to be held at 5:30 p.m. on Wednesday, January 16, 2019. Bidders are

welcome to attend this meeting, but attendance is not required. **This public meeting may be held at the Port of Brownsville 1000 Foust Road, Brownsville Texas.**

4. It is anticipated that the successful bidder(s) will be notified on or about January 17, 2019.
5. Product is to be available within three weeks of the execution of the subject contract.

PREPARATION OF PROPOSAL

The bidder shall prepare their bid proposal in duplicate on the attached bid proposal forms with attachments as necessary to fulfill the specifications contained herein. Unless otherwise stated, all blank spaces on the bid proposal page or pages, applicable to the subject specification, must be correctly filled in. A unit price must be stated for each and every item, either typed in or written in ink. Any exceptions or deviations from the requested products must be clearly indicated in writing and must be submitted with and form a part of the proposal form. Failure to follow this instruction will be grounds for disqualification of a proposal.

SUBMISSION OF BID PROPOSAL

The bid proposal shall be submitted in duplicate in a sealed envelope. Each envelope or package must be addressed as follows:

**Director of Finance
1000 Foust Road
Brownsville, Texas 78521**

On the front of each envelope shall be written the following words:

“BID FOR TREATED LUMBER”

Bid proposals must be received by the District’s Director of Finance by the deadline date and time listed on the cover of these specifications.

BID SECURITY

Bidders shall submit a cashier’s check, certified check, or bid bond of \$1,000 or 2,000 with their bid proposals as a guaranty that they will enter into the contract as provided herein within ten (10) days after the receipt of notice of the award of the contract. Cashier’s or certified checks submitted as bid security must be drawn on a bank that is a member of the Federal Deposit Insurance Corporation (FDIC). All checks of unsuccessful bidders will be returned by the District within ten (10) days following the award of the contract. The cashier’s or certified check of the successful bidder will be returned upon entry into subject contract.

INSURANCE REQUIREMENTS

The successful bidder shall not commence work under this contract until all of the insurance required has been obtained and certificates of insurance are on file and approved by the Brownsville Navigation District. Approval of the insurance by the Brownsville Navigation District shall not relieve or decrease the liability of the successful bidder.

Bid proposals must include a copy of the bidder’s certificate of liability insurance coverage for its employees and vehicles while on the District’s property. A certificate of insurance naming the Brownsville Navigation District as an additional assured will be required of the successful bidder prior to January 15, 2019. Specific insurance requirements are listed elsewhere in these specifications.

The successful bidder shall provide and maintain for the duration of this contract, the following minimum coverage:

Type of Coverage	Limit of Liability
Worker’s Compensation	Statutory
Employer’s Liability	\$1,000,000.00
Comprehensive General Liability	
-Bodily Injury	\$1,000,000/occurrence
-Property Damage	\$1,000,000/occurrence
-Comprehensive Automotive Liability	\$ 200,000/person
Coverage to include:	
-All owned vehicles	\$1,000,000/occurrence
-All non-owned vehicles	\$1,000,000/occurrence
-All hired vehicles	\$ 500,000/occurrence

WITHDRAWAL OF PROPOSAL

Bidders may withdraw their proposals at any time up to the time specified as the closing time for acceptance of bids. However, no bidder shall withdraw or cancel their proposal for a period of sixty (60) days after said closing date for acceptance of proposals. The successful low bidder shall not withdraw or cancel or modify their proposal, except at the request of the District, after having been notified that said proposal has been accepted by the District. Withdrawal or cancellation of a proposal after the closing date for acceptance of proposals shall result in the forfeiture of the bid security.

INTERPRETATION OF SPECIFICATIONS

If any person contemplating submitting a proposal is in doubt as to the true meaning of any part of these specifications, they may submit to Oscar Garcia, Director of Facilities Maintenance, a written request for interpretation thereof.

CRITERIA USED IN EVALUATING PROPOSALS

1. Proposals will be carefully evaluated for cost effectiveness and for compliance with the requirements contained in the specifications.

2. The contract will be awarded to the responsible vendor who submits a superior but economical proposal based on an analysis of its compliance with the specifications.
3. Bid proposals must include a copy of the bidder's certificate of liability insurance coverage for its employees and vehicles while on the District's property. A certificate of insurance naming the Brownsville Navigation District as an additional assured will be required of the successful bidder prior to January 15, 2019. Specific insurance requirements are listed elsewhere in these specifications.

DEVIATION FROM SPECIFIED REQUIREMENTS

Bidders must specifically state each specified item that is not being included in the bid proposal. It will not be acceptable to simply refer to an attached document. Failure to follow this instruction will be grounds for disqualification.

These specifications are not intended to be restrictive with respect to any alternative proposal if a distinct advantage can be demonstrated. Bid proposals failing to meet all of the specifications will not necessarily be rejected, but any deviations must be clearly noted to be considered.

ADDENDUMS TO REQUEST FOR PROPOSALS

If it becomes necessary to revise any part of this request for proposals, a written addendum will be provided to all bidders. Bidder must acknowledge on the Bidder's Acknowledgement Form the receipt of all addendums in order for their bid to be considered. The District is not bound by any oral representation, clarifications, or changes made in the written specifications by the District's employees, unless such clarification or change is provided to bidders in written addendum from an authorized representative of the District.

COMPLIANCE WITH LAWS

All bidders involved shall observe and comply with all regulations, laws, ordinances, etc., of local, state, and federal governments as they apply to this bidding process.

TERM OF CONTRACT AND EXTENSION/RENEWAL RIGHTS

The term of this contract shall be, unless sooner terminated, for the period January 17, 2019 through December 31, 2019. However, it is specifically provided that the Brownsville Navigation District may terminate this contract for any reason whatsoever, with or without cause, with no liability whatsoever upon the Brownsville Navigation District with a thirty-day (30-day) written notice to the Contractor. This contract may be extended on a year-to-year basis following the initial term upon the agreement of both parties with no increase in the unit price. In no event shall an individual extension be for more than a one-year period.

UNIT PRICING

This proposal must be prepared using unit pricing. The District has supplied a maximum number of units to be purchased. During the term of the contract, that number may decrease but will not be increased.

AUTHORIZED SIGNATURE

All bid proposal forms must be signed by persons who have legal authority to bind the bidder to the services that are proposed.

DISQUALIFICATION AND REJECTION OF PROPOSALS

Failure to comply with the requirements or the procedures set forth herein, or to satisfy the criteria as set forth in the specifications, may result in disqualification. It is not intended that exceptions to the specifications will, in and of themselves, result in disqualification.

IMPLEMENTATION OF SERVICE

It is anticipated that the successful bidder will be notified on or around January 17, 2019. The successful bidder will be expected to be able to begin providing product within three (3) weeks after the execution of the subject contract.

DETERMINATION OF COMPLIANCE WITH SPECIFICATIONS

The Director of Facilities Maintenance or his designee will be responsible for assuring that the delivered materials comply with the successful bidder's bid proposal and will make the final determination of compliance.

TERMS OF PAYMENT

Invoice submitted for the delivery of product received and accepted as compliant with specifications will be paid within 30 days of the receipt of the invoice by the District. Billing address for invoice under this contract is:

**Brownsville Navigation District
Accounts Payable
1000 Foust Road
Brownsville, TX 78521**

Invoices may be submitted electronically to

TEXAS ETHICS COMMISSION FORM 1295 DISCLOSURES

Companies doing business with the Brownsville Navigation District, as a governmental entity, are required to file a "Disclosure of Interested Parties Form" (Form 1295 for Short). The successful bidder will be required to file this statement prior to the Board Signing the purchase agreement. Further information regarding this form may be found on page 16.

SECTION II TREATED LUMBER SPECIFICATIONS

Treated Lumber Standards

The District requires treated lumber of #2 RGH SYP .60 CCA.

Delivery Terms

Delivery of the product shall be no later than three weeks after receipt of order. The Contractor shall provide packing slips of the product delivered and shall be FOB the final destination. Final Destination shall be within the confines of the property of the Brownsville Navigation District.

Measurement Basis and Testing

Measurement for invoicing purposes shall be per piece:

2"x8" x 7'	3" x 12" x 18'
2" x 8" x 8'	3" x 12" x 20'
2" x 8" x 12'	4" x 12" x 16'
2" x 8" x 14'	4" x 12" x 18'
2" x 8" x 16'	6" x 12" x 16'
2" x 12" x 12'	6" x 12" x 18'
3" x 8" x 14'	6" x 12" x 20'
3" x 8" x 16'	10" x 12" x 16'
3" x 12" x 16'	12" x 12" x 20'

The District reserves the right to reject precuts for non-compliance with any other contract parameter.

Removal of Rejected Product

Product which is not in compliance with the contract parameters shall be removed from the stockpile or the project at the Contractor's expense. Additionally, no payment will be made to the Contractor by the District for product delivered which does not meet the contract parameters. The quantity of such rejected product shall be determined by the District's Director of Facilities Maintenance whose decision shall be final.

Continued or repeated delivery of product proven not to be in compliance with the contract parameters may be determined to be a cause for termination of the contract by the District.

Bid Award Basis

The bid will be awarded on the basis of the lowest price per item of lumber.

SECTION III
BID PROPOSAL SUBMISSION FORMS

**BROWNSVILLE NAVIGATION DISTRICT
Bidder's Acknowledgement Form**

Having carefully examined the information, notices and specifications and conditions contained in this package, the undersigned Bidder's agent or representative hereby proposes and agrees to furnish proposed vehicles in strict compliance with the Specification at the prices quoted. The Bidder affirms that, to the best of their knowledge, the bid proposal has been arrived at independently and is submitted without collusion with anyone to obtain information or gain any favoritism that would in any way limit competition or give them an unfair advantage over other proposers in the award of this proposal.

Addendums received:

Deadline for Submission: January 15, 2019 at 3:00 PM

Vendor:
Address:
City, State, Zip Code:
Signature of Bidder:
Title with Company:

**BROWNSVILLE NAVIGATION DISTRICT
Treated Lumber
Bid Proposal Submission Form**

Treated Lumber

The bid will be awarded on the basis of the lowest price per timber.

Sizes	Price per timber	Time of Delivery
2"x8" x 7'		
2" x 8"x 8'		
2" x 8"x 12'		
2" x 8" x 14'		
2" x 8" x 16'		
2" x 12"x 12'		
3" x 8"x 14'		
3" x 8" x 16'		
3" x 12" x 16'		
3" x 12" x 18'		
3" x 12" x 20'		
4" x 12" x 16'		
4" x 12" x 18'		
6" x 12" x 16'		
6" x 12" x 18'		
6" x 12" x 20'		
10" x 12" x 16'		
12" x 12"x 20'		

Time of Delivery is time requested for delivery from date of order.

Attachments to this proposal that are required:

1. Bid Security as detailed in the Specifications.
2. Vendor Registration Form
3. Conflict of Interest Questionnaire
4. Statement of any deviations from specification.
5. Texas Ethics Commission form 1295 Disclosures

AGREEMENT

STATE OF TEXAS)
COUNTY OF CAMERON)

THIS AGREEMENT made and entered into this _____ day of _____, 2019, by the Board of Commissioners, of the Brownsville Navigation District of the County of Cameron, hereinafter called the "District" and _____, hereinafter called the "Contractor", such Contractor being hereinafter referred to in the masculine singular pronoun, whether an individual, a partnership, or a corporation,

WITNESSETH:

1.

The Board of Commissioners of the Brownsville Navigation District desires to enter into a Contract to obtain treated lumber annually as described in the plans and specifications included herein.

2.

The Contractor has been engaged in and now does such work and represents that he is fully equipped, competent and capable of providing the product herein described; and that Contractor is ready and willing to perform such work in accordance with the provisions of the specifications.

3.

It is agreed that for and in consideration of the prices in the bid proposal which is a part of this Contract, the Contractor agrees to do at his own proper cost and expense all the work necessary; to furnish all supervision, labor, tools, equipment, supplies and materials to provide the product in a sound, workmanlike manner in accordance with the specifications, acceptable to the District.

4.

The Contractor agrees to be able to provide product within fifteen (15) days after the execution of this contract and to provide an individual delivery of product not less than one day following the request for delivery.

5.

The Contractor hereby guarantees the conformance of the product delivered to the contract specifications and agrees with due diligence to remove and replace at Contractor's cost and expense any rejected product when notified of same in writing by the District.

6.

All Covenants and Agreements herein shall be extended to and binding upon the successors or assigns of the District and successors, executors or legal representatives of

AGREEMENT

the Contractor. The Contractor may not assign this Contract or any moneys to become due and payable hereunder, without the written consent of the District.

7.

No waiver by the District of any breach on the part of the Contractor of any obligation herein shall constitute a waiver of any other breach of the same kind or any other such obligations.

8.

The Plans and Specifications are a part of this Contract. The following are in particular, whether or not the same are attached hereto, a part of the Contract and every Covenant or undertaking therein, is fully binding upon the parties thereto as if herein set forth at length, to wit:

- A. The Notice to Bidders and the Contractor's Bid Proposal.
- B. All other Specifications which are referred to in the Specifications.
- C. All Addenda and Change Orders.

This instrument shall become effective and binding upon all parties hereto when it has been fully executed by or on behalf of the Contractor and by or on behalf of the District, regardless of the relative dates and times of their respective execution.

IN TESTIMONY OF WHICH, this Instrument has been executed in duplicate originals by and on behalf of the undersigned Contractor on the _____ day of _____, 2019.

AGREEMENT

Signature Page – Brownsville Navigation District

BY _____
Chairman, Board of Commissioners

ATTEST:

AGREEMENT

Signature Page – Contractor

ATTEST:

BY _____, _____

STATE OF _____)

COUNTY OF _____)

BEFORE ME, the undersigned authority on this day personally appeared _____ of _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein expressed, in the capacity therein stated.

GIVEN UNDER MY HAND and seal of office this _____ day of _____, 2019.

NOTARY PUBLIC IN AND FOR

AGREEMENT

CONTRACTS, PURCHASE AGREEMENTS AND PURCHASE ORDERS

Companies doing business with the Brownsville Navigation District, as a governmental entity, are required to file a “Disclosure of Interested Parties Form” (Form 1295 for short) and a Conflict of Interest Statement (Form CIQ). Both of these forms are required by Texas law.

Vendor Registration Form

In addition, we ask that you complete a Vendor Registration Form with us so that we can set up your vendor record on our files. The Vendor Registration Form is attached.

Conflict of Interest Questionnaire (Form CIQ)

Form CIQ is attached, and it can be found online at the Texas Ethics Commission at this link: <https://www.ethics.state.tx.us/forms/CIQ.pdf>

Disclosure of Interested Parties Form (Form 1295)

The Form 1295 must be filed on-line. The Texas Ethics Commission has developed a web page for the “Form 1295”. There are two instructional videos linked to the page to assist businesses in registering and completing the form.

https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm

The on-line registration process is straightforward and the certificate does not require a lot of information so the time required to complete the form is not substantial. You will first need to register. You will receive an email to confirm your registration, so you should register at a computer where you can receive your email.

Once you have registered, you can proceed to create a Certificate.

Information you will need for the Certificate

Who is the contract with? – The District is an “Other Governmental Entity”

Agency/Entity Name – Brownsville Navigation District

Contract ID Number – Use your company name unless you are given another number by a District employee

Description of Goods and Services to be provided – Enter a short, general description here

You will then be asked to enter a listing of your interested parties.

Once you have completed the certificate, it needs to be notarized and the original submitted to the District to the attention of, Director of Finance. This certificate should be submitted at the same time that you submit your signed contract to the District.

The District has a number of notaries in-house should you need to use their services.

Please feel free to contact me should you have any questions regarding these forms.