



Brenham
INDEPENDENT SCHOOL DISTRICT EST. 1875

REQUEST FOR PROPOSAL #2023-002

Brenham Independent School District invites qualified firms to submit Competitive Sealed Proposals for:

FENCING CONTRACTOR SERVICES
Brenham ISD Campuses

Proposals will close on:

December 6, 2022 @ 2:00 PM C.D.T.

Sealed Proposals must be submitted to the following location

Faxed and e-mailed qualifications will not be accepted.

Mail Proposals to:

**Brenham ISD c/o Facility Services
PO 1147
Brenham, Texas 77834**

Deliver Proposals to:

**Brenham ISD Facility Services
507 E. Sixth Street
Brenham, Texas 77833**

RFP #2023-002

Competitive Sealed Proposals for Fencing Contractor Services – Brenham ISD Campuses

Proposals that arrive after the closing date and time will be rejected. Time/date stamp clock in the Facilities Department shall be the official time of receipt. Responses received in the Maintenance Department after submission deadline shall be returned unopened and will be considered void and unacceptable. Mailing of a Proposal does not ensure that the RFP will be delivered on time or delivered at all. The proposer is solely responsible for ensuring the RFP is received prior to the closing date and time. **Delivery at any other campus location or any other department is unacceptable.**

Brenham ISD reserves the right to reject any and/or all RFP's, to award contracts as may appear advantageous to the Brenham ISD, and to waive all formalities in offering.

Paul Aschenbeck – Director of Facilities

Brenham ISD is receiving competitive sealed proposals for Fencing Contractor services for Brenham ISD campuses in Brenham, Texas. The selection of the Fencing Contractor will be in compliance with the provisions of the Texas Educational Code Section 44.031 and consist of the one-step process set forth in Section 2269 of the Texas Government Code.

1. Response to Request for Competitive Sealed Proposals

Respondents are required to provide detailed written responses to this RFP no later than **December 6, 2022 @ 2:00 PM C.D.T.** Responses must be delivered to the Brenham ISD, Facility Services Department, 507 E. Sixth Street, Brenham, Texas 77833. Responses received after this date will not be considered or accepted.

Written responses shall address each requirement identified in this RFP. Failure to provide all requested information will be considered an incomplete response. Brenham ISD reserves the right to reject any or all proposals and to accept any proposal deemed as providing the best value to the Brenham ISD. Brenham ISD shall rank the respondents in the order that they provide the "best value" for the District based on the published selection criteria and on the ranking evaluations. Interviews of General Contractor firms may follow at the Owner's option.

Respondents are required to submit one (1) bound (8 ½" x 11" format) copy of the proposal statement.

Questions regarding the project and this Request for Proposals are to be directed to:

Paul Aschenbeck
Brenham Independent School District
Director of Facilities
507 E. Sixth Street
Brenham, Texas 77833
Phone: 979-277-3730
Email: Paschenbeck@brenhamk-12.net

RFP #2023-002 Calendar

Date/Time	Action
November 22, 2022	Advertisement #1
November 29, 2022	Advertisement #2
November 30, 2022 @ 9:00 am	Mandatory Pre-Proposal Meeting Alton Elementary 1210 S. Market Street Brenham, TX 77833
December 2, 2022, @ 2:00 pm	Last day and time to submit email inquires Submit to: paschenbeck@brenhamk-12.net
December 2, 2022, @ 4:00 pm	Addenda issued, if any, communicated by e-mail
December 6, 2022 @ 2:00 p.m.	Deadline for Submission, RFP #2023-002 Mailing Proposals to: Brenham ISD Facility Services Attn: Mr. Paul Aschenbeck, Director of Facilities PO Box 1147 Brenham, Texas 77834 Deliver Proposals to: 507 E. Sixth Street Brenham, Texas 77833
December 7, 2022	Submit Agenda Item to Administration
December 12, 2022	Recommendation of selected firm to the Board of Trustees for approval

2. Scope of Work

- A. The scope of work for the project will include the following, as illustrated, and described within the Documents issued by Brenham ISD:
- B. Base Bid: The project is fencing areas around Brenham ISD campuses. The scope includes, but is not limited to; removing existing fencing where needed, constructing new six feet tall commercial grade perimeter fencing in designated areas, provide all supplies including fencing materials, concrete and labor, provide drive gates and walk gates and accessories (electronic and manual) where designated.

Project Schedule:

The anticipated schedule will allow for a notice to proceed on December 13, 2022.

3. Evaluation Criteria and Selection Process

Proposal Evaluation Criteria and Requirements

All proposals will be evaluated based on the criteria listed below by the evaluation committee. The committee shall consist of individuals who have knowledge or experience of the subject matter in the RFP; or beneficiaries and /or users of the RFP's subject matter.

1. Qualifications, Experience, & Reputation (30 pts.)

- A. Provide your company profile including number of employees, date the company was established, and any lawsuits/liens within the past five years.
- B. Provide a list of five (5) completed projects within the last five (5) years, which are similar/relevant to the project under this RFP.
- C. Relevant Client References – Provide three (3) references of completed projects within the last five (5) years, which are similar/relevant to the project under this RFP.

2. Proposed Lead Personnel (20 pts.)

- A. Provide a list of all your proposed personnel indicating the position they will hold within the project and their years of experience as it relates to this project.
- B. Indicate where the office providing the services under this RFP is located.

3. Ability to meet Project Completion Timeline (15 pts.)

- A. Indicate in a brief paragraph whether your company can meet the project timeline as specified under this RFP.

4. Completeness and Thoroughness of Qualifications Package (5 pts.)

- A. RFP submittal packet must be clear, concise, and easy to follow. Provide materials in tabs that correspond with all requested information on the criteria factors.

5. Proposal Cost: Provide on Bid form included in the project specifications (30 pts.)

4. TERMS, CONDITIONS AND AGREEMENTS

1.000 ANNULMENTS AND RESERVATIONS:

- 1.001 Brenham ISD reserves the right to reject any and all bids and waive any and all formalities and conditions. The District reserves the right to retain all bids received for 30 days prior to taking any action and vendors shall not withdraw their bid at any time thereafter. Brenham ISD shall accept the bid determined by the District to be in its best interest. It is not the intent of any condition or specification in the RFP to prohibit any responsible vendor from submitting a bid.
- 1.002 This Request for Proposal is not construed as a CONTRACT or a COMMITMENT of any kind. The request for proposal does not commit Brenham ISD to pay for any costs incurred in the preparation and submission of specifications or for any costs incurred prior to the execution of a final offer.
- 1.003 Brenham ISD is not obligated to purchase any item or service, if funds are not allocated by the Grant, legislative session, or the Board of Trustees.

2.000 VENDOR'S OBLIGATIONS:

- 2.001 Substitutions will not be allowed after a bid has been submitted for review and will not be delivered instead of the item bid, unless the item is of a higher quality than the item specified and approved by the Director of Facilities.
- 2.002 Any item that does not perform or meet the specifications or warranty, or as claimed by the vendor, will be replaced at no cost to the District.
- 2.003 Any specification a vendor may not agree with must be submitted in writing to the Facility Services Department four (4) days in advance of the bid closing date.
- 2.004 Prompt payment discounts shall be listed on the bid form.
- 2.005 In bidding, give complete information in spaces provided; otherwise, your bid offer may not be given consideration. All bid offers must be signed to be considered.

3.000 AWARD DETERMINATION / OBLIGATIONS BY THE COLLEGE:

- 3.001 Brenham ISD will award this service to the vendor providing the best value as it deems to be in the best interest of the district.
- 3.002 In determining to whom to award a contract, the district shall consider:
 - A. the price(s) bid.
 - B. the quality of the vendor's goods or services.
 - C. delivery of services in a timely manner.
 - D. the reputation of the vendor and of the vendor's goods or warranty services.
 - E. the extent to which the goods or services meet the district's needs.
 - F. the vendor's past relationship with the district.
 - G. the total long-term cost to the district to acquire the vendor's goods or services; and
 - H. any other relevant factor that a private business entity would consider in selecting a vendor.
- 3.003 The District may make such investigations, as it deems necessary, to determine the ability of the vendor to provide satisfactory performance in accordance with the specifications. The vendor shall furnish to the District all such information and data for this purpose as the District may request.

4.000 **INTERPRETATIONS OF THE SPECIFICATIONS:**

4.001 Only the interpretation or correction so given by the District, in writing, shall be binding and prospective vendors are advised that no other source, outside of the college, is authorized to give information concerning, explain or interpret, the bid document.

4.002 Every request for such interpretation or correction must be in writing to the Director of Facilities. All such interpretation and supplemental instructions will be in the form of written addenda to the bidding documents prior to the bid opening. Your questions concerning the bid specifications must be submitted in writing. We will return a written answer to your company.

5.000 **DELIVERY:**

5.001 Delivery of equipment and services must be made by the successful vendor to:

Brenham Independent School District
507 E. Sixth Street
Brenham, Texas 77833

5.002 No allowance for loss, breakage, damage, or difficulties shall be made.

6.000 **BILLING AND PAYMENT/DISCOUNTING:**

6.001 All invoices are to be submitted and mailed to:

Brenham Independent School District
PO Box 1147
Brenham, Texas 77834

6.002 Unless otherwise stated on the purchase order, payment will be net thirty (30) days after receipt of a correct invoice. If a cash discount is allowed for prompt payment, please indicate on the invoice. Partial payments may be paid if partial shipments have been made. Any penalty for delayed payment must be stated on the invoice.

7.000 **TAX EXEMPTIONS:**

7.001 Prices Bid SHALL NOT INCLUDE FEDERAL EXCISE OR STATE SALES AND USE TAXES as the DISTRICT is exempt from the payment of these taxes. Exemption Certificates for the Federal Excise Tax and State of Texas Sales Tax will be furnished upon request.

8.000 **PRICE QUOTATIONS:**

8.001 Lump sum price. The unit price shall include all costs of labor, profit, insurance, FOB freight, etc. to make operational and cover all work outlined in the specifications of this project.

8.002 Bids must be submitted on the forms provided to insure complete uniformity of wording of all bids. Bids may be rejected if they show any omissions, alterations in wording, conditional clauses, or irregularities of any kind.

9.000 **RIGHT OF VENDOR SELECTION:**

9.001 You are notified that although the District is required to submit purchases of all contracts of \$50,000 to competitive bidding, it is not required to accept the lowest bid. In such purchasing the lowest bid may be rejected if the District, in the exercise of its best judgment, feels that the bid of one other than the low bidder will best serve the interest of the District.

- 9.002 Brenham ISD reserves the right to accept or reject any or all bids in its entirety and/or waive all formalities. This inquiry implies no obligation on the part of the buyer, nor does the buyer's silence imply any acceptance or rejection of any quotation offer.

10.000 **REFERENCES:**

- 10.001 Please provide educational references in addition to non-educational references.

11.000 **CONFLICT OF INTEREST:**

- 11.001 No public official shall have interest in this contract, in accordance with Vernon's Texas Codes Annotated, Local Government Code Title 5, Subtitled C, Chapter 171 and Chapter 176.

12.000 **ETHICS:**

- 12.001 The vendor shall not accept or propose gifts or anything of value nor enter any business arrangement with any employee, official or agent of Brenham ISD.

- 12.002 House Bill 1295

Effective January 1, 2016, Brenham ISD shall comply with the "Disclosure of Interested Parties" requirements mandated by HB 1295, as implemented by the Texas Ethics Commission. Briefly stated, contracts for goods or services which require an action vote by Brenham ISD's governing body may not be executed by the college until the awarded vendor presents a signed and notarized form disclosing the interested parties to the contract. The awarded vendor will be required to complete the form prior to execution of the contract. If the awarded vendor does not comply, the award may be revoked. The filing application and information can be accessed at:

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

13.000 **STATE LAW REQUIREMENTS:**

- 13.001 This agreement will be governed and construed according to the laws of the State of Texas.

VENUE The parties agree that regarding any dispute or litigation that may arise in the execution and performance of this contract, that venue for all proceedings, judicial or otherwise shall be in "Washington County", Texas

- 13.002 All equipment and services furnished under this contract shall comply with applicable laws, ordinances, and regulations. The bidder shall give all notices and comply with all laws, ordinances, rules, and regulations, and without such notice to the authorized Owner's representative, the bidder shall bear all costs arising there from.

- 13.003 On May 30, 1995, Governor, George Bush, signed Senate Bill 1. It became effective on the day he signed it. The following is a requirement included in this law. It is mandatory that the District must include this in all Bids. Each vendor must respond to this section of the law.

Section 44.034 TEC. Notification of Criminal History of Contractor. (This section does not apply to a publicly held corporation).

(a) A person or business entity that enters a contract with a school district must give advance notice to the district if the person or an owner or operator of the business entity has been convicted of a felony.

The school district must have advance notice that a person, owner, or operator of the business entity has been convicted of a felony. The notice must include a general description of the conduct

resulting in the conviction of a felony.

(b) A school district may terminate a contract with a person or business entity if the district determines that the person or business entity failed to give notice as required by Subsection (a) or misrepresented the conduct resulting in the conviction. The district must compensate the person or business entity for services performed before the termination of the contract.

13.004 State of Texas Government Code Chapter 176 –

Vendors submitting a response to a Blinn College RFB/RFP are responsible for complying with all applicable laws, ordinances and regulations including the provisions of the State of Texas Government Code Chapter 176. As applicable, the person submitting a response to a RFB/RFP must complete and submit a Conflict of Interest Questionnaire form CIQ, in a format approved by the Texas Ethics Commission. This form is to be included with your bid. A copy of the CIQ form can be found at the Texas Ethics Commission Web site.

14.000 UNIFORM & COMMERCIAL CODE:

14.001 This writing and subsequent interview information given and forward to the District shall be a sole and final expression of the agreement between the District and the vendor and is intended also as a complete an exclusive statement of the terms of their agreement. Whenever a term defined by the Uniform Commercial Code is used in this agreement, the definition contained in the Code is controlling.

14.002 This agreement shall be governed by the laws of the State of Texas. By submitting a signed bid, the vendor certifies that the company does not discriminate against any employee or applicant for employment because of race, religion, color, sex, or national origin, and certifies that the company complies with equal employment opportunity regulations.

15.000 ENTIRE AGREEMENT

15.001 This bid document, the authorized purchase order, and/or a signed contract constitute the entire agreement. No other document will prevail.

16.000 CANCELLATION

16.001 Brenham ISD shall have the right to cancel for default all or any part of the undelivered portion of this contract if the Awarded Vendor breaches any of the terms hereof including warranties as bid or if the Awarded Vendor becomes insolvent or commits acts of bankruptcy. Such right of cancellation is in addition to and not in lieu of any remedies which Brenham ISD may have in law or equity.

Bidding questions should be referred to:

Paul Aschenbeck; Director of Facilities
Brenham Independent School District
507 E. Sixth Street
Brenham, TX 77833
(979) 277-3730
Email: paschenbeck@brenhamk-12.net

Felony Conviction Notification

State of Texas Legislative Senate Bill No. 1, Section 44,034, Notification of Criminal History, Subsection (a), states a person or business entity that enters into a contract with a College must give advance notice to the College if the person or an owner or operator of the business entity has been convicted of a felony. The notice must include a general description of the conduct resulting in the conviction of a felony.

(I) (We), the undersigned agent for the firm named below, certify that the information concerning notification of felony convictions has been reviewed by me and the following information furnished is true to the best of my knowledge.

COMPANY NAME: _____

AUTHORIZED PRINTED NAME: _____

Title: _____

Check the appropriate box and sign the form.

☐ My firm is a publicly held corporation, therefore, this reporting requirement is not applicable.

AUTHORIZED SIGNATURE: _____

☐ My firm is not owned nor operated by anyone who has been convicted of a felony.

AUTHORIZED SIGNATURE: _____

☐ My firm is owned or operated by the following individual(s) who has/have been convicted of a felony.

Name of Felony: _____

Details of Conviction(s) _____

AUTHORIZED SIGNATURE: _____

VENDOR CERTIFICATION FORM

1. Vendor hereby acknowledges that it is unlawful to offer, give, agree to give to any person, or solicit, demand, accept, or agree to accept from another person, a bribe, or unlawful gift, benefit, advantage, gratuity, payment, or an offer of employment in connection with or arising from this RFP or subsequent contract.
2. Persons submitting a response to this RFP must comply with all applicable laws, ordinances and regulations including the provisions of the State of Texas "Local Government Code Chapter 176. As applicable, the person submitting a response to this RFP must complete and submit a Conflict of Interest Questionnaire form CIQ, in a format approved by the Texas Ethics Commission. A copy of the form can be found below or at the Texas Ethics Commission web site <http://www.ethics.state.tx.us/forms/CIQ.pdf>
3. Texas Resident Information: Chapter 2252, Subchapter A, of the Texas Government Code, establishes certain requirement applicable to proposers who are not Texas Residents. Under the Statute, a "Resident" vendor is one whose principal place of business is in Texas, including one whose ultimate parent company or majority owner has its principal place of business in Texas or employs at least 500 persons in the State of Texas:

Location of Principal Place of Business (City / State) and or Number of employees based in Texas:
Address _____

Or Number of Employees that reside in Texas: _____

4. **Debarment Certification:** Vendor certifies neither the owner or principal owner has been debarred, suspended, or otherwise made ineligible for participation in Federal Assistance programs under Executive Order 12549 "Debarment and Suspension" as described in the Federal Register and Rules and Regulations:

___ No, Vendor is not currently debarred, suspended or otherwise ineligible.
___ Yes, Vendor is currently debarred, suspended or otherwise ineligible.
5. In accordance with Chapter 2270 of the Texas Government Code, by accepting this contract, you verify that your firm does not Boycott Israel, and agree that during the term of this agreement will not Boycott Israel as that term is defined in the Texas Government Code, Section 808.001 as amended.
6. Texas Government Code, Subchapter F, Prohibition on Contracts with Certain Companies, Section 2252.152, Vendor certifies they do not do business with companies engaged in business with Iran, Sudan, or Foreign Terrorist Organization that is identified on a list prepared and maintained under Section 806.051, 807.051, or 2252.153.

VENDOR CERTIFICATION. The undersigned, on behalf of Vendor, certifies that this proposal is made without previous understanding, agreement or connection with any person, firm, or corporation submitting a proposal on the same project, and is in all respects fair and without collusion, fraud, or unlawful acts.

It is further certified that the person whose signature appears below is legally empowered to bind the Company in whose name the proposal is entered.

Submitted this _____ day of _____, 2017 by and for the Company identified as follows:

Signature: _____

Printed Name: _____

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

CERTIFICATE OF INTERESTED PARTIES FORM (HB 1295)

The Texas Government Code §2252.908, and the rules issued by the Texas Ethics Commission found in Title 1, Sections 46.1, 46.3 and 46.5 of the Texas Administrative Code, require a business entity to Complete and print Form 1295, which will include a certification of filing that will contain a unique certification number. The completed Form 1295 with certification of filing must be filed with the governmental body or state agency with which the business entity is entering into the contract.

Form 1295 must be completed online. In Box 3 of the form, provide the solicitation number, contract number or contract name. The form is available from the Texas Ethics Commission by accessing the following web address:

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

Print your completed Form 1295 showing the Certification Number and Date Filed in the Certification of Filing box at the upper right corner. Sign Form 1295 in front of a notary and submit it with your response to this solicitation.

The following definitions found in the statute and Texas Ethics Commission rules may be helpful in completing Form 1295.

“Business entity” includes an entity through which business is conducted with a governmental entity or state agency, regardless of whether the entity is a for-profit or nonprofit entity. The term does not include a governmental entity or state agency.

“Controlling interest” means: (1) an ownership interest or participating interest in a business entity by virtue of units, percentage, shares, stock, or otherwise that exceeds 10 percent; (2) membership on the board of directors or other governing body of a business entity of which the board or other governing body is composed of not more than 10 members; or (3) service as an officer of a business entity that has four or fewer officers, or service as one of the four officers most highly compensated by a business entity that has more than four officers.

“Interested party” means: (1) a person who has a controlling interest in a business entity with whom a governmental entity or state agency contracts; or (2) a person who actively participates in facilitating a contract or negotiating the terms of a contract with a governmental entity or state agency, including a broker, intermediary, adviser, or attorney for the business entity.

“Intermediary”, for purposes of this rule, means a person who actively participates in the facilitation of the contract or negotiating the contract, including a broker, adviser, attorney, or representative of or agent for the business entity who:

- (1) receives compensation from the business entity for the person’s participation;
- (2) communicates directly with the governmental entity or state agency on behalf of the business entity regarding the contract; and
- (3) is not an employee of the business entity.

RFP #2023-002 BID SHEET

Name of Vendor: _____

Alton Elementary School: 1210 South Market

- Provide prep work for site (call 811 for flagging)
- Remove existing fencing where indicated (indicate a credit for trade)
- Provide and install 6' commercial grade galvanized perimeter fencing and posts
- Extend existing wrought iron to 6'
- Provide and install three counter-lever style drive gates and one single swing style gate (one counter-lever gate and the swing gate need to be electronic)
- Provide and install four pedestrian gates constructed to fit a panic bar, card reader and closer. (panic bar, reader and closer to be provided by the district.

Total Alton Elementary: \$ _____

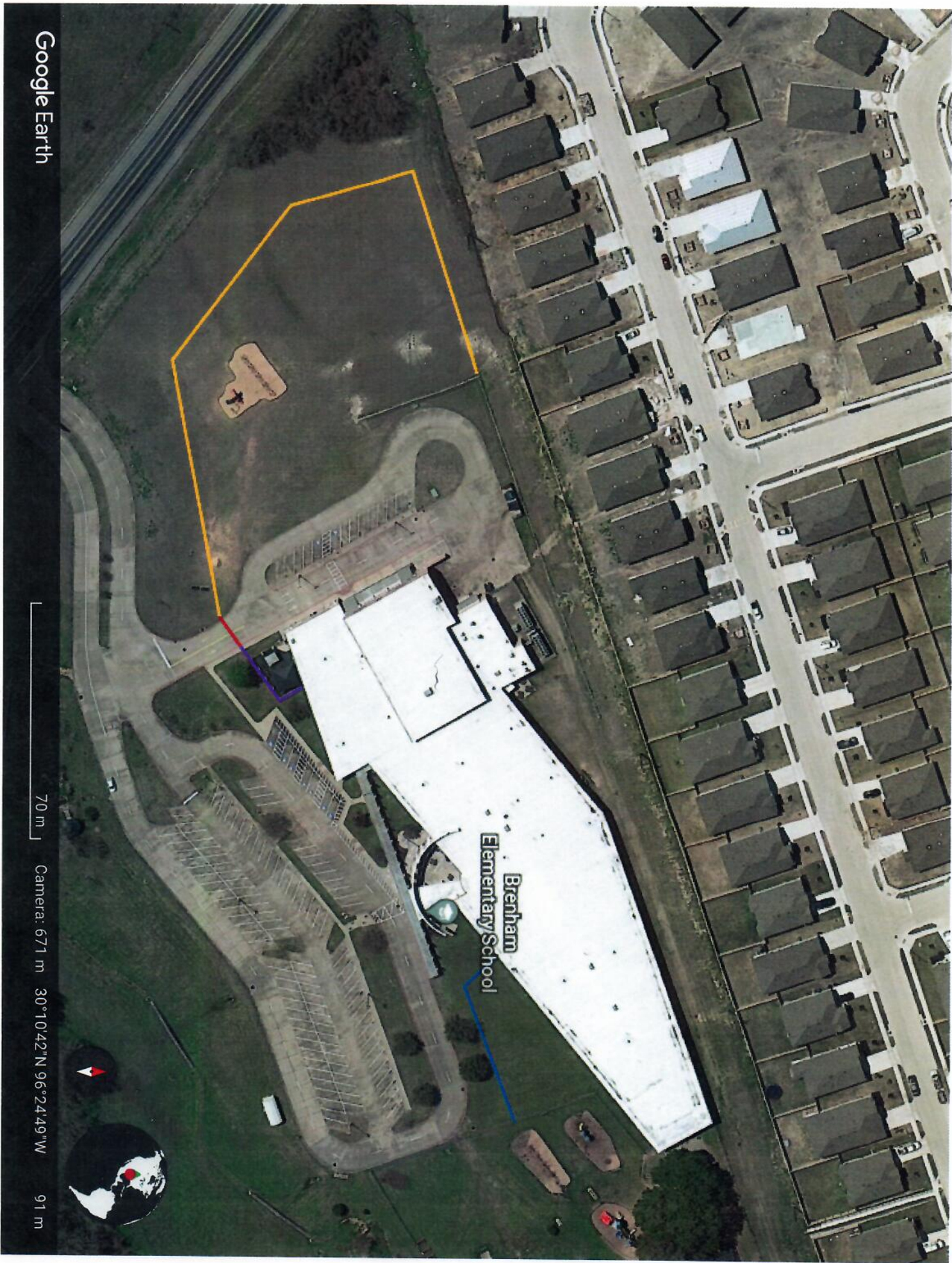
Brenham Elementary School: 1000 W. Blue Bell Road

- Provide prep work for site (call 811 for flagging)
- Provide and install 6' commercial grade galvanized perimeter fencing and posts where indicated
- Provide and install one electronic drive gate
- Extend wrought iron fence to 6' where indicated
- Relocate 6' chain link fencing where indicated

Total Brenham Elementary: \$ _____

Grand Total of both projects: \$ _____





Google Earth

70 m

Camera: 671 m 30°10'42"N 96°24'49"W

91 m