



**Bid# 2022-13**

***Repair Pot Holes in Bethany Park***

***City of Palacios, Texas***

**BID DUE DATE:**

**4:00pm Wednesday, November 2,  
2022**

*City of Palacios, Texas  
311 Henderson, P O Box 845  
Palacios, Texas 77465*

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**CITY OF PALACIOS, TX  
INVITATION FOR BIDS**

In accordance with the Laws of the State of the Texas, City of Palacios is seeking sealed Bids for a pot hole project for Bethany Park.

**SEALED BIDS** addressed to the Finance/HR Manager for City of Palacios, Texas must be received in City Hall at, 311 Henderson, P O Box 845, Palacios, Texas 77565 not later than Wednesday, November 2, 2022 by 4:00PM for the following:

***Repair Pot Holes Project for Bethany Park,  
City of Palacios, Texas  
BID 2022-13***

Solicitation documents are now posted on the City of Palacios Website [www.cityofpalacios.org](http://www.cityofpalacios.org) on the main webpage. Please click on the correct **Bid** to download the Bid document. Only paper responses are allowed for this Bid; facsimiles will not be accepted. Paper documents may also be obtained from the office of the Finance/HR Manager.

All documents relating to this Invitation for Bid including but not limited to, the Bid document, questions and their responses, addenda and special notices will be posted on the City of Palacios website under the **main page** and available for download by Bidders and other interested parties. *It is the Bidders' /respondents' sole responsibility to review this site and retrieve all related documents prior to the Bid due date.*

## BID INSTRUCTIONS

**Bid Requirements:** Respondents shall send two (2) sets of SEALED documents: one with original signatures and one copy. All shall be sealed and marked *BID# 2022-13 Repair Pot Holes for Bethany Park, with your company name and address* and mailed/hand delivered to the address below by the closing date specified. A facsimile transmission is not an acceptable response to this Bid Process and will not be considered.

**City of Palacios**  
**ATTN: Finance/HR Manager**  
**311 Henderson, P O Box 845**  
**Palacios, Texas 77465**

**Sealed Bid Required:** All bids must be sealed when returned to City of Palacios. All proposals must be received in the office of the Finance/HR Manager no later than 4:00P.M.CST, November 2, 2022 (see office address on page 3)

**Addenda** – No oral representations as to the meaning of the bid will be made to any Respondent. Any explanation desired by a Respondent must be submitted in writing. (See questions deadline) Any changes, interpretations, or corrections to this document will be made by addenda. Addendums can be found on the City of Palacios website at [www.cityofpalacios.org](http://www.cityofpalacios.org) on the Main Page.

**Public Bid Opening:** RESPONSES WILL BE received and publicly acknowledged at the City of Palacios at 311 Henderson, Palacios, Texas 77465 at 4:00PM CST November 2, 2022. Respondents, their representatives and interested persons may be present.

**Late bids/proposals/:** Any responses received after the date and/or hour set for in this bid document will not be accepted. The late Respondent will be notified and will advise Finance/HR Manager as to the disposition by either pick up, return at bidder's expense, or destroyed with written authorization.

**Mail & Delivery of bids:** If responses are sent by mail to the Finance/HR Manager, the Respondent shall be responsible for actual delivery of the bid to the Finance/HR Manager before the advertised due date and time. If mail is delayed either in the postal service beyond the date and hour set for the bid opening, responses thus delayed will not be considered and will be disposed of as authorized.

**Questions/Contact Info:** Respondents are encouraged to review this entire bid Document. All questions regarding this bid must be in writing and sent by email to Finance/HR Manager, Tammy McDonald at [tmcdonald@cityofpalacios.org](mailto:tmcdonald@cityofpalacios.org). Contact with other personnel of the city other than the Finance/HR Manager regarding the Request for Proposal may be grounds for elimination from the selection process.

**DEADLINE TO SUBMIT QUESTIONS IS: 4:00 PM CST, NOVEMBER 1, 2022.**

## TERMS & CONDITIONS

### **Late Bids:**

City of Palacios reserves the right to not accept late bids. Each Respondent is responsible for ensuring that responses to this bid have been delivered by the date, time and to the location as specified in this bid document. The receipt of the responses submitted will be acknowledged as received only, and does not constitute any acceptance by City of Palacios as an offer. Documentation will become a part of the City records only after selection is made, if any.

### **Contracting Authority:**

Only the City Council or City Manager of Palacios, Texas acting for a body may enter into any type of agreement or contract on behalf of City of Palacios, Texas. Department heads and/or appointed officials, are not authorized to enter into any type of agreement or contract on behalf of City of Palacios, or to agree to any type of supplemental agreements or contracts for goods or services. Contracts are subject to review by the City's attorney prior to signature by the authorized City official.

### **Disadvantages Business Enterprise (DBE)**

City of Palacios is wholly committed to developing, establishing, maintaining, and enhancing minority business involvement in the total procurement process. The City, its contractors, their suppliers and sub-contractors, vendors of goods, equipment, services, and professional services, shall not discriminate on the basis of race, color, religion, national origin, age, handicap, or sex in the award and/or performance of contracts. However, competition and quality of work remain the ultimate standards in contractor, sub-contractor, vendor service, professional service, and supplier utilization. All vendors, suppliers, professionals and contractors doing business or anticipating doing business with City of Palacios shall support, encourage and implement steps toward our common goal of establishing equal opportunity for all citizens of City of Palacios.

### **Cost of Preparation:**

Costs of preparation of a response to this request are solely those of the Respondent including but not limited to any expenses incurred for interviews, presentations or negotiations. City of Palacios assumes no responsibility for any such costs incurred by the Respondent. The Respondent also agrees that City of Palacios assumes no responsibility for any costs associated with any administrative or judicial proceedings resulting from the solicitation process.

### **Rejection of Responses:**

City of Palacios reserves the right to accept or reject any or all bids, with or without cause, to waive technicalities, or to accept the proposal which, in its sole judgment, best serves the interest of the City, or to award a contract to the next most qualified Respondent if a successful Respondent does not execute a contract within 30 business days after approval of the selection by the City of Palacios.

### **Ethics/Gratuities:**

City of Palacios may, by written notice to the Awarded Respondent, cancel any contract without liability to Awarded Respondent if it is determined by City of Palacios that gratuities, in the form of entertainment, gifts, or otherwise, were offered or given by the Respondent, or any agent or representative of the Respondent, to any officer or employee of City of Palacios with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending, or the making of any determinations with respect to the performing of such a contract. In the event this contract is canceled by City of Palacios pursuant to this provision, City of Palacios shall be entitled, in addition to any other rights and remedies, to recover or withhold the amount of the cost incurred by Awarded Respondent in providing such gratuities.

**Compliance with Bid terms:**

Respondents are cautioned that exceptions to these terms, conditions, and attachments may result in rejection. Any awarded respondent will be expected to execute a contract separate from this document but includes this document as part of the contract.

**Confidentiality:**

Any material that is to be considered confidential in nature must be clearly marked as such and may be treated as confidential to the extent allowable in the Texas Public Information Act. Pricing information is not considered confidential. Trade secrets or confidential information MUST be placed in a separate envelope marked "CONFIDENTIAL INFORMATION" and EACH PAGE must be marked "CONFIDENTIAL INFORMATION". Please be advised that City of Palacios cannot and will not make any agreement to withhold information from the public that is contrary to the City's responsibility under the Act.

**Non-responsive / Bid Rejections**

Bids may be deemed non-responsive, among other reasons, for any of the following reasons:

1. Bids containing inconsistencies
2. Unbalanced value of terms
3. Respondents may be disqualified and not considered, among other reasons, for any of the following specific reasons:
  - Reason for believing collusion exists among the Respondents.
  - Reasonable grounds for believing that any Respondent is interested in more than one submission for the work contemplated.
  - The Respondent being interested in any litigation against the city.
  - The Respondent in arrears on any existing contract or having defaulted on a previous contract.
  - Lack of competency as revealed by a financial statement, experience.
  - Respondent past performance record with City of Palacios.
  - Limited competition.

## SPECIFICATIONS

City of Palacios is requesting sealed bids to contract for repairs to pot holes project in Bethany Park in the City of Palacios, Texas. City of Palacios reserves the right to accept or reject any/all of the bids received and/or purchase from any contract and/or inter-local agreements. The City of Palacios Council and/or City Manager must approve all contracts. This project shall require a Payment Bond, Performance Bond, and a Bid Bond.

**Project includes, but not limited to:**

- Project must follow TXDOT specifications. Please refer to exhibit B.
- Saw cut existing concrete and remove
- Re-grade with sand and install rebar
- Relay new concrete as directed by this specification.
- Concrete Mixture: Compressive strength at 3,000 psi minimum at twenty-eight (28) days; 5.0 bags per cubic yard, minimum; Type 1 Portland Cement; shall meet the requirements of the Texas Department of Transportation standard specification "Item 360" for concrete pavement.
- Reinforcing steel: Number 3 bars at eighteen (18) inch centers supported on metal or plastic chairs.
- Crack Sealing: install a rubberized compound sealant to all cracks and joints or a suitable replacement.
- All work and scheduling of work shall be coordinated and subject to the approval of the Street Superintendent.

Pot Hole Sites:

- 101 Vietnam 36 by 36
- 105 Vietnam 38 by 75
- 107 Vietnam 44 by 88
- 109 Vietnam 63 by 72 and 57 by 75
- 108 Vietnam 286 by 30
- 110 Vietnam 108 by 44
- 111 Vietnam 136 by 54
- 112 Vietnam 70 by 24
- 119 Vietnam 80 by 24
- 124 St. Mary 80 by 144
- 115 St. Mary 54 by 28 and 94 by 48
- 109 St. Mary 170 by 43
- 118 St. Martin 104 by 40 and 75 by 26
- 120 St. Martin 144 by 256
- 122 St. Martin 140 by 256 and 68 by 30
- 124 St. Martin 34 by 26 and 64 by 86
- 100 St. Joseph 46 by 24 and 138 by 48
- 104 St. Joseph 12 by 48; 24 by 24; and 110 by 20
- 115 St. Joseph 24 by 72 and 62 by 56
- 119 St. Joseph 24 by 156; 172 by 58; 96 by 56; and 112 by 72
- Small Holes on St. Mary 2.74 yards
- Small Holes on St. Martin 9.17 yards
- Small Holes on Vietnam 4.48 yards
- Small Holes on St. Joseph 4.49 yards

- **A site visit is highly recommended.**



## **BID EVALUATION**

City of Palacos follows the **Awarding of Contract Statute Sec. 262.027 of the Texas Local Government Code**. Contract will be awarded to the responsive, responsible Bidder submitting the lowest/best bid. The Bidder selected will be notified at the earliest possible date. The City reserves the right to reject any or all bids and to waive any informality in bids received where such rejection or waiver is in its interest.

### Responsive Bids

For a bidder to be eligible for the award of a contract, his or her bid must be responsive. A responsive bid is one that meets the requirements established in the specifications and under the applicable law governing the bidding procedure. The requirements that a bid be responsive is designed to avoid unfairness. A responsive bid is one that conforms to the specifications and does not contain a material variance. To be considered for award, a bid must comply in all materials respects with the invitation for bids. Such compliance enables all bidders to stand on an equal footing and maintains the integrity of the sealed bidding system.

Defects, which disqualify a bid from being responsive:

1. Bid does not meet statutory requirements
2. Late bid or delivered to wrong location
3. Bid not sealed
4. Bid not accompanied at the time of filing by the requisite bid bond or deposit
5. Bid fails to offer what the local government seeks to acquire in the contract
6. Failure to sign bid or related documents
7. Failure to use proper bid form or other bid bond errors
8. Numerical/mathematical errors
9. Failure to acknowledge receipt of addenda
10. Failure to list subcontractors
11. Failure to provide minority utilization information
12. Failure to submit technical materials or other documentation

### Responsible Bids

A responsive bid is one that, if accepted by the local government as submitted will obligate the contractor to perform the exact thing called for in the solicitation. In contrast, responsibility relates to the issue of performance by the contractor in terms of skill experience, financial resources and integrity necessary to complete the requirements of the contract. The concept of responsibility specifically concerns the bidder's performance capability, as opposed to its promise to perform the contract, which is a matter of responsiveness

Categories for determining responsible bidder:

1. Previous experience on projects similar in size and capacity
2. Fiscal capacity
3. Availability and qualifications of key personnel scheduled to work on project
4. Availability of equipment required for project
5. Ability to accomplish this project on schedule and in accordance with plans,
6. Names, availability, and qualifications of subcontractors,
7. Best bid and best value
8. Safety record.
9. Ability to hold pricing at least thirty (30) days from opening date

**Evaluation criteria** shall include, but is not limited to the following:

- ✓ Total Price
- ✓ Respondents past performance record with City of Palacios
- ✓ City of Palacios' evaluation of Respondents ability to perform
- ✓ City of Palacios' experience with products bid
- ✓ Special needs and requirements of City of Palacios
- ✓ Location of Respondent
- ✓ Respondents ability to deliver in a timely manner
- ✓ Respondents responsiveness to this bid packet
- ✓ Ability to hold pricing at least thirty (30) days from opening date

# **Required Forms**

***BID FORM***

Aggregate \$ \_\_\_\_\_ per sq yrd

Concrete \$ \_\_\_\_\_ per sq yrd

Labor \$ \_\_\_\_\_

Bid Bond \$ \_\_\_\_\_

Payment Bond \$ \_\_\_\_\_

Performance Bond \$ \_\_\_\_\_

Any other applicable charges or fees:

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

**Total Project Cost: \$ \_\_\_\_\_**

**BID REFERENCES**

Please list three (3) references of current customers who can verify the quality of service your company provides. The City prefers customers of similar size and scope of work to this Bid. ***THIS FORM MUST BE RETURNED WITH YOUR BID.***

**REFERENCE ONE:**

COMPANY NAME:
ADDRESS/CITY/STATE/ZIP:
CONTACT NAME/TITLE:
BUSINESS PHONE/FAX:
SCOPE OF WORK:

**REFERENCE TWO:**

COMPANY NAME:
ADDRESS/CITY/STATE/ZIP:
CONTACT NAME/TITLE:
BUSINESS PHONE/FAX:
SCOPE OF WORK:

**REFERENCE THREE:**

COMPANY NAME:
ADDRESS/CITY/STATE/ZIP:
CONTACT NAME/TITLE:
BUSINESS PHONE/FAX:
SCOPE OF WORK:

## COMPLIANCE WITH FEDERAL AND STATE LAWS

### **Certification of Eligibility**

By submitting a BID in response to this solicitation, the Respondent certifies that at the time of submission, they are not on the Federal Government's list of suspended, ineligible, or debarred entities. In the event of placement on list between the time of BID submission and time of award, the Respondent will notify City of Palacios Finance/HR Manager. Failure to do so may result in terminating this contract for default.

### **Verification No Boycott Israel**

As required by Chapter 2270, Government Code, the selected firm must verify that it does not boycott Israel and will not boycott Israel through the term of this Agreement. For purposes of this verification, "boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes.

### **Foreign Terrorist Organizations**

Pursuant to Chapter 2252, Texas Government Code, the selected Firm must represent and certify that, at the time of execution of an Agreement neither the Firm, nor any wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of the same (i) engages in business with Iran, Sudan, or any foreign terrorist organization as described in Chapters 806 or 807 of the Texas Government Code, or Subchapter F of Chapter 2252 of the Texas Government Code, or (ii) is a company listed by the Texas Comptroller of Public Accounts under Sections 806.051, 807.051, or 2252.153 of the Texas Government Code. The term "foreign terrorist organization" in this paragraph has the meaning assigned to such term in Section 2252.151 of the Texas Government Code.

### **Disclosure of Interested Parties**

The law states that a governmental entity may not enter into certain contracts with a non-exempt business entity unless the business submits a disclosure of interested parties to the governmental entity. By submitting a RFP in response to this solicitation, the Respondent agrees to comply with HB 1295, Government Code 2252.908. Respondent agrees to provide City of Palacios Finance/HR Manager, and/or requesting department, the "Certificate of Interested Parties," Form 1295 as required, within **ten (10)** business days from notification of pending award, renewal, amended or extended contract.

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## BID SIGNATURE FORM

The undersigned, on behalf of and as the authorized representative of Respondent, agrees this Bid becomes the property of City of Palacios after the official opening.

The undersigned Respondents the Respondent has familiarized itself with the local conditions under which the work is to be performed; satisfied itself of the conditions of delivery, handling and storage of equipment and all other matters that may be incidental to the work, before submitting a Bid.

The undersigned agrees, on behalf of Respondent, that if this Bid is accepted, to furnish all materials and services upon which price(s) are offered, at the price(s) and upon the terms and conditions contained in the Specifications. The period for acceptance of this Bid will be (15) calendar days.

The undersigned Respondents that they are duly authorized to execute a contract with City of Palacios and that this Bid has not been prepared in collusion with any other Respondent, nor any employee of City of Palacios, and that the contents of this Bid have not been communicated to any other Respondent or to any employee of City of Palacios prior to the official opening of this Bid.

Respondent hereby assigns to City of Palacios all claims for overcharges associated with this contract which arise under the antitrust laws of the United States, 15 USCA Section 1 et seq., and which arise under the antitrust laws of the State of Texas, Tex. Bus. & Com. Code, Section 15.01, et seq.

The undersigned Respondents that they have read and do understand the Specifications and any attachments contained in this solicitation. ***Failure to sign and return this form could result in the rejection of the entire submission.***

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**LEGAL NAME AND ADDRESS OF RESPONDENT:**

Name \_\_\_\_\_ Title \_\_\_\_\_

Tel. No. \_\_\_\_\_ Email: \_\_\_\_\_

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

**COMPANY IS:**

Business included in a Corporate Income Tax Return?     YES     NO

Corporation organized & existing under the laws of the State of \_\_\_\_\_

Partnership consisting of \_\_\_\_\_

Individual trading as \_\_\_\_\_

Principal offices are in the city of \_\_\_\_\_

To: Respondents of City of Palacios, Texas  
From: Tammy McDonald, Finance/HR Manager  
Re: ***Conflict of Interest Form (CIQ)***

Vendor;

Below, please find link below to a Conflict of Interest Questionnaire. Please complete this form if you have a conflict of interest with any City of Palacios Official, Employee, or Department. The questionnaire should reflect the name of the individual with whom the conflict of interest occurs. If you have any questions regarding compliance with Chapter 176 of the Texas Local Government Code, please consult your legal representative. Compliance is the responsibility of each individual, business, agent or representative who is subject to the law's filing requirements.

<https://www.ethics.state.tx.us/data/forms/conflict/CIQ.pdf>

Original completed forms should be filed with the BID return. Please see contact information below.

**Finance/HR Manager**

311 Henderson, P O Box 845

Palacios, TX 77465

Ph: 361-972-3605

***Applicable Law***

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 Respondent 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 City of Palacios Finance/HR Manager no later than the 7<sup>th</sup> business day after the date the person becomes aware of facts that require the statement to be filed. See Section 176.006, Texas Local Government Code.





City of Palacios Finance/HR Manager  
Tammy McDonald

311 Henderson, P O Box 845, Palacios, TX 77465  
Phone (361) 972-3605 Fax (361) 972-6555 [tmcdonald@cityofpalacios.org](mailto:tmcdonald@cityofpalacios.org)

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October 21, 2022

To: Palacios Beacon

From: City of Palacios, Texas

Subject: Advertisement BID#2022-13 Repair Pot Holes for Bethany Park Project, City of Palacios, Texas

Please run the following ad on Wednesday, October 26, 2022 and Wednesday, November 2, 2022 in the Palacios Beacon.

PUBLIC NOTICE

Sealed Bids will be received by the Finance/HR Manager, Tammy McDonald, at 311 Henderson, P.O. Box 845, Palacios, TX 77465, on Wednesday, November 2, 2022 by 4:00 P.M for BID No.2022-13 Repair Pot Holes Project for Bethany Park. Late Bids will not be accepted. Specifications will be available on Wednesday, October 25, 2022 by visiting [www.cityofpalacios.org](http://www.cityofpalacios.org) on the Main web page, or request by e-mail at [tmcdonald@cityofpalacios.org](mailto:tmcdonald@cityofpalacios.org). Payment will be made after items have been received in accordance with award. Vendors must Bid unit costs, but may offer lump sum discounts. City of Palacios reserves the right to accept or reject in whole or in part any Bid received and to waive any irregularities or formalities in the best interest of City of Palacios.