



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

**Request for Proposals  
For  
Lease Management  
Information System**

**Deadline Date: September 30, 2020 – 3 P.M.**

## NOTICE

Notice is hereby given that sealed Proposals for a Lease Management Information System will be received by the Brownsville Navigation District of Cameron County, Texas dba Port of Brownsville.

**All Proposals must be sealed and delivered to the Brownsville Navigation District, *Director of Finance*, at 1000 Foust Road, Brownsville, Texas on or before September 30, 2020 at 3.PM.**

All submittals must be clearly marked on the outside of the envelope: "Proposal for Lease Management Information System."

Proposals must comply with the requirements set out in the "Request for Proposals" which may be obtained from the Director of Finance, Lorena Hernandez, at [lhernandez@portofbrownsville.com](mailto:lhernandez@portofbrownsville.com) and/or the Port of Brownsville website.

**No Proposal will be accepted via fax or electronic submission.**

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

## SECTION I GENERAL INFORMATION AND INSTRUCTIONS

### **General**

The Brownsville Navigation District dba The Port of Brownsville (hereinafter referred to as the “District” and/or “Port”) is soliciting Proposals for a Lease Management Information System.

1. Each Applicant will read these Specifications with care, since failure to meet each condition or a combination may invalidate the Proposal. **Any exceptions to terms requested herein must be clearly noted in writing and be included as a part of the submitted Proposal.**
2. **No telephone, fax or e-mail Proposals will be accepted.** The District will not be responsible for missing, lost or late mail. Any Proposals received after the date and time set for the deadline for receipt of Proposals will be returned to the Applicant unopened.
3. The RFP 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 by email to the Director of Finance, Lorena Hernandez, at [lhernandez@portofbrownsville.com](mailto:lhernandez@portofbrownsville.com).
4. The District reserves the right to purchase more or less than what’s indicated on the solicitation, and the District reserves the right to not purchase anything under this solicitation.

### **Reservation of Rights**

The District expressly reserves the right to:

- Accept one or more Proposal(s).
- Reject any and all Proposals received, or portion thereof.
- Cancel the entire RFP.
- Issue a subsequent RFP.
- Remedy technical errors in the RFP process.
- Waive informalities and irregularities.
- Contact any respondent for clarification after the Proposals are opened.
- Negotiate with any, all, or none of the respondents to the RFP.
- Accept any Proposal in whole or part, whether there are negotiations subsequent to its receipt. If subsequent negotiations take place, they shall not constitute a rejection or an alternate RFP.
- Accept the Proposal deemed most advantageous to the District.

### **Timetable**

1. These Specifications are to be released for action on or about September 1, 2020.
2. The last date for written questions to be received from Applicants is September 21, 2020.
3. The last date for the issuance of an addendum is September 23, 2020.
4. **Proposals must be received by the District's *Director of Finance*, no later than September 30, 2020 on or before 3P.M.**
5. Applicants are cordially invited to the Proposal opening but are not required to attend.
6. If subsequent interviews/demos are deemed necessary, these will be held on or about October 5-9, 2020.
7. It is anticipated that the award of the Proposal will be made at a meeting of the District's Board of Commissioners to be held on or about October 21, 2020. Applicants are welcome to attend this meeting, but attendance is not required.
8. It is anticipated that the successful Applicant(s) will be notified on or about October 22, 2020.

### **Preparation of Proposal**

Submittals shall be prepared on the attached Proposal forms, if applicable, and with attachments as necessary to fulfill the specifications contained herein.

### **Submission of Proposal**

**8 copies** of the Proposal shall be submitted in a **sealed envelope**. Each envelope or package must be addressed as follows:

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

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

**“Proposal for Lease Management Information System”**

Submittals by the Applicants in response to this RFP shall become the property of the District. The District shall not be responsible for the Respondent's costs associated with submitting of a response.

The Brownsville Navigation District is a political subdivision of the State of Texas subject to the requirements of the Public Information Act, and therefore, any information submitted in response to the invitation for bids (or request for proposals, etc.) may be considered public information unless it is made confidential or is exempt from disclosure under Texas law.

### **Authorized Signature**

All Proposals must be signed by persons who have legal authority to bind the Applicant to items and prices that are reflected in the Proposal.

### **Withdrawal of Proposal**

Applicants may withdraw their Proposals at any time up to the time specified as the closing time for acceptance of Proposals. However, no Applicant shall withdraw or cancel their Proposal for a period of thirty (30) days after said closing date for acceptance of Proposals. The successful Applicant 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.

### **Interpretation of Specifications**

If any person contemplating submitting a Proposal that is in doubt as to the true meaning of any part of these Specifications may submit to the Director of Finance, Lorena Hernandez, at [lhernandez@portofbrownsville.com](mailto:lhernandez@portofbrownsville.com) **a written request for interpretation** thereof. *Requests for interpretation must be received by September 21, 2020.* Applicants shall not seek to influence any District Board members or District staff directly or indirectly through others, as such contact may result in disqualification.

### **Addendums to Request for Proposals**

If it becomes necessary to revise any part of this RFP, a written addendum will be posted on the Port of Brownsville web site, under "Business with the Port/Procurement." **It will be the responsibility of each Applicant to verify that they have received all addendums.** Applicants must acknowledge **Appendix A** in order for their Proposal to be considered. The District is not bound by any oral representations, clarifications, or changes made to the specifications by the District's employees.

### **Criteria Used in Evaluating Proposal**

1. Proposals will be carefully evaluated for cost effectiveness and for compliance with the requirements & evaluation criteria contained in the Specifications.
2. The experience, reputation and quality of the Applicant's software, equipment and services.

### **Compliance with Laws**

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

### **Texas Ethics Commission Form 1295 Disclosures**

Companies doing business with the Brownsville Navigation District, a governmental entity, are required to file a "Disclosure of Interested Parties Form" (Form 1295 for short). The successful Applicant will be required to file a Form 1295 for purchases/contracts requiring Board approval of the award of the RFB/RFP. Further information regarding this form may be found on the Texas Ethics website, and instructions will be provided.

### **Texas Government Code Chapter 2270 Prohibition on Boycotting Israel**

Companies doing business with the Brownsville Navigation District, a governmental entity, are prohibited from boycotting Israel during the term of the purchase agreement resulting from this bidding process. Applicants will be required to provide a written verification that they do not boycott Israel and that they will not boycott Israel during the term of the agreement.

### **Award of the Proposal**

Award shall be based on the RFP specifications. The District reserves the right to award the Proposal to multiple Applicants in order to obtain the best value for the District in the District's sole discretion.

**Determination of Compliance with Specifications**

The Director of Finance, Lorena Hernandez, or designee will be responsible for assuring that the delivered product/service complies with the successful Applicant's Proposal and will make the final determination of compliance. This examination will take place on the date of delivery or within a reasonable time thereafter. If it is rejected for failure to comply with the Specifications, it shall be the responsibility of the Applicant to remove the product/equipment from the District's premises at their expense.

**Delivery**

**The successful Applicant will be expected to deliver the requested products/services within the specified delivery period, if any.**

**Confidentiality**

Applicants shall certify that any confidential information obtained from the District shall not be made available, reproduced, sold, distributed or otherwise published or disseminated to any person or entity, except as is necessary for the Applicant to provide the products/services required by the RFP. The Applicant must also agree to notify the District of any instances that the confidentiality of any information to which it has been given access has been breached.

**Terms of Payment**

Billing address for invoices under this RFP is:

**Brownsville Navigation District**

***Finance Department***

**1000 Foust Road**

**Brownsville, TX 78521**

Electronic invoicing may be submitted to [vendor@portofbrownsville.com](mailto:vendor@portofbrownsville.com)

## **SECTION II SPECIFICATIONS**

### **Port of Brownsville - Background**

The Brownsville Navigation District dba Port of Brownsville was created in 1929 for the purpose of developing and operating a deep-water Port facility directly on the U.S. Mexico border. The Port is a political subdivision of the State of Texas and is an independent governmental entity subject to the provisions of Chapters 60 and 63 of the Texas Water Code. It is governed by a five-member Board of Navigation and Canal Commissioners which approve all Port policies, rates and contractual obligations.

The Port derives its operating revenues from charges for vessel harbor, dockage, wharfage and security surcharge fees, as well as lease rentals, easements, storage, crane services, permits and the sale of various Port services such as utilities. All waterfront facilities on the ship channel, main harbor and fishing harbor are owned by the Port.

Currently, the Port's Real Estate and Finance Departments manually maintain and bill its 200 plus leases. General lease information is maintained in Sage Act, which is not supported by Microsoft 10 updates, not cloud based and is unavailable to multiple users. Therefore, Port Staff is seeking a new lease management information system that will enable the Port to better utilize its resources by maintaining electronic workflow approvals for new lease applications, automating the recurring billing of leases, and providing a tickler systems for upcoming lease renewals and deadlines.

### **General Lease Software Requirements**

- Cloud Based Lease Software System
- Must be able to export billing information to the Port's ERP/accounting software (Tyler Technologies – Incode 10)
- Support scheduled database backup and maintenance to prevent data loss
- Application access control shall be based on user rights
- Reports and data shall be exportable but not limited to MS Excel and CSV files

### **Port - IT Systems Compatibility Requirements**

- Microsoft Windows 10
- ERP/Accounting System (includes current lease A/R system, property management of fixed asset depreciation & work orders): Incode10-Tyler Technologies cloud hosted by Parallels Client
- Utility billing system: Beacon Services – Badger Meter
- Vessel billing system: Klein Systems Group LTD

### **Real Estate - General**

The Port of Brownsville is the largest land-owning public port authority in the nation with 40,000 acres of land. The Port currently leases about 14,000 acres and other improvements such as buildings and rail spurs to 200 plus tenants under operating lease agreements that vary from 1 to 50-years with renewal options. Developed and undeveloped lease sites are available for cargo facilities, industrial sites including tank farms & liquid terminals, manufacturing, and more. In addition, the Port grants easements for pipeline crossing of its property. Currently, there are no tenants in retail, hotel or office spaces at the Port.

### **CPI annual adjustments**

The Port's Leasing Policy provides for annual increases in its lease rental rates that correspond to annual Consumer Price Index (CPI) adjustments to be effective every July 1<sup>st</sup> for new lease agreements and renewal terms of existing lease agreements.

## SECTION II SPECIFICATIONS (continued)

### Lease Rental Rates

Lease rental rates for Port land vary per tenant and are due annually, semi-annually, quarterly, monthly on various dates depending on the negotiated lease agreements. Rates for Port-owned buildings are set at 20% of the valuation on an annual basis for five years with title to the improvements transferred to the lessee after five years. Below is a listing of the current lease rental rates:

**Table of Lease Rental Rates**  
**CPI February, 2019 – February, 2020**  
**1.9% Increase**

Site Description	07/01/2019 Rate	07/01/2020 Rate
<b>Turning Basin Properties</b>		
Waterfront	\$6,233.00/acre/year	\$6,352.00/acre/year
Highway Frontage	\$4,075.00/acre/year	\$4,153.00/acre/year
Port Entrance Sites	\$3,631.00/acre/year	\$3,700.00/acre/year
Street Frontage	\$2,161.00/acre/year	\$2,203.00/acre/year
Remote sites	Negotiated Rate	Negotiated Rate
<b>Fishing Harbor Properties</b>		
Waterfront	\$4,795.00/acre/year	\$4,887/acre/year
Min. monthly lease rental	\$321.00/month*	\$328.00/month*
Off-Water	\$4,433.00/acre/year	\$4,518.00/acre/year
Min. monthly lease rental	\$321.00/month*	\$328.00/month*
Fishing Harbor Dock	\$1.34 per lin. foot/month	\$1.37 per lin. foot/month
Fishing Harbor Unimproved Bank Space	\$.81 per lin. foot/month	\$.83 per lin. foot/month
<b>Easements and Rights of Way</b>		
Transmission Line Easements/ROW	\$.45/lin. foot/year	\$.46/lin. foot/year
Pipeline Throughput	\$.075/barrel	\$.076/barrel
<b>Pipeline Easements</b>		
All easements except from terminal to dock	\$.45/lin. foot/year	\$.46/lin. foot/year
Easements from terminal to dock	No Charge	No Charge
<b>Channel Crossing/Usage Fee</b>		
Initial Fee, per pipeline	Negotiated Rate	Negotiated Rate
Annual Renewal Fee, per pipeline	Negotiated Rate	Negotiated Rate
<b>Miscellaneous Properties</b>		
Grazing Leases	\$2.42/acre/year	\$2.46/acre/year
Tower Sites (100' x 100')	\$18,131.00/site/year	\$18,476.00/site/year
<b>Sign Sites</b>		
Up to 4' x 8' (32 sq. ft.)	\$108.00/site/year	\$111.00/site/year
Up to 6' x 12' (72 sq. ft.)	\$161.00/site/year	\$165.00/site/year
Up to 8' x 16' (128 sq. ft.)	\$214.00/site/year	\$219.00/site/year
Over 128 sq. ft.	Not available	Not available
Fish Camp Rentals	\$534.00/camp/year	\$545.00/camp/year
Billboards	Market Rate	Market Rate

### Selection Process

The Port will establish a Selection Committee comprised of Staff members to perform a comprehensive evaluation of all received proposals based on the established RFP specifications and evaluation criteria. The Selection Committee may select 1-3 finalists for a software presentation and/or oral interviews. The Port reserves the right to request additional information during the evaluation process and/or to recommend award of the RFP to the Port Commissioners without conducting such presentations and interviews.



## **SECTION II SPECIFICATIONS (continued)**

### **Term of Contract**

A contract shall be executed between the Port and the Applicant whose Proposal is deemed most advantageous to the Port. The initial term of the contract shall be for five years with automatic one-year renewals. Either party may terminate with a 60-day prior written notice. The Applicant's proposal must contain an itemized pricing plan for the first five-year term as well as subsequent years.

### **RFP Required Elements**

The following elements must be included in the Applicant's RFP:

- ✓ A statement of why the Applicant offers the best qualified software & user support services, and its capability to integrate with existing Port - IT systems listed in this RFP.
- ✓ Applicant's Lease Software Qualifications (including that of its staff experience).
- ✓ Listing of a minimum of three references (preferably *Ports* or public entities) with whom the Applicant currently provides lease software services – References are to include:
  - Entity name
  - Name and title of contact
  - Email & Phone number
  - General description of the lease software services/modules provided to entity
- ✓ Video of 10-15 minutes that provides a general overview of the Applicant's Lease Software and its ability to meet the requirements identified in the Evaluation Criteria.
- ✓ Implementation Plan & Proposed Timeline – include the Proposed methodology for lease software delivery & timeline detailing the estimated length of time to provide an operational and functional system.
- ✓ Itemized Fees - One-time & annual fees for purchase of software license subscription, parts & labor inclusive of all professional services fees for Implementation, Project Management, Travel, Training and Data & Conversion Assistance. Annual fees such as cost for Software Maintenance, Support fees and Rates per user per year. Submittal must include any additional costs not identified in RFP but required to implement the lease software.
- ✓ Warranty information on software, hardware and equipment.
- ✓ Notation of any deviations from the RFP specifications.
- ✓ Description of security features (virus protection, role-based security, etc.)
- ✓ Listing of Applicant's locations.
- ✓ Completed Applicant's Acknowledgment Form (Appendix A)
- ✓ Completed Vendor Registration & Conflict of Interest Questionnaire

## SECTION II SPECIFICATIONS (continued)

### Evaluation Criteria

The following criteria shall be used to evaluate the Proposals:

<b>Requirement</b>	<b>Total Points</b>
Software capabilities - Tickler Notification system for critical dates/lease contract deadlines (such as property insurance, property taxes, renewal terms, expiration of lease), Document retention, Software Security, Ease of use, Reports, Online access to lease software, Dedicated user interface for System Administrator to manage user roles, Scalable software, <u>Cloud-based</u> .	20
Billing Component & Compatibility with Port's ERP/accounting system - Automatic recurring lease billing, generation of invoices and automatic distribution to tenant emails, automatic generation of late fees for unpaid rents, automatic rate adjustments based on CPI adjustments or lease provisions (notification/tickler system of rate increases)	20
Reasonable Cost of license, implementation, training, maintenance, unlimited users or cost per user, and support fees	30
Lease Application Workflow - Electronic approvals of new lease applications based on pre-set requirements across numerous departments (Real Estate, Finance, Engineering, etc.). Provides different status levels (Pending, Authority to Negotiate, New Lease Preparation, Completed Lease)	10
Client/Lessee Portal - Tenant Online Billing & Payments (via CC or ACH). Lessee is able to view balances and payment history. Exchange of Documents between Lessee and Port Staff.	10
Vendor Qualifications - Company Staff resources/ proposed project implementation & timeline. Demonstrates years of experience and credentials	5
References - Similar projects with other Ports/governmental entities or lessors. Customer Service.	5
<b>Total Points</b>	<b>100</b>

**SECTION III  
PROPOSAL FORMS**

**Respondent's Acknowledgment Form  
(Appendix A)**

Having carefully examined the information, notices and specifications and conditions contained in this package, the undersigned Applicant's agent or representative hereby proposes and agrees to comply with these Specifications at the prices quoted. The Applicant affirms that, to the best of their knowledge, the submitted 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 Applicants in the award of this RFP.

Addendums received:

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

### **SECTION III PROPOSAL FORMS (continued)**

**Attachments to this RFP that are required:**

1. Respondent's Acknowledgement Form
2. Vendor Registration and Conflict of Interest Questionnaire
3. Government Code Chapter 2270 and 2252 Disclosure Statement
4. Statement of Non-Collusion

*The following required forms can also be found at [www.portofbrownsville.com](http://www.portofbrownsville.com) – Business With the Port / Vendor Information*

- Vendor Registration Form



To Vendors Doing Business with Brownsville Navigation District:

The Texas legislature passed two pieces of legislation that affect the relationship between the Brownsville Navigation District and its vendors. The Board of Commissioners of the Brownsville Navigation District has incorporated these new requirements into the *Code of Ethics* already in place for the District.

The District will now require that any vendor seeking to do business with the Brownsville Navigation District must file certain documents on an annual basis in order to be able to be awarded a purchase contract or a purchase order for goods or services. These forms are:

1. Vendor Registration Form
2. Conflict of Interest Questionnaire

These forms must be re-filed on an annual basis. Copies of the required forms and a full copy of the *Code of Ethics* are available on the District's website at:

[www.portofbrownsville.com](http://www.portofbrownsville.com)

Conflict of Interest Questionnaires can be found at the Texas Ethics Commission web site at:

<http://www.ethics.state.tx.us/forms/CIQ.pdf>

Conflict of Interest Questionnaires must be filed in regard to the Brownsville Navigation District "local government officers" which include the Navigation District Commissioners, the Port Director and CEO and the Deputy Port Directors. A listing of these persons is enclosed. Completed forms are to be filed with my office.

Please do not hesitate to contact me should you have any questions regarding these forms.

Sincerely yours,

A handwritten signature in black ink that reads "Lorena Hernandez". The signature is fluid and cursive, with the first name "Lorena" and last name "Hernandez" clearly distinguishable.

Lorena Hernandez

Director of Finance

(956) 838-7041 Fax (956) 831-5106

[lhernandez@portofbrownsville.com](mailto:lhernandez@portofbrownsville.com)

encl:

**BROWNSVILLE NAVIGATION DISTRICT ADMINISTRATION**  
**"LOCAL GOVERNMENT OFFICERS"**  
**Board of Navigation and Canal Commissioners**

John Reed  
Chairman  
Elected 05/12/2012  
Term Expires May 2020  
Banker

Sergio Tito Lopez  
Vice Chairman  
Elected 05/12/2012  
Term Expires May 2020  
Private Businessman

Ralph Cowen  
Secretary  
Elected 05/12/2012  
Term Expires May 2020  
Private Businessman

John Wood  
Asst. Secretary  
Elected 05/17/2014  
Term Expires May 2022  
Private Businessman

Esteban Guerra  
Asst. Secretary  
Elected 05/05/2018  
Term Expires May 2022  
Private Businessman

**Administration**

Eduardo A. Campirano – Port Director & CEO  
Donna Eymard – Deputy Port Director

**Other Administrative Employees**

Steve Tyndal – Senior Director of Marketing and Business Development  
Ariel Chavez – Director of Engineering Services  
Michael Davis – Harbor Master  
Margarita Recio – Director of Administrative Services  
Lorena Hernandez – Director of Finance  
Carlos L. Garcia – Chief of Police  
Oscar Garcia – Director of Facilities Maintenance  
Jorge Montero – Director of Communications  
Antonio Rodriguez – Director of Cargo Services  
Vacant – Director of Real Estate Services

## Brownsville Navigation District Vendor Registration Form

*Please complete this form to give the District your contact information for use during an RFP process or to open or update a vendor account*

Date:	Name of Person Providing Information:
If you are currently participating in an RFP process for the District, please indicate the RFP title:	
If you are interested in receiving a notice when an RFP is available, please indicate your areas of interest:	
<input type="checkbox"/> Construction Contracts	<input type="checkbox"/> Security Services
<input type="checkbox"/> Property/Liability Insurance	<input type="checkbox"/> Bank Depository
<input type="checkbox"/> Group Insurance	Other:
<input type="checkbox"/> Salvage Offerings	
<input type="checkbox"/> Uniform Service	

Vendor Name	Web Site
Contact Person:	Fax Number:
Phone Number:	eMail Address:
Mailing Address:	Physical Address:

Form of Business <i>(Individual/Sole Proprietor/Partnership/Corporation/Other)</i>	Taxpayer Identification Number:
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Please return this form by fax to (956) 831-5106 or by email to [vendor@portofbrownsville.com](mailto:vendor@portofbrownsville.com)

\_\_\_\_\_  
Signature of Person Providing Information

This vendor is not a Listed Company as per Section 2252 of the Texas Government Code	_____ Signature of Purchasing Auditor
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# 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:

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(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.

## **Brownsville Navigation District Statement of Non-Collusion**

The undersigned hereby certifies that they are duly authorized to execute this contract, that this company, corporation, firm, partnership or individual has not prepared this BID in collusion with any other Bidder, and that the contents of this BID as to prices, terms or conditions of said BID have not been communicated by the undersigned nor by any employee or agent to any other person engaged in this type of business prior to the official opening of this BID.

Company: \_\_\_\_\_

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

Phone: \_\_\_\_\_

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

Bidder: \_\_\_\_\_  
(Print Name)

Bidder: \_\_\_\_\_  
(Signature)

Title: \_\_\_\_\_

Signature of Company Officer  
Authorizing this  
Bid:

\_\_\_\_\_

Company  
Officer:

\_\_\_\_\_

(Print Name)

Officer's  
Title:

\_\_\_\_\_

Note: This form must be filled out and submitted with the sealed bid.

## **Texas Government Code Sections 2270.002 and 2252.152**

### **Disclosure Statement**

The undersigned business entity hereby represents and warrants that the following statements are true and correct:

- (a) Pursuant to Section 2270.002, Texas Government Code, we hereby represent that we do not boycott Israel (as defined in Section 2270.002, Texas Government Code) and, subject to or as otherwise required by applicable Federal law, including, without limitation, 50 U.S.C. Section 4607, we agree not to boycott Israel during the term of this purchase agreement.
- (b) We hereby acknowledge that (a) we do not engage in business with Iran, Sudan, or any foreign organization and (b) we are not listed by the Texas Comptroller as described in Section 2252.152, Texas Government Code.

Company Name
Authorized Signature
Print Name and Position with the Company
Date