



CITY OF DONNA
REQUEST FOR STATEMENTS OF QUALIFICATIONS
No.: 2021-004

Formal Sealed Statement of Qualifications (SOQ's) addressed to City Secretary, will be received on April 21, 2021 until May 14, 2021 at 4:00 pm at 307 S. 12TH ST. Donna, Texas 78537. All statements of qualifications must be in the City of Donna's possession on or before May 14, 2021 at 4:00 p.m. Statements of Qualification received past the aforementioned deadline shall not be accepted/considered. The City of Donna is soliciting SOQ's for Engineering services for the following project:

CITY OF DONNA DRAINAGE IMPROVEMENTS PROJECT

Respondents receiving a "REQUEST FOR STATEMENTS OF QUALIFICATIONS" notice via email, fax, or reading same in the newspaper and/or on our website are advised that they shall be required to go online to our website www.cityofdonna.org to obtain solicitation documents. Responses are to be submitted, in **paper copy** format.

Questions may be emailed to jgonzalez@cityofdonna.org, please be sure to indicate the relative project number and project title. All issued Addendum(s), for this project, shall be posted on our website: www.cityofdonna.org.

The City of Donna reserves the right to refuse and reject any or all responses, to waive any or all formalities, or technicalities, and to accept the SOQ to be the best and most advantageous to the City of Donna and hold the responses for a period of ninety (90) days without taking action.

Envelopes must be clearly marked: PROJECT No.: 2021-004
SOQ- CITY OF DONNA DRAINAGE IMPROVEMENTS

City of Donna
Norma Yanez
City Secretary
citysecretary@cityofdonna.org



CITY OF DONNA
REQUEST FOR STATEMENTS OF QUALIFICATIONS
No.: 2021-004

Formal Sealed Statement of Qualifications (SOQ's) addressed to City Secretary, will be received on April 21, 2021 until May 14, 2021 at 4:00 pm at 307 S. 12TH ST. Donna, Texas 78537. All statements of qualifications must be in the City of Donna's possession on or before May 14, 2021 at 4:00 p.m. (deadline to submit). Statements of Qualification received past the aforementioned deadline shall not be accepted/considered. The City of Donna is soliciting SOQ's for Engineering services for the following project:

CITY OF DONNA DRAINAGE IMPROVEMENTS PROJECT

Brief Description:

This Project consists of the submittal of the Flood Infrastructure Fund (FIF) to assist the City of Donna with funds for Drainage Improvement Projects, by evaluating and designing drainage improvements throughout The City.

This request for qualifications solicits information that will enable the City to determine the highest firm that may provide design related services for the project that may be funded in part through the Texas Water Development Board (TWDB) Clean Water State Revolving Fund (CWSRF), Drinking Water State Revolving Funds (DWSRF), Economically Distressed Areas Program (EDAP), and US Environmental Protection Agency (EPA). Neither the State of Texas nor any of its departments, agencies, or employees are or will be a party to this RFQ, or any resulting IFB or contract.

Respondents receiving a "REQUEST FOR STATEMENTS OF QUALIFICATIONS" notice via email, fax, or reading same in the newspaper and/or on our website are advised that they shall be required to go online to our website www.cityofdonna.org to obtain solicitation documents. Responses are to be submitted, in paper copy format.

Respondents must provide Equal Opportunity in Employment - All qualified Applicants will receive consideration for employment without regard to race, color, national origin, sex, religion, age, or handicap. Respondent shall carry out applicable requirements of 40 CFR Part 33 in the award and administration of contracts awarded under TWDB financial assistance agreements. Failure by the contractor to carry out these requirements is a material breach, which may result in the termination of the awarded financial assistance.

Projects may be funded in part through the Environmental Protection Agency's (EPA), as such shall be subject to "fair share policy," which includes EPA approved "fair share goals" for Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) firms in the Construction, Supplies, Equipment, and Services procurement categories. (refer to Instruction to Respondents for details). All Federal Acquisition Regulations are applicable to this project, including the U.S. Environmental

All Federal Acquisition Regulations are applicable to this project, including the U.S. Environmental Protection Agency (EPA) requirements regarding procurement, cost and pricing data, solicitation of Disadvantaged Business Enterprise (DBE) and Equal Employment Opportunity (EEO). This procurement is subject to procedures and requirements of 40 CFR 31.36.

The City reserves the right to negotiate with any and all firms that submit qualifications, as per the Texas Professional Services Procurement Act, Texas Government Code Section 2254.004 and Texas Local Government Code Section 271.118. The City of Donna will evaluate the Statements of Qualifications of the firms on the basis of technical ability, experience, and ability to perform the work. The intent of the City is to hire a firm to provide professional design services. The City will rank candidates by order of the highest qualification.

The City of Donna does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or provision of services, programs or activities.

Questions may be emailed to jgonzalez@cityofdonna.org, please be sure to indicate the relative project number and project title. All issued Addendum(s), for this project, shall be posted on our website: www.cityofdonna.org.

The City of Donna reserves the right to refuse and reject any or all responses, to waive any or all formalities, or technicalities, and to accept the SOQ to be the best and most advantageous to the City of Donna and hold the responses for a period of ninety (90) days without taking action.

Hand-delivery SOQ's: 307 S. 12TH ST. Donna, Texas 78537

If using Land Courier (i.e., Fedex, UPS): 307 S. 12TH ST. Donna, Texas 78537

Mail SOQ's: 307 S. 12th ST. Donna, Texas 78537

Envelopes must be clearly marked: **PROJECT No.:** 2021-004
SOQ- CITY OF DONNA DRAINAGE IMPROVEMENTS

SECTION 2- INSTRUCTIONS TO RESPONDENTS

PURPOSE

The purpose of this solicitation document is to solicit Statement of Qualifications (SOQ) for Professional Service Contract(s) related to the City of Donna Drainage Improvements Project.

SCOPE

The Scope of Work will consist of providing professional services related to the improvements of the City of Donna Drainage Improvements Project, professional Services will include preliminary engineering, final design, bid phase services, construction phase services, closeout, and assistance with the Texas Water Development Board.

SUBMITTAL OF SOQ SEALED SOQ INSTRUCTIONS

SOQs shall be submitted in sealed envelopes addressed to Mr. Gonzalez and shall be clearly labeled: Project # 2021-004 – City of Donna Drainage Improvements Project. Responses must be received by May 14, 2021. No late SOQ's shall be accepted. Five (5) complete sets and one (1) electronic files on thumb drive are to be submitted. One (1) ORIGINAL marked "ORIGINAL" and Four (4) COPIES marked "COPY 1", "COPY 2", "COPY 3", etc. of their response, complete with all supporting documentation.) SOQs submitted by facsimile (fax) shall NOT be accepted. Submittal of a SOQ in response to this solicitation for Statements of Qualification (SOQ) constitutes an offer by the respondent and if accepted by the City, a contract. Once submitted SOQs, become the property of the City of Donna and as such the City reserves the right to use any ideas contained in any proposal regardless of whether that respondent/firm is selected. Submission of a response to this solicitation, by any respondent, shall indicate that the respondent(s) has/have accepted the conditions contained in the SOQ, unless clearly and specifically noted in the SOQ submitted and confirmed in the contract between the City and the successful respondent otherwise. SOQs, which do not comply with these requirements, may be rejected at the option of the City. No late SOQs will be accepted. They will be returned to respondent unopened (if properly identified). Failure to meet SOQ requirements may be grounds for disqualification. Respondents are advised that a formal Sealed Response submittal is required.

Hand-delivery SOQ's: 307 S. 12TH ST. Donna, Texas 78537

If using Land Courier (i.e., Fedex, UPS): 307 S. 12TH ST. Donna, Texas 78537

Mail SOQ's: 307 S. 12th ST. Donna, Texas 78537

ADDENDA AND MODIFICATIONS

Any changes, additions, or clarifications to the SOQ are made by amendments (addenda). Any respondent in doubt as to the true meaning of any part of the SOQ or other documents may request

an interpretation from the Purchasing Department. At the request of the respondent, or in the event the Purchasing Department deems the interpretation to be substantive, the interpretation will be made by written addendum issued by the Purchasing Department. Such addendum and/or notice of addendum will be mailed by certified mail (return receipt requested), e-mailed, posted on our website, hand delivered and/or faxed, to all respondents receiving the original SOQ and will become part of the SOQ package having the same binding effect as provisions of the original SOQ. It shall be the respondent(s) responsibility to ensure that they have received all Addenda in respect to this project. Furthermore, respondents are advised that they must recognize, comply with, and attach a signed copy of each Addendum, which shall be made part of their Submittal. Respondent(s) signature on Addenda shall be interpreted as the respondent's "recognition and compliance to" official changes as outlined by the City of Donna and as such are made part of the original SOQ documents. Failure of any respondent to receive any such addendum or interpretation shall not relieve such Respondent from its terms and requirements. Addendums are available online at www.cityofdonna.org. No verbal explanations or interpretations will be binding. In order to have a request for interpretation considered, the request must be submitted in writing via email to: jgonzalez@cityofdonna.org and must be received by the City of Donna no later than five (5) days prior to the SOQ closing date. The City of Donna does not assume responsibility for the receipt of any addendum sent to respondents.

SUBMITTAL FORMAT

In order for your SOQ to be considered responsive, the following information should be included at a minimum: The SOQ submittal shall not exceed **twenty-five (25) pages**. Divide all three Sections (1, 2 & 3) using tabs. The cover, table of contents, Section 3 (Appendix), and tabs do not count towards the page limit.

Do not submit pricing information. If pricing information is submitted, the response to the RFQ will not be considered.

COST OF PREPARING RESPONSE

Issuance of this SOQ does not commit the City of Donna, in any way, to pay any costs incurred in the preparation and submission of a SOQ. All costs related to the preparation, submission, and/or subsequent materials or presentations related to this SOQ shall be borne solely by the respondent.

EQUAL EMPLOYMENT OPPORTUNITY

Respondent agrees that they will not discriminate in hiring, promotion, treatment, or other terms and conditions of employment based on race, sex, national origin, age, disability, or in any way violate Title VII of 1964 Civil Rights Act and amendments, except as permitted by said laws.

COMMUNICATION /ANTI-LOBBY

Respondents or their representatives are prohibited from communicating with any City of Donna officials to include City Commissioners.

Respondents or their representatives are prohibited from communicating with City employees regarding this RFQ, except as provided under "Technical Questions," from the time the solicitation is released until the contract is awarded.

Violation of this provision by the Respondent and/or their agent may lead to disqualification of the Respondent's SOQ from consideration.

LITIGATION

Be advised that any Respondent that is involved in any litigation with the City of Donna will not be considered for award of this service contract.

CONFLICT OF INTEREST

CHAPTER 176 OF THE TEXAS LOCAL GOVERNMENT CODE

Effective January 1, 2006, Chapter 176 of the Texas Local Government Code requires that any vendor or person considering doing business with a local government entity disclose in the Questionnaire Form CIQ, the vendor or person's affiliation or business relationship that might cause a conflict of interest with a local government entity. By law this questionnaire must be filed with the records administrator of the City of Donna no later than the 7th business day after the date the person becomes aware of facts that require the statement be filed. See Section 176.006, Local Government Code. A person commits an offense if the person violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.

For more information or to obtain Questionnaire CIQ go to the Texas Ethics Commission web page at www.ethics.state.tx.us/forms/CIQ.pdf.

IF YOU HAVE ANY QUESTIONS ABOUT COMPLIANCE, PLEASE CONSULT YOUR OWN LEGAL COUNSEL. COMPLIANCE IS THE INDIVIDUAL RESPONSIBILITY OF EACH PERSON OR AGENT OF A PERSON WHO IS SUBJECT TO THE FILING REQUIREMENT. AN OFFENSE UNDER CHAPTER 176 IS A CLASS "C" MISDEMEANOR.

HOUSE BILL (H.B.) 1295 – "DISCLOSURE OF INTERESTED PARTIES"

In 2015, the Texas Legislature adopted House Bill 1295 (H.B. 1295) has been revised. *Portions of the text of subsection as amended by Acts 2017, 85th R.S., Ch. 526 (SB 255) (Changes identified by italicized text apply only to a contract entered into or amended on or after January 1, 2018).*

Sec. 2252.908. DISCLOSURE OF INTERESTED PARTIES

(a) In this section:

- (1) "Business entity" means any entity recognized by law through which business is conducted, including a sole proprietorship, partnership, or corporation.
- (2) "Governmental entity" means a municipality, county, public school district, or special-purpose district or authority.
- (3) "Interested party" means a person who has a controlling interest in a business entity with

whom a governmental entity or state agency contracts or who actively participates in facilitating the contract or negotiating the terms of the contract, including a broker, intermediary, adviser, or attorney for the business entity.

- (4) "State agency" means a board, commission, office, department, or other agency in the executive, judicial, or legislative branch of state government. The term includes an institution of higher education as defined by Section 61.003, Education Code.
- (5) This section applies only to a contract of a governmental entity or state agency that:
- (6) requires an action or vote by the governing body of the entity or agency before the contract may be signed; or
- (7) has a value of at least \$1 million.

HOUSE BILL (H.B.) 1295 – "DISCLOSURE OF INTERESTED PARTIES" Continued:

(b) Notwithstanding Subsection (b), this section does not apply to:

- (1) a sponsored research contract of an institution of higher education;*
- (2) an interagency contract of a state agency or an institution of higher education;*
- (3) a contract related to health and human services if:*
 - (A) the value of the contract cannot be determined at the time the contract is executed;*
 - and*
 - (B) any qualified vendor is eligible for the contract;*
- (4) a contract with a publicly traded business entity, including a wholly owned subsidiary of the business entity;*
- (5) a contract with an electric utility, as that term is defined by Section 31.002, Utilities Code; or*
- (6) a contract with a gas utility, as that term is defined by Section 121.001, Utilities Code.*

(c) A governmental entity or state agency may not enter into a contract described by Subsection (b) with a business entity unless the business entity, in accordance with this section and rules adopted under this section, submits a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency.

(d) The disclosure of interested parties must be submitted on a form prescribed by the Texas Ethics Commission that includes:

- (1) a list of each interested party for the contract of which the contracting business entity is aware; and*
- (2) a written, unsworn declaration subscribed by the authorized agent of the contracting business entity as true under penalty of perjury that is in substantially the following form:*

"My name is _____, my
date of birth is _____, and my address is

(Street) (City) (State) (Zip Code)

(Country)

I declare under penalty of perjury that the foregoing is true and correct.
Executed in _____ County, State of _____, on the _____ day
of _____,
(Month) (Year)

Declarant",

DBE PARTICIPATION AND STANDARDS

The consultant may be requested to participate on a TWDB Funded Project. If the project is funded through the TWDB please note that the contract for that particular project is contingent on funding and approval through the TWDB's DWSRF and/or CWSRF Programs.

This RFQ is issued in accordance with Section 2254 of the Texas Government Code (Professional Services Act) and Title 40 Code of Federal Regulations, Part 31 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments).

Any contract or contracts awarded under this Request for Qualifications (RFQ) are expected to be funded in part by financial assistance from the TWDB. Neither the State of Texas nor any of its departments, agencies, or employees are or will be a party to this RFQ, or any resulting contract.

This contract is subject to the Environmental Protection Agency's (EPA) "fair share policy," which includes EPA approved "fair share goals" for Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) firms in the Construction, Supplies, Equipment, and Services procurement categories. EPA's policy requires that applicants and prime contractors make a good faith effort to award a fair share of contracts, subcontracts, and procurements to Minority Business Enterprise and Women-Owned Business Enterprise firms. Although EPA's policy does not mandate that the fair share goals be achieved, it does require applicants and prime contractors to demonstrate use of the six affirmative steps. The current fair share goals for the State of Texas are as follows:

Category	MBE Goal - %	WBE Goal -
Construction	34.80	6.70
Supplies	9.70	5.20
Equipment	7.20	4.10
Services	16.10	21.30

Equal Opportunity in Employment - All qualified Applicants will receive consideration for employment without regard to race, color, national origin, sex, religion, age, or handicap. The contractor shall carry out applicable requirements of 40 CFR Part 33 in the award and administration of contracts awarded under TWDB financial assistance agreements. Failure by the contractor to carry out these requirements is a material breach, which may result in the termination of the awarded financial assistance.

All Federal Acquisition Regulations are applicable to this project, including the U.S. Environmental Protection Agency (EPA) requirements regarding procurement, cost and pricing data, solicitation of Disadvantaged Business Enterprise (DBE) and Equal Employment Opportunity (EEO). This procurement is subject to procedures and requirements of 40 CFR 31.36. It is the responsibility of the applicant to make a good faith effort in offering fair opportunity for participation in this project. Documentation of applicable efforts will be required.

SECTION 3 -STATEMENT OF QUALIFICATIONS (SOQ) REQUIREMENTS

GENERAL

- A. Respondents should carefully read the information contained herein and submit a complete response to all requirements and questions as directed.
- B. Submittals and any other information submitted by Respondents in response to this RFQ shall become the property of the City of Donna.
- C. Failure to comply with the requirements contained in this RFQ may result in a finding that the respondent is not qualified and is ineligible to submit a proposal or

SUBMITTAL FORMAT

In order for your SOQ to be considered responsive, the following information should be included at a minimum: The SOQ submittal shall not exceed twenty-three (23) pages. Divide all three Sections (1, 2, & 3) using tabs. The cover, table of contents, Section 3 (Appendix), and tabs do not count towards the page limit.

Do not submit pricing information. If pricing information is submitted, the response to the RFQ will not be considered.

Statement of Qualification Package will include the following:

- Cover Letter (1-page limit)

SOQ RESPONSE - SECTION 1

- **Firm Profile**– Respondents shall include a summary of the firm, including years firm has been in business, names, title, and phone number of the official contact, and specific services your firm provides, addresses of all firm offices, identifying in which office the work will be performed, and any litigation disclosure (2-pages limit)
- **Understanding of the Project**- Describe your firms understanding of the Project potential problems and concerns. Highlight previous work/projects your firm have completed for similar project in the Rio Grande Valley (4- pages limit)
- **Organizational Chart and Key Personnel Resumes**– Provide relevant experience of the proposed project manager and other key personnel and illustrate how the team will be organized. (7-pages limit). No more than 5 resumes are allowed, one page per individual.

SOQ RESPONSE - SECTION 2

- **Relevant Project Experience**– Respondents shall select projects (limit of 5 Projects) which highlight your staff's experience in similar projects in the areas listed below completed within the past 10 years. Projects shall contain dates and contract values, names address and phone numbers of representatives of these municipal, institutional, or private projects who can be contacted as references. (5-pages limit)
- **Management Plan**- Explain your firm's management approach. (2-pages limit).
- **Quality Assurance**- Explain your firm's quality assurance program. (2-pages limit).

SECTION 4 - SELECTION PROCESS

(Does not count towards page limit)

- Appendix
 - Attachment A- A complete disclosure of any alleged significant prior or ongoing contract failures, any civil or criminal litigation or investigation pending which involves the proposer or in which the proposer has been judged guilty or liable. Provide a letter listing this information.
 - Attachment B- Certification Regarding Debarment, Suspension, and other Responsibility Matters
 - Attachment C- Complete Conflict of Interest Questionnaire (CIQ)
 - Attachment D- Certificate of Interested Parties- Form 1295

SECTION 4 - SELECTION PROCESS (continued)

EVALUATION PROCESS

After the deadline for receipt of SOQ's, an evaluation committee made up of the City Manager's designated representative(s): Deputy City Manager, City Engineer, Public Works Director, Public Utilities Director, Development Services Director, and any additional member selected by the City Manager will review all responses utilizing the evaluation criteria noted below.

Based on the committee's review, it is expected that several firms may be short-listed for further consideration and may be required to submit supplemental information. Additionally, after review of the findings of the committee by the City Manager, selected firms may be required to make a formal presentation before the Mayor and City Commission. Contracts shall be assigned based on the anticipated magnitude and level of effort for each project.

Upon award by the City Commission, the City will enter into negotiations with the selected firm(s) for the purpose of reaching an agreement. If negotiation efforts are successful, a contract will be executed with this firm for the required services. If negotiations are unsuccessful, the City will terminate negotiation efforts formally and will open negotiations with next firm. This process will continue until negotiation efforts are successful. The City Commission decision will be final.

EVALUATION CRITERIA

Evaluation of consultants will be completed by a selection committee on the basis of the submitted SOQ. The selection committee shall evaluate and numerically score each SOQ in accordance with the criteria and point value listed below. Points for each criterion may be awarded from lowest point value to the highest point value indicated. Failure to provide any item will result in lowest points being awarded for stated criterion.

Criteria	Points
Firm Profile	15
Understanding City of Donna Drainage Infrastructure Issues	25
Organizational Chart and Personnel	20
Relevant Project Experience	35
Management Plan	5
Quality Assurance Plan	5
Total	100

INTERVIEWS AND PRESENTATIONS

In fairness to all firms, requests for interviews prior to the closing time and date will not be permitted. Interviews with selected firms may or may not be requested by the City after the closing date. Selection may be made strictly from the information provided in the RFQ. However, the City reserves the right to conduct interviews with and request presentations from any respondents.

SECTION 5 - AGREEMENT

The approved selected firms will be asked to provide and negotiate scope and fee proposals for individual projects on a case-by-case basis throughout the duration of the two-year qualification period as assigned by the City of Donna. Once individual scope and fee proposals are negotiated with the City of Donna, the firms must agree to enter into a professional services agreement in substantially the form and terms as included in the attached sample agreement. If scope and fee proposal negotiations are not attained for any given project, the City of Donna will move to the next qualified firm in the rotation list until a negotiation is attained.

SECTION 6 - STANDARD INSURANCE REQUIREMENTS

6.1 CONSTRUCTION/SERVICES/PROFESSIONAL SERVICES

The Certificate of Insurance should be made to the City of Donna and should reference the operation.

All certificates must be received prior to commencement of service/work. All Certificates of insurance shall be approved by the Risk Manager and/or his/her designated representative prior to the commencement of any work.

In the event the insurance coverage expires prior to the completion of this contract, a renewal certificate shall be issued thirty (30) days prior to said expiration date. The City must be notified at least thirty (30) days prior to any material change in and/or cancellation and/or non-renewals of such policies.

The term "City" shall include The City of Donna and their employees, officers, officials, agent, and volunteers in respect to the contracted services. Any failure on the part of the City to request required insurance documentation shall not constitute a waiver of the insurance requirement.

The City reserves the right to make reasonable requests or revisions pertaining to the types and limits of that coverage.

6.1 CONSTRUCTION/SERVICES/PROFESSIONAL SERVICES Continued:

During the term of the Contract, the successful contractor/respondent/selected firm shall acquire and maintain, for the duration of the contract period the following insurances:

- A. Comprehensive Commercial General Liability: The Contractor/Respondent/Selected Firm shall provide minimum limits of \$1,000,000 each occurrence, \$2,000,000 annual aggregate combined single limit for bodily injury and property damage liability. This shall include premises/operations, independent contractors, products, completed operations, personal and advertising injury, and contractual liability. This insurance shall apply as primary insurance with respect to any other insurance or self-insurance programs maintained by the City and shall name the "City of Donna" as an additional insured with a waiver of subrogation. The policy of insurance shall be written on an "occurrence" form.

Blanket "XCU" – Explosion, Collapse & Underground
Independent Contractors
Care, Custody and Control
Contractual Liability

No endorsements excluding these coverages are allowed.

Additional Insured Requirement:

To the fullest extent of coverage allowed under Chapter 151 of the Texas Insurance Code, the City of Donna shall be included as additional insured under the CGL policy, using ISO Additional Insured Endorsements CG20101001 and CG20371001, or endorsements providing equivalent coverage, including products completed operations.

- B. Business Automobile Liability: The Contractor/Respondent/Selected Firm shall maintain limits of no less than \$1,000,000 combined single limit per occurrence for bodily injury and property damage, and \$2,000,000 annual aggregate. This insurance shall apply as primary insurance with respect to any other insurance or self-insurance programs maintained by the City and shall name the "City of Donna" as an additional insured with a waiver of subrogation. The policy of insurance shall be written on an "occurrence" form.

Applicable as long as no fragile or perishable products are transported; otherwise, Cargo Insurance is required.

Additional Insured Requirement:

To the fullest extent of coverage allowed under Chapter 151 of the Texas Insurance Code, the City of Donna shall be included as additional insured under the CGL policy, using ISO Additional Insured Endorsements CG20101001 and CG20371001, or endorsements providing equivalent coverage, including products completed operations.

6.1 CONSTRUCTION/SERVICES/PROFESSIONAL SERVICES Continued:

C. Builder's Risk/Fire & Extended Coverage (if applicable)

The Contractor shall insure the building or other work included in this contract on an all-risk (special causes of loss) policy, with an insurance company or companies acceptable to the Owner. The amount of the insurance at all times to be at least equal to the amount paid on account of work and material and plus the value of the work or materials furnished or delivered but not yet paid for by the Owner. Builder's Risk Policies shall cover loss of materials by theft, vandalism, malicious mischief or other loss whether materials are incorporated in the work or not.

The policies shall be in the names of the City and the Contractor, as their interests may appear, and certificates of insurance shall be delivered to the Owner before monthly partial payments are made. The policy shall provide for the inclusion of names of all other contractors, subcontractors and other employed on the premises as ensured and shall stipulate that the insurance companies shall have no right to subrogation against any contractors, subcontractors or other parties employed on the premises for any work building alterations, construction, or erection to the described property.

D. Workers' Compensation: The contractor/respondent/selected firm shall provide and maintain workers' compensation insurance for all employees in the full amount required by statute and full compliance with the applicable laws of the State of Texas. Employer's Liability insurance shall be provided in amounts not less than \$1,000,000 per accident for bodily injury by accident; \$1,000,000 policy limit by disease; and \$1,000,000 per employee for bodily injury by disease."

In addition, a Waiver of Subrogation Endorsement shall be provided by the contractor naming the City of Donna in said policy for Worker's Compensation Insurance. Contractor/Respondent/Selected Firm shall further ensure that all of its sub-contractors maintain appropriate levels of workers' compensation insurance.

E. Professional Services - Insurance Provisions: Errors & Omissions (Professional Liability): \$1,000,000 Each Claim Limit \$1,000,000 Aggregate Limit. If coverage is written on a claims-made basis, the retroactive date shall be on or prior to the date of the contractual Agreement. The certificate of insurance shall state that the coverage is claims-made and include the retroactive date. The insurance shall be maintained for the duration of the contractual Agreement and for four (4) years following completion of the services provides under the contractual Agreement or for the warranty period, whichever is longer. An annual certificate of insurance submitted to the City shall evidence coverage.

F. Deductible Clause: Contractor/Respondent/Selected Firm to declare self-insured retention or deductible amounts in excess of \$25,000.

6.1 CONSTRUCTION/SERVICES/PROFESSIONAL SERVICES Continued:

- G. Other Provisions: All insurance carriers shall be rated A6 or better and be published on a current A.M. Best Rating Guide, or some other recognized equivalent rating service (e.g., Moody's, Standard & Poor's). The City may request a copy of the insurance policy according to the nature of the project. City reserves the right to accept or reject the insurance carrier. All Certificates of Insurance shall be provided on the Acord Form 25. All insurance requirements are imposed and must be complied with by any and all sub-contractors, and/or lower-tier sub- contractors. A copy of endorsements providing Additional Insured, Primary Insurance and Waiver of Subrogation wording shall be attached to the certificates of insurance.

SECTION 7 - REQUIRED FORMS

7.1 REQUIRED FORMS

- A. In order for your SOQ to be considered responsive, the following forms shall be completed and submitted as part of the SOQ.
1. Attachment A- A complete disclosure of any alleged significant prior or ongoing contract failures, any civil or criminal litigation or investigation pending which involves the proposer or in which the proposer has been judged guilty or liable. Provide a letter listing this information.
 2. Attachment B-Certification Regarding Debarment, Suspension, and other Responsibility Matters.
 3. Attachment C-Complete Conflict of Interest Questionnaire (CIQ).
 4. Attachment D-Certificate of Interested Parties- Form