



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

**Request for Bids
for
Sand**

Deadline Date – August 19, 2022 by 10:00 am

BROWNSVILLE NAVIGATION DISTRICT • 1000 Foust Road • Brownsville, TX 78521
(956) 831-4592 • (800) 378-5395 • Fax (956) 831-5006 • portofbrownsville.com

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NOTICE TO BIDDERS

Notice is hereby given that sealed Bids for Sand
will be received by the Brownsville Navigation District of Cameron County, Texas.

All Bids must be sealed and delivered to the Brownsville Navigation District, *Director of Finance*, 1000 Foust Road, Brownsville, Texas, on or before August 19, 2022 by 10:00 am .

All submittals must be clearly marked on the outside of the envelope: "Bid for Sand"

Bids must comply with the requirements set out in the "Request for Bids" which may be obtained from the office of the Director of Maintenance, Jose Herrera or by contacting 956-831-8273 and/or the Port of Brownsville website.

No Bid will be accepted via fax or electronic submission.

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

SECTION I GENERAL INFORMATION AND INSTRUCTIONS

General

The Brownsville Navigation District d/b/a The Port of Brownsville (hereinafter referred to as the “District”) is soliciting Bids for Sand

1. Each Bidder will read these Specifications with care, since failure to meet each condition or a combination of specified conditions may invalidate the Bid. ***Any exceptions to terms requested herein must be clearly noted in writing and be included as a part of the submitted Bid.***
2. **NO telephone, fax or e-mail Bids will be accepted.** The District will not be responsible for missing, lost or late mail. Any Bids received after the date and time set for the deadline for receipt of bids will be returned to the Bidder unopened.
3. The RFB 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:

Jose Herrera, Director of Facilities Maintenance, jherrera@portofbrownsville.com
4. The District reserves the right to purchase more or less than indicated on this 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 Bid(s).
- Reject any and all Bids received, or portion thereof.
- Cancel the entire RFB.
- Issue a subsequent RFB.
- Remedy technical errors in the RFB process.
- Waive informalities and irregularities.
- Contact any Bidder for clarification after the Bids are opened.
- Negotiate with any, all, or none of the respondents to the RFB.
- Accept any Bid 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 RFB.

Timetable

1. These Specifications are to be released for action on or about August 5, 2022 .
2. The last date for written questions to be received from Bidders is August 11 2022 .
3. The last date for the issuance of an addendum is August 12, 2022 .
4. **Bids must be received by the District's *Director of Finance*, no later than August 19, 2022 by 10:00 am.**

Applicants are cordially invited to the Bid opening but are not required to attend.

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 pm on September 07, 2022 .

Bidders are welcome to attend this meeting, but attendance is not required.

It is anticipated that the successful Bidder(s) will be notified on or about September 08, 2022

Public opening of RFB

Applicants are cordially invited to the Bid opening (attendance is optional).

Preparation of Bid

The Bidder shall prepare their bid on the attached bid forms with attachments as necessary to fulfill the specifications contained herein.

Public Information Act

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.

Submission of Bid

2 copies of the Bid 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:

“
Bid for
Sand
”

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

Authorized Signature

All Bids must be signed by persons who have legal authority to bind the Bidder to items and prices that are reflected in the bid.

Withdrawal of Bid

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

Interpretation of Specifications

If any person contemplating submitting a Bid is in doubt as to the true meaning of any part of these Specifications, they may submit to

Jose Herrera, Director of Facilities Maintenance, jherrera@portofbrownsville.com

a written request for interpretation thereof. Requests for interpretation must be received by August 11, 2022 . Bidders 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 Bids

If it becomes necessary to revise any part of this RFB, 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 Bidder to verify that they have received all addendums.** Bidders must acknowledge on the Bidder's Acknowledgement Form (**Attachment A**) the receipt of all addendums in order for their Bid to be considered. The District is not bound by any oral representations, clarifications, or changes made in the written specifications by the District's employees.

Criteria Used in Evaluating Bids

1. Bids will be carefully evaluated for cost effectiveness and for compliance with the requirements contained in the Specifications.
2. The District reserves the right to award to a vendor who is a Local Business and whose bid price is within 3% of the lowest price for purchases of real property or personal property that is not affixed to real property.

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.

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). Further information regarding this form may be found on the Texas Ethics website, and instructions will be provided to the successful Bidder.

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. Bidders 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 Bid

Award of the bid shall be based on the lowest base Bid, subject to the 3% Local Preference Option, if applicable.

Disclosure of Sub-contractors

The Bidder shall disclose and provide contact information for the anticipated use of any sub-contractor. The Bid submitted to the District shall identify each sub-contractor and the specific elements and items for which each will be responsible. Following the award of the RFB no additional subcontracting will be allowed without the prior written consent of the District.

Determination of Compliance with Specifications

The Jose Herrera, Director of Facilities Maintenance or his designee will be responsible for assuring that the delivered product/service complies with the successful Bidder's Bid 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 Bidder to remove it from the District's premises at their expense.

Delivery

The successful Bidder will be expected to deliver the requested goods within the specified delivery period, if any.

Confidentiality

Bidders 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 Bidder to provide the equipment required by the RFB. The Bidder 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

Funds will be paid to vendor until completion, acceptance and fulfillment of the purchase obligation to the District.

Billing address for invoices under this RFB is:

**Brownsville Navigation District
Finance Department
1000 Foust Road
Brownsville, TX 78521**

Electronic invoicing may be submitted to vendor@portofbrownsville.com

Insurance Requirements

The successful Vendor shall not commence work under this agreement 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 Vendor.

The successful Vendor shall provide and maintain for the duration of this agreement, 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	\$1,000,000/occurrence
Coverage to include:	
-All owned vehicles	\$1,000,000/occurrence
-All non-owned vehicles	\$1,000,000/occurrence
-All hired vehicles	\$1,000,000/occurrence
<i>All policies must be endorsed with a Waiver of Subrogation in favor of the Brownsville Navigation District d/b/a Port of Brownsville.</i>	

All insurance shall be at the sole cost and expense of the successful Vendor. All the liability coverages cited shall name the Brownsville Navigation District as an additional insured as its interest may appear. The policy or policies shall contain a clause that the insurer will not cancel or change the policy or policies without first giving the District sixty (30) days prior written notice.

SECTION II

SPECIFICATIONS

SECTION II

SPECIFICATIONS

SAND SPECIFICATIONS

- CUBIC YARDS OF (LESS THAN 12% CLAY) SAND

DELIVERY TERMS

Delivery of the product shall be no later than 1 day after receipt of order. Delivery shall be FOB at the Port of Brownsville project site.

VERIFICATION OF COMPLIANCE

The bidder shall submit, with the bid proposal, his certification that the Sand material proposed meets the specifications contained herein.

Product's adherence to accepted parameters may be verified by the BND at the BND's discretion and expense.

REMOVAL OF REJECTED PRODUCT

Product delivered which tests show not to be 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 cubic yards, taking delivery costs into consideration.

*Any deviation from the specifications on the item(s) described on the bid form must be notified to the owner in writing.

*Delivery schedule is expected to be included with the items in the bid form.

*The Brownsville Navigation District is exempt from sales taxes.

Sand

BIDDER AGREES TO SUPPLY ALL MATERIAL PROVIDED BY OWNER FOR THE FOLLOWING UNIT
PRICES (WHICH INCLUDE ANY AND ALL APPLICABLE FEES)

	Type of Material (Specifications)	Price Per Cubic Yard with Delivery
SAND (LESS THAN 12% CLAY)		

Delivery Date: _____

Notes: The Brownsville Navigation District is exempt from sales taxes.

SECTION III

BID FORMS

Attachments to this RFB 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 – Business With the Port / Vendor Information

- Vendor Registration Form
- Conflict of Interest Questionnaire

BROWNSVILLE NAVIGATION DISTRICT
Bidder's Acknowledgment 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 comply with these Specifications at the prices quoted. The Bidder affirms that, to the best of their knowledge, the bid 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 Bidders in the award of this bid.

Addendums received:

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



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

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,

Zeus Yanez

Director of Finance

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

zyanez@portofbrownsville.com

encl:

Brownsville Navigation District
1000 Foust Road / Brownsville, Texas 78521 / (956) 831-4592 / (800) 378-5395 / Fax (956) 831-5106
www.portofbrownsville.com

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

Esteban Guerra
Chairman
Elected 5/05/2022
Term Expires May 2026
Private Businessman

Ralph Cowen
Vice Chairman
Elected 5/10/2022
Term Expires May 2024
Private Businessman

John Wood
Secretary
Elected 05/10/2022
Term Expires May 2026
Private Businessman

Sergio Tito Lopez
Commissioner
Elected 05/10/2020
Term Expires May 2024
Private Businessman

John Reed
Commissioner
Elected 5/10/2020
Term Expires May 2024
Banker

Administration

Eduardo A. Campirano – Port Director & CEO
Melinda Rodriguez – Deputy Director of Administration
Arturo Gomez – Deputy Director of Operations

Other Administrative Employees

Open – Senior Director of Marketing and Business Development
Ariel Chàvez II, P.E./R.P.L.S. – Director of Engineering Services
Michael Davis – Harbor Master
Margie Recio – Director of Administrative Services
Zeus Yanez – Director of Finance
Carlos L. Garcia – Chief of Police
Jose Herrera – Director of Facilities Maintenance
Jorge Montero – Director of Communications
Antonio Rodriguez – Director of Cargo Services
Open – 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/RFB 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/RFB title:	
If you are interested in receiving a notice when an RFP/RFB 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

Signature of Person Providing Information

This vendor is not a Listed Company as per: Section 2252 of the Texas Government Code Federal Debarred List - SAM.gov	_____ Signature of Purchasing Auditor
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CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

FORM CIQ

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.

Brownsville Navigation District Statement of Non-Collusion

The undersigned hereby certifies that they are duly authorized to execute this Bid and that this company, corporation, firm, partnership or individual has not prepared this Bid in collusion with any other Applicant or Port employee, 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:

Applicant:

(Print Name)

Applicant:

(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