REQUEST FOR PROPOSALS (RFP): RFP#CG-EBLCS20R
ETCOG Broadband Legal Counsel Services 2020 RFP

Date Released: July 29, 2020

Proposal Due: August 26, 2020, 11:30 A.M. (CDT)

David A. Cleveland, Executive Director
PARTICIPATION FORM
(updated 7-23-20)

Request for Proposals: CG-EBLCS20R ETCOG Broadband Legal Counsel Services 2020 RFP

PARTICIPATION OPTIONS: This is a ‘participation’ form only. If participating, Proposers must 1) Choose a submission option below prior to submitting a proposal and then 2) Email their participation form accordingly to the appropriate email address identified in the following submission options: (facsimile or emailed proposals are not allowed)

☐ Hardcopy RFP: Proposal will be submitted by hardcopy and all hardcopy requirements as referenced in the RFP will be followed and adhered to, and this participation form will be emailed to patricia.hudspeth@etcog.org now and not as part of the RFP proposal.

☐ Digital Upload: Proposal will be submitted by digital upload and this participation form will be emailed to procurements@etcog.org pursuant to all digital upload requirements as referenced in the RFP in order to receive an ‘access link’ to upload a proposal and all related materials.

Please provide the following information:

☐ Yes, Proposer will participate by the chosen option above. The bid document received by:

☐ Emailed Bid Invitation ☐ Legal Ad ☐ Web Posting ☐ Other

☐ No, the entity will not be participating in this RFP process for the following reason(s):

☐ However, please keep the entity active to receive future bidding opportunities.

PROPOSER INFORMATION: Date: ______________________

Entity Name: _____________________________________________

Contact Name: _____________________________________________

Address: _________________________________________________

City: ___________________ State: ___________ Zip: _____________

Contact Phone: ___________________ Fax: _______________________

Contact Email: _____________________________________________
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SECTION I. GENERAL INFORMATION

INTRODUCTION

East Texas Council of Governments (ETCOG) was organized under state law for the purpose of orderly planning and development of the East Texas Region. Currently ETCOG serves a 14-county area including Anderson, Camp, Cherokee, Gregg, Harrison, Henderson, Marion, Panola, Rains, Rusk, Smith, Upshur, Van Zandt and Wood Counties and its member Governments are comprised of counties, cities, school districts and special purpose districts. ETCOG assists local governments in planning for common needs, cooperating for mutual benefit and coordinating sound regional development. Either directly or through contractors, ETCOG provides programs and services for East Texas seniors, employers and job seekers. ETCOG also builds the 9-1-1 emergency call delivery system, provides peace officer training and homeland security planning services; and delivers rural transportation services, business finance programs, grant writing services and environmental grant funding for the region.

PURPOSE

The East Texas region acknowledges that affordable Broadband service to every business is critical to the continued current and future economic success of our region. Therefore, by the close of the year 2030, no less than 90 percent of our regions’ businesses, healthcare facilities, and educational institutions will have access to the marketplace equivalent of gigabit internet service as it exists in 2020, at an affordable cost within the reach of the average small business within our region.

East Texas Council of Governments (ETCOG) will develop a regional broadband strategic plan for unserved and underserved rural areas of East Texas. This initiative will address the broadband infrastructure needs of East Texas’ businesses by applying a systematic and innovative methodology that will serve as a “test case” demonstration project for other rural areas throughout Texas. This request for proposal (RFP) is for legal services to be provided East Texas Council of Governments and its contractor TDC2, LLC.

ETCOG is seeking to secure uniquely qualified Legal Counsel to provide legal analysis of and support for this Broadband Strategic Planning Project. It’s anticipated up to 70 individual broadband improvement projects will be identified through this effort. The role of legal counsel will be to review each proposed project for compliance with applicable federal and state laws. Counsel must have expertise in Federal and Texas State broadband and telecommunications statutory compliance, exposure to municipal broadband system development, and expertise in private/public projects.

CONTRACT TERM

Term period for any resulting contract or service agreement to be thirty-six (36) months initially, with the option to extend the agreement for up to one (1) year with the written agreement of both parties.

PAYMENT TERMS:

Payment terms are NET 30 upon receipt of invoice by email to a.p.@etcog.org, attention Accounts Payable, ETCOG Financial Services.
SECTION II. PROPOSAL INFORMATION

SCOPE OF SERVICES

The scope of work is expected to include, but is not limited to include the following:

1. Possess a strong understanding of all current State and Federal Government broadband legislations and regulations;

2. Provide advice, counsel, services, and consultation on all Broadband Projects Proposed for consideration to be included within the final Strategic plan to ensure that all projects are consistent with all applicable State, Federal, and Local laws and regulations;

3. Provide a thorough review of State, Legal, and Federal regulations regarding telecommunications ownership and the options that ETCOG can utilize and/or must comply with;

4. Identify State, Federal, and Local permitting requirements including environmental impact and special use permits that may be needed for any of the proposed projects;

5. Draft legal documents as needed or required to ensure compliance and implementation of the strategic broadband project;

6. Provide legal counsel and representation regarding any other needs or requirements that may arise during implementation of the strategic broadband project;

7. Participate in presentations to governing bodies as required or needed;

8. Answer requests for legal opinions, in writing and verbally including availability to answer questions by telephone or email; and,

9. Become part of a planning team consisting of members of ETCOG and TDC2 when applicable and perform services required to achieve the vision and purpose of the East Texas Broadband Initiative.

PROPOSER QUALIFICATIONS

1. Provide company details to include company name, location, size, structure, years in business, (etc.) and areas of practice.

2. Provide history of firm’s experience in legal counsel specific to telecommunication and broadband projects.

3. Provide history of firm’s experience working with and representing state and local government agencies and institutions.

PROPOSER EXPERIENCE

1. Demonstrate specialized knowledge and expertise by providing details of telecommunication and broadband projects supported by legal counsel and representation within the last three (3) years.
2. Briefly describe legal measures taken or provided regarding, i.e. regulatory compliance, Federal Communication Commission laws and regulations, state barrier entry regulations, anticompetitive practices (etc.), of broadband projects Proposer has been involved in. What was the outcome.

**COST FOR SERVICES**

Performance of 95% of legal services rendered is intended to be conducted virtually, telephonically, or by email. Therefore, Proposers are to submit a budget based on an **hourly rate** for proposed legal counsel with minimal travel expenses. Breakdown of services to be provided preferred.

**PROPOSAL EVALUATION**

Proposals will be evaluated using a pre-determined point method to rank which proposers are most likely to meet/exceed RFP requirements. In addition, ETCOG reserves the right to contact any source regarding vendor reputation, product/service quality, work history, and past performance or any other factor to best evaluate/award the proposal that best meet ETCOG needs and clients served.

**EVALUATION CRITERION**

<table>
<thead>
<tr>
<th>CRITERIA TABLE</th>
<th>POINTS</th>
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<tbody>
<tr>
<td>Proposer Qualifications</td>
<td>20</td>
</tr>
<tr>
<td>Proposer Experience</td>
<td>60</td>
</tr>
<tr>
<td>Cost of Services</td>
<td>20</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100</strong></td>
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**NOTE:** A composite grade will be given for the following chart criteria of 0-100. Proposals will be scored numerically and ranked from ‘highest to lowest’ and the number of proposals selected for consideration to be at the sole discretion of ETCOG. The ratings will be based on the qualifications provided in the proposal by the closing date/time of the RFP.

**AWARD TERMS:**

- ETCOG reserves the right to ask questions and hold individual interviews with Proposers by teleconference at ETCOG’s sole discretion at any given time during the evaluation process to determine the proposal which best meets the procurement needs being sought to best benefit ETCOG and programs served.
- ETCOG reserves the right to request additional information or clarifications from Proposers or to allow corrections of non-material errors or omissions at ETCOG’s sole discretion.
- ETCOG reserves the right, should contract negotiations fail, to begin negotiations with the next highest ranked Proposer and shall continue in like manner until successful negotiations have been reached to the best benefit of ETCOG with the lowest bidder deemed the most reliable, and qualified of Proposer(s).
**AWARD NOTIFICATION**

- It is expected a decision on selecting the successful Proposer will be on October 1, 2020. (date subject to change)

- Upon award of successful Proposer(s), notification will be sent to all Proposers who responded to this RFP.

**PROPOSAL FORMAT**

RFP proposal shall be presented in the order below and must provide the following:

1. Cover page with company name, address, phone number, and e-mail address of submitted proposal contact person.

2. Completed copies of: (must return)
   a. References (Attachment A)
   b. Signature Page (p. 16)
   c. Conflict of Interest (CIQ) - (Attachment B)
   d. Customer Service Creed – (Attachment C)
   e. All pages requiring signatures, initials, and checkmarks

**RFP TIMELINE SCHEDULE** (all timelines are subject to change) (CDT Time Zone)

<table>
<thead>
<tr>
<th>Event</th>
<th>Date/Time</th>
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<tbody>
<tr>
<td>RFP Advertisement/Bid Release</td>
<td><strong>Wednesday, July 29, 2020</strong></td>
</tr>
<tr>
<td>Pre-Bid Conference</td>
<td>Wednesday, August 5, 2020 (10:30 A.M.)</td>
</tr>
<tr>
<td>Deadline Questions Due</td>
<td>Monday August 10, 2020</td>
</tr>
<tr>
<td>Staff Responses Post</td>
<td>Thursday, August 13, 2020</td>
</tr>
<tr>
<td>Digital ‘Access Code’ Cut-Off</td>
<td>Tuesday, August 25, 2020 (11:00 A.M.)</td>
</tr>
<tr>
<td><strong>RFP Due/BID Open</strong></td>
<td><strong>Wednesday, August 26, 2020 (11:30 A.M.)</strong></td>
</tr>
<tr>
<td>Evaluation Commences</td>
<td>Thursday, August 27, 2020</td>
</tr>
<tr>
<td>Award Recommendation</td>
<td>Monday, August 31, 2020 (1:30 P.M.)</td>
</tr>
<tr>
<td>Executive Committee</td>
<td>Thursday, September 3, 2020</td>
</tr>
</tbody>
</table>

**PRE-BID CONFERENCE:** The Pre-Bid conference provides an opportunity for Proposers to ask questions relating to the RFP scope and requirements with key ETCOG staff in attendance to provide responses which may prove helpful to better prepare RFP proposals. However, COVID-19 safety precautions will be in place and the wearing of masks is required while visiting ETCOG.

**PROPOSAL OPENING:** RFP submissions will be received until the deadline date/time as stated above under ‘RFP Due/Bid Open’. Public attendance is allowed. However, COVID-19 safety precautions will be in place and the wearing of masks is required while visiting ETCOG.

**Telephone, email, and facsimile proposals are not allowed in response to this RFP.**

- All submitted proposals become the property of ETCOG after the RFP deadline/opening date.

- Responses submitted shall constitute an offer for a period of ninety (90) calendar days or until a preferred selection for award is approved by ETCOG, whichever comes first.
• All programs and employers under the auspices of ETCOG are following EEO. Auxiliary aids and services are available, upon request, to individuals with disabilities.

**PROPOSAL INSTRUCTIONS**

**HARD-COPY SUBMISSION:**

RFP proposals must be clearly identified on the outermost return envelope/packaging and received by the proposal date/time of **11:30 A.M., August 26, 2020**, regardless if by mail, courier/delivery services, or hand delivered, at:

East Texas Council of Governments (ETCOG)
Attn: Trish Hudspeth, Strategic Procurement
3800 Stone Road, Kilgore, TX 75662

*Write: Company Name, RFP# CG-EBLCS20R, August 26, 2020, in bottom left-hand corner of the outermost Return Envelope/Package*

**NOTICE:** Email and facsimile RFPs are not allowed and will not be accepted.

1. Proposers shall submit one (1) original hardcopy of their proposal marked ‘Original’ along with four (4) copies marked ‘Copy’ and must include one (1) electronic copy of the complete RFP proposal and any related documentation scanned or compiled into a single PDF document on a USB Flash Drive. **Note:** Please do not use 3-ring binders for RFP of bids.

2. It is the Proposer’s sole responsibility to prepare, submit, and deliver or arrange delivery of the RFP proposal with all required exhibits and materials intact and delivered to the designated location on or before the published proposal deadline.

3. ETCOG will not bear liability for any costs incurred in the preparation of proposals in response to this RFP process.

4. RFP submission deadline **time** will be determined by the ETCOG lobby clock.

5. Courier or delivery services may not deliver directly to the specified department location; therefore, it is strongly recommended:

   • Proposers should allow sufficient time for delivery of proposal prior to the published deadline to the location specified in the **RFP Timeline Schedule, p. 7.**

   • Proposers understand that failure to submit a proposal by designated deadline, for whatever reason, may not be grounds for disputing the procurement solicitation process or any resulting contract award.

It is the Proposer’s responsibility to ensure any addenda or additional materials pertinent to their proposal be included in or with their RFP submission. ETCOG will not be held liable for missing addenda or materials at the time of the bid opening and said addenda or additional materials will not be accepted past the RFP submission deadline date and time. **Note:** Submitted proposals after the RFP deadline date/time will not be accepted.
DIGITAL UPLOAD SUBMISSION:

Digital Access Link – Proposers have until the designated **cut-off** time of **11:00 A.M., August 25, 2020**, if not sooner, to return their ‘Participation Form’ (p. 2) to procurements@etcog.org in order to receive an ‘access link’ to upload a digital proposal in this RFP process. Failure to acquire an ‘access link’ by the cut-off deadline will not allow digital upload of a proposal.

Digital Upload Instructions – Proposers have until **11:30 A.M., Wednesday, August 26, 2020**, if not sooner, to upload a proposal and all related materials to their dedicated upload folder.

The submitted proposal must be a ‘**complete**’ RFP submission with all related bid documentation, scanned or compiled, into a single PDF document. In addition, a Proposer who has been previously provided an ‘access link’ fails to digitally upload a proposal by the designated bid opening their digital submission will not be accepted and will remain unopened and treated as a ‘No-Bid’ for noncompliance.

**SUBMITTAL TERMS**

1. It is the Proposer’s sole responsibility to prepare the RFP submission, whether digital or hard copy, with all required exhibits and materials included by or before the referenced ‘RFP Due/Bid Open’ deadline (p. 7).

2. ETCOG will not bear liability for any costs incurred in the preparation of proposals or any responsibility in the transmission or delivery of responses to this RFP.

3. RFP submission deadline **time** will be determined by the recorded upload date/time or the ETCOG lobby clock, whichever is applicable to submission method.

4. It is the Proposer’s responsibility to ensure any addenda or additional materials pertinent to their proposal be included in or with their RFP submission. ETCOG will not be held liable for missing addenda or materials at the time of the ‘Bid Open’ (p. 7) and said addenda or additional materials will not be accepted past the bid opening submission deadline date and time.

**RFP RETRIEVAL**

The RFP document, RFP updates, and additional RFP information or amendments will be posted on the ETCOG website and may be retrieved by clicking on ‘ETCOG Broadband Legal Counsel Services 2020 RFP’ at http://www.etcog.org/procurements. If problems obtaining this RFP are experienced, please request an RFP copy via email to Trish Hudspeth at: patricia.hudspeth@etcog.org.

**PROPOSER COMMUNICATION**

**QUESTIONS:** As referenced under **RFP Timeline Schedule**, p. 7, Proposer questions are due by **August 10, 2020**. Proposer questions, requests and/or inquiries for additional information regarding this RFP process must be emailed to Trish Hudspeth, Facilitator at: patricia.hudspeth@etcog.org and no one else.

Upon issuance of this RFP, and in adherence to the above, all forms of communication for clarification from anyone other than the Facilitator of this RFP process, including ETCOG staff, are not allowed and will not be addressed. In addition, communication regarding this RFP with other potential proposers who may respond competitively, is prohibited. **Note:** Technical questions regarding the RFP document or process may be asked at any time and sent to patricia.hudspeth@etcog.org to be addressed.
Failure to observe the above restriction(s) may result in disqualification of a Proposer bid proposal(s). However, this restriction does not preclude discussions between affected parties for conducting business unrelated to this RFP proposal process.

RESPONSES: Proposers must go online at http://www.etcog.org/procurements and click on ‘ETCOG Broadband Legal Counsel Services 2020 RFP’ to retrieve responses to all questions asked, no earlier than August 13, 2020.

Please Note: Proposers will not receive a personal response to question(s), unless technical in nature, but must retrieve posted staff responses online to the benefit all Proposers. Therefore, it is the sole responsibility of Proposers to review the ETCOG website periodically for RFP responses to questions, RFP amendments, updates (etc.).

SEALED BID PROCESS

ETCOG reserves the right to a closed RFP process for proposal review/analysis and award recommendation procedures to the best interest of and best benefit to ETCOG as well as ensure the best competitive edge for all parties, and in accordance to Texas Local Government Code:

Sec. 252.049. CONFIDENTIALITY OF INFORMATION IN BIDS OR PROPOSALS. (a) Trade secrets and confidential information in competitive sealed bids are not open for public inspection. (b) If provided in a request for proposals, proposals shall be opened in a manner that avoids disclosure of the contents to competing vendors and keeps the proposals secret during negotiations. All proposals are open for public inspection after the contract is awarded, but trade secrets and confidential information in the proposals are not open for public inspection.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

In addition, and in accordance to Government Code, Chapter 552. Public Information:

Sec. 552.104. EXCEPTION: INFORMATION RELATED TO COMPETITION OR BIDDING. (a) Information is excerpted from the requirements of Section 552.021 if it is information that, if released, would give advantage to a competitor or bidder. (b) The requirement of Section 552.022 that a category of information listed under Section 552.022(a) is public information and not excepted from required disclosure under this chapter unless expressly confidential under law does not apply to information that is excepted from required disclosure under this section.


HUB BEST PRACTICES

ETCOG shall ensure that small, minority, disadvantaged, and women’s businesses are considered as sources for acquisitions whenever possible by:

• choosing the HUB organization in the case of tie bids;
• soliciting these businesses whenever they are potential sources;
• when economically feasible, dividing total desired services into smaller components to permit maximum participation by these businesses;
• if the requirement permits, establishing delivery schedules that will encourage small, minority, disadvantaged, and women’s businesses to participate; and
• using the services and assistance of the Small Business Administration or the Minority Business Development Agency, as needed.

Proposer is encouraged to make a good faith effort to consider HUBs when subcontracting. Some methods for locating HUBs include:
• utilizing the Texas Comptroller of Public Accounts website http://www.window.state.tx.us/procurement/cmbi/cmbihub.html;
• utilizing Web sites or other minority/women directory listings maintained by local Chambers of Commerce;
• advertising subcontract work in local minority publications; and/or contacting the contracting state agency for assistance in locating available HUBs.

SECTION III. ETCOG GENERAL PROVISIONS

A. ETCOG reserves the right for any contract or service agreement resulting from this RFP to be contingent upon the continued availability of funding.

B. ETCOG reserves the right to select more than one Proposer if deemed to best benefit ETCOG.

C. ETCOG reserves the right accept or reject any bid proposal received, as well as, cancel the RFP at any time during the bid process due to unforeseen irregularities or due to low response or procurement needs not being met by submitted proposals, as well as, modify or waive any provisions set forth in this RFP for any reason and all herein mentioned without notice to anyone if deemed in the best interests of ETCOG.

D. This RFP does not commit or obligate ETCOG to underwrite any costs incurred in the preparation of a response or in advance of the execution of a contract.

E. Conflict of interest is a serious issue. Proposers may not hire ETCOG management or support staff, or policy board members that were involved in the evaluation and/or selection process under this proposal. Proposers must sign and submit Conflict of Interest form (Attachment B).

F. ETCOG reserves the right to have final say in the final terms of any potential service agreement or contract as a result of this RFP, to include but not limited to, any essential clauses or certifications in this RFP. The bid RFP must have original signatures of the person(s) having the authority to bind the organization to a contract or it may be rejected for non-compliance.

G. ETCOG reserves the right to claim ownership of any bid submitted in response to this RFP to be the property of ETCOG, and is not obligated to return bid RFPs, binders or exhibits to Proposers.

H. Proposers should not include proprietary information or trade secrets. Information submitted may be subject to disclosure under the Texas Open Records Act, it will be the responsibility of the Proposer to seek an exemption from disclosure and file any necessary documents with the Attorney General.

I. Pursuant to protocol to advise of the right to appeal, a protest must be submitted to ETCOG’s Executive Director within ten (10) calendar days of the time the basis of the protest became known and said protest(s) limited to: 1) violations of federal law or regulations; 2) violations of State or local law under the jurisdiction of State or local authorities; and 3) violations of ETCOG’s protest procedures
for failing to review a complaint or protest. The protest must be submitted in writing and must identify the protestor, the solicitation being protested and specifically identify the basis for the protest, providing all pertinent information regarding the solicitation, contract and/or actions of ETCOG.

J. All programs and employees under the auspices of ETCOG are in compliance with EEO. Auxiliary aids and services are available, upon request, to individuals with disabilities.

K. Proposers are required to adhere to the principles as set forth in the ‘ETCOG Customer Service Creed’, Attachment C, p. 19, whenever communicating or conducting business with ETCOG staff, contractors, sub-contractors, customers, or anyone else related to conducting business with ETCOG. To do otherwise may result in vendor performance issues.

L. Vendor performance is a serious concern; therefore, proposers are advised and understand that non-compliance to contractual responsibilities and obligations resulting from this RFP will be subject to a formal ‘Vendor Performance Process’ that may result in cancellation of a contract and no allowed participation in any future bidding opportunities with ETCOG for a minimum of three (3) consecutive years or ever, depending upon the seriousness of the vendor performance infraction to be determined solely by ETCOG.

SECTION IV. ESSENTIAL CLAUSES AND CERTIFICATIONS
The following essential clauses and certification statements must be acknowledged and affirmed by original signature of an authorized official or representative with full signing authority to affirm Proposer’s standing in regard to: (1) certification for lobbying, (2) certification for debarment, (3) certification for Texas Corporate Franchise Tax, and furthermore, Proposer must also be in full agreement and compliance of general essential clauses. Failure to return any pages requiring authorized signature(s) will cause bid RFP or proposal to be null and void.

Funding Out
Funding is contingent upon the continued availability of funds as appropriated by state and/or federal sources. If funds become unavailable through lack of appropriations, legislative or executive budget cuts, amendment of the Appropriations Act, state agency consolidations, or any other disruption of current appropriations, Proposers will not hold liable ETCOG for payment or damages other than payment owed to Proposer for service already provided at the time of said notice.

Equal Opportunity
ETCOG is an equal opportunity employer. All programs under the auspices of the Workforce Solutions East Texas Board are equal opportunity entities. Contractor represents and warrants that it shall not discriminate against any person on the basis of race, color, national origin, creed, religion, political belief, sex, sexual orientation, age, and disability in the performance of this Contract.

Antitrust
Neither Proposer nor firm, corporation, partnership, or institution represented by Proposer or anyone acting for such firm, corporation, or institution has (1) violated the antitrust laws of the State of Texas under Texas Business & Commerce Code, Chapter 15, or the federal antitrust laws; or (2) communicated the contents of this REQ either directly or indirectly to any competitor or any other person engaged in the same line of business during the procurement process for this RFP.

Conflict of Interest Questionnaire (Attachment B)
Chapter 176 of the Texas Local Government Code requires Proposers and consultants contracting or
seeking to contract with ETCOG to file a conflict of interest questionnaire (CIQ) if they have an employment or other business relationship with an officer of ETCOG or an officer’s close family member. The CIQ must be completed and filed with the bid/quote response if an employment or business relationship defined in the law exists.

**Abandonment or Default**
If the successful Proposer defaults on a contract resulting from this RFP, ETCOG reserves the right to cancel the contract without notice and either re-solicit or re-award the contract to the next best responsive and responsible Proposer. The defaulting Proposer will not be considered in the re-solicitation and may not be considered in future solicitations for the same type of work, unless the specifications or scope of work significantly changed. The period of suspension will be determined by the agency based on the seriousness of the default.

**Buy Texas**
In accordance with Texas Government Code, Section 2155.4441, the State of Texas requires that during the performance of a contract for services, Contractor shall purchase products and materials produced in the State of Texas when available at a price and time comparable to products and materials produced outside the state.

**Liability for Property Damage**
Successful Proposer shall be liable for all damages to ETCOG owned, leased, or occupied property and equipment caused by Proposer and its employees, agents, subcontractors, and suppliers, including delivery or cartage company, in connection with any performance pursuant to a Contract as a result of this RFP. The Proposer shall notify ETCOG Contract Manager in writing of any such damage within one (1) calendar day.

**Limitation on Authority; No Other Obligations**
Successful Proposer shall have no authority to act for or on behalf of ETCOG except as expressly provided for in a contract or agreement resulting from this RFP; no other authority, power, or use is granted or implied. Successful Proposer may not incur any debts, obligations, expenses, or liabilities of any kind on behalf of ETCOG.

**Liability for Taxes**
Successful Proposer represents and warrants that it shall pay all taxes or similar amounts from any contract or agreement resulting from this RFP, including, but not limited to, any federal, State, or local income, sales, or excise taxes of successful Proposer or its employees. ETCOG shall not be held liable for any taxes resulting from the Successful Proposer executing the performance of any contract or agreement.

**Force Majeure**
Neither Proposer nor ETCOG shall be liable to the other for any delay in, or failure of performance, of any requirement included in a contract resulting from this RFP caused by force majeure. The existence of such causes of delay or failure shall extend the period of performance until after the causes of delay or failure have been removed provided the non-performing party exercises all reasonable due diligence to perform. Force majeure is defined as acts of God, war, fires, explosions, hurricanes, floods, failure of transportation, or other causes that are beyond the reasonable control of either party and that by exercise of due foresight such party could not reasonably have been expected to avoid, and which, by the exercise of all reasonable due diligence, such party is unable to overcome. Each party must inform the other in writing,
with proof of receipt, within three (3) business of the existence of such force majeure, or otherwise waive this right as a defense.

**Texas Corporate Franchise Taxes**
Pursuant to Article 2.45, Texas Business Corporation Act, State agencies may not award grants to for-profit corporations that are delinquent in making state franchise tax payments.

The undersigned (p. 16) certifies that the designation marked below applies to its business entity:

- The entity is a non-profit corporation or is otherwise not subject to payment of franchise taxes to the State of Texas.
- The entity is a for-profit corporation and certifies that it is not delinquent in its franchise tax payments to the State of Texas.

**Lobbying**
This certification is required by the Federal Regulations, implementing Section 1352 of the Program Fraud and Civil Remedies Act, Title 31 U.S. Code, for the Department of Agriculture (7 CFR Part 3018), Department of Labor (29 CFR Part 93), Department of Education (34 CFR Part 82), Department of Health and Human Services (45 CFR Part 93).

The undersigned (p. 16) certifies that:

1. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, the extension, continuation, renewal, amendment, or modification of any federal grant award, grant, loan or cooperative agreement.

2. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with this federal grant award, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including subgrant awards, subgrants, and grant awards under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

**Debarment, Suspension, and Other Responsibility Matters**
This certification is required by the Federal Regulations, implementing Executive Order 12549, Government- wide Debarment and Suspension, for the Department of Agriculture (7 CFR Part 3017), Department of Labor (29 CFR Part 98), Department of Education (34 CFR Part 85), Department of Health and Human Services (45 CFR Part 76).
The undersigned (p. 16), certifies that neither it nor its principals:

(1) Are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or Agency.

(2) Have not within a three-year period preceding this grant award been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or Local) transaction or grant award under a public transaction, violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity with commission of any of the offenses enumerated in Paragraph (2) of this certification; and,

(4) Have not within a three-year period preceding this grant award had one or more public transactions terminated for cause or default.
SECTION V. SIGNATURE PAGE

Acknowledgement of Essential Clauses and Certifications – The Essential Clauses and Certifications are a material representation of fact upon which reliance is placed when entering into any contract or agreement resulting from this RFP. The return of these required documents signed with original signatures by an authorized representative of Proposer are prerequisites for finalizing the award and must be returned with the proposal. Failure to do so may deem a proposal null and void, at the sole discretion of ETCOG and programs served.

Where the undersigned Proposer is unable to certify to any of the statements above, a valid and just explanation must be attached, or proposal will be rejected.

Affirmation of ETCOG Essential Clauses and Certifications - The undersigned certifies the indicated statements and essential clauses are true and correct and further understands that making a false statement and/or proclamation of compliance is a material breach of any subsequent award or service agreement and is grounds for award cancellation.

PROPOSER SIGNATURE

The undersigned hereby certifies and warrants that he/she has been fully authorized to execute this proposal on behalf of their firm and to legally bind the firm to all the terms, performances, and provisions as herein set forth.

Signature ________________________________ Date ________________________________

Typed Name and Title of Authorized Representative

______________________________
ATTACHMENT A

REFERENCES

Please provide three (3) references, other than ETCOG, who can verify performance as a vendor/service provider/contractor. References from similar firms for whom your organization has provided similar or like services specific in nature to this RFP considered a plus.

NOTE: Inaccurate, obsolete, or negative responses may result in rejection of quote proposals.

Reference One:
Company Name: ________________________________________________
Address: _____________________________________________________
Contact Person/Title: __________________________________________
Phone: ___________________________ Email: _______________________
Scope of Work Performed: ______________________________________
Contract Period: ______________________________________________

Reference Two:
Company Name: ______________________________________________
Address: _____________________________________________________
Contact Person/Title: __________________________________________
Phone: ___________________________ Email: _______________________
Scope of Work Performed: ______________________________________
Contract Period: ______________________________________________

Reference Three:
Company Name: ______________________________________________
Address: _____________________________________________________
Contact Person/Title: __________________________________________
Phone: ___________________________ Email: _______________________
Scope of Work Performed: ______________________________________
Contract Period: ______________________________________________
CONFlict OF INTEREST QUESTIONNAIRE

For vendor or other person doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 1491, 80th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code by a person who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the person 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 person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code.

A person commits an offense if the person knowingly violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.

1. Name of person who has a business relationship with local governmental entity.

NOTE: Write “N/A” if no CIQ relationship applies and sign below as verification

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 the originally filed questionnaire becomes incomplete or inaccurate.)

3. Name of local government officer with whom filer has employment or business relationship.

Name of Officer

This section (item 3, including subparts A, B, C & D) must be completed for each officer with whom the filer has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ if necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the filer of the questionnaire?

☐ Yes ☐ No

B. Is the filer of the questionnaire receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section AND the taxable income is not received from the local governmental entity?

☐ Yes ☐ No

C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?

☐ Yes ☐ No

D. Describe each employment or business relationship with the local government officer named in this section.

4

Signature of person doing business with the governmental entity Date

Revised 06/03/2016

Adopted 06/26/2007
CUSTOMER SERVICE CREED

Look for a way to say "yes" to the customer within appropriate legal and ethical boundaries.

Strive to exceed customer expectations.

Listen to the customer first; confirm the message and facilitate a solution if requested by the customer.

Approach work with a positive attitude, always looking for ways to improve our service.

Be a candid, kind and encouraging member of the team.

Apply the 4-way test to the things we think, say, or do:

1. Is it the truth?
2. Is it fair to all concerned?
3. Will it build goodwill and better friendships?
4. Will it be beneficial to all concerned?

ORGANIZATIONAL OBJECTIVE

ETCOG pledges all of its resources to be a solutions provider for our members and the citizens of the East Texas region.

Acknowledged and will abide by:

Signature of Company Official

Date