ADDENDUM NO. 1

TO: All Prospective Bidders

PROJECT: CITY OF PORT ARANSAS
HIGH PRESSURE GAS MAIN REPLACEMENT

DATE: October 17, 2020

BID DATE: October 22, 2020

Prospective bidders are hereby notified of the following modifications to the contract documents. These modifications shall become a part of the Contract Documents. All provisions of the Contract Documents not specifically affected by the Addenda shall remain unchanged.

I. CONTRACT DOCUMENTS AND TECHNICAL SPECIFICATIONS

A. 1A1[2] INVITATION TO BID.
   1. DELETE 1A1[2].
   2. ADD attached 1A1[2].

B. 1A3[2] PROPOSAL FOR UNIT PRICE BID.
   1. DELETE 1A3[2].
   2. ADD attached 1A3[2].

C. 1A7[1] BID BOND.
   1. DELETE 1A7[1].
   2. ADD attached 1A7[1].

D. 1E8[1] MEASUREMENT AND PAYMENT.
   1. DELETE 1E8[1].
   2. ADD attached 1E8[1].

E. ATTACHMENTS
   1. ADD ATTACHED NEW VENDOR PACK
      Contractor awarded construction contract will need to complete the New Vendor Packet.

II. PRE-BID MEETING ATTENDEES

Pre-bid meeting attendees which emailed their attendance are attached.
III. PLAN HOLDER LIST

Plan holder list is attached with company names.

IV. QUESTIONS AND ANSWERS

A. PRE-BID MEETING QUESTIONS AND ANSWERS

1. Is there a maximum depth for bores? **RESPONSE:** All bore depths will need to be a minimum 5-ft below the bottom of the borrow ditches.

2. On Sheets 16 and 17, are the driveways to be bored? **RESPONSE:** Yes.

3. Are there any electrical requirements for the project? **RESPONSE:** Yes, adhere to manufacturer specs at station requirements associated with solar panel connections on Type A and Type C1 stations. Contractor will need to connect the new HP Gas Main to the existing impressed current cathodic protection system.

4. Is the pipe 4” standard wall and ERW into stations? Yes.

5. Are there specifications on the origin of pipe (domestic or foreign)? **RESPONSE:** All pipe, fittings and valves shall be domestic.

6. What are the pipe wall specifications? **RESPONSE:** Pipe specifications are on the General Notes sheet 68 for underground piping and as specified in the Bill of Materials for each station.

7. Pipe API SL Grade B Standard Wall? **RESPONSE:** API 5L Grade B Standard Wall pipe.

8. Is the pipe SPL 1 or SPL 2? **SPL2**

9. What are the welding requirements (API 4)? **API 1104 per Welding Requirements on Sheet 68.**

10. 100% x-ray is required? **RESPONSE:** Yes.

11. Has route been established? **RESPONSE:** Yes.

12. What is the estimated start of construction date? **RESPONSE:** To be determined.

13. Who is provide the inspection? – **RESPONSE:** Owner.

14. Some of the plan views on the lateral sheets show 4”. Are the laterals 4” or 2” diameter? **RESPONSE:** All laterals are 2” diameter.

15. What is the coating for the bored pipe? **RESPONSE:** Coating requirements are on Sheet 68 General Notes – Piping, refer to Pipe Spec 2 for bored pipe.

16. Is the above ground piping for the stations to be painted? **RESPONSE:** Yes.

17. Is the fabricated launcher/receiver to be installed? **RESPONSE:** Fabricated launcher/receiver to be used to run the gauge plate (per Gas Construction Note 16 on sheet 68) then delivered to the City.
18. What existing utilities are to be relocated? **RESPONSE:** There are no existing utilities shown on the plans to be relocated. The proposed HP Gas Main and laterals are to be installed under the existing utilities. The proposal has bid items for utility relocations for any field modifications.

19. What is to be done to the abandoned piping? **RESPONSE:** Underground abandoned piping shall be purged with nitrogen and capped and welded. Above ground piping and equipment to be returned to City.

20. Do connections to existing system require a by-pass? **RESPONSE:** Yes, existing services need to remain in service during the switch over. Contractor can shut down the Type D stations, if preferred, but will need to coordinate shutdowns and relights with customers. Relights are the responsibility of the Contractor.

21. What is the pressure ratings for the laterals? **RESPONSE:** MAOP pressure ratings are shown on the plan sheets.

22. When is the project scheduled to be awarded? **RESPONSE:** Project will be awarded within 120 days from the bid opening.

23. What is the Engineer’s Estimate? **RESPONSE:** $7,800,000.

1. Is armor plating required for fabrication? **RESPONSE:** AP required at air to ground interface, refer to sheet 64 for details.

2. Is pig installation required for the laterals? **RESPONSE:** Laterals are not piggable.

24. Are there temporary construction easements available? **RESPONSE:** Temporary construction easements are the responsibility of the Contractor.

**B. ADDITIONAL QUESTIONS AND ANSWERS**

3. Will extra temporary workspace be available for welding up the drag sections that will go under the roads for the lateral lines? **RESPONSE:** There is no temporary easement for construction. Any additional space needed will need to be coordinated by the contractor.

4. Where are the manholes to be installed? **RESPONSE:** There are no proposed manholes for this system; are we showing MHs in the bid items just in case they are needed? If so, suggest the following: There are no proposed manholes; the proposal has bid items for to account for this should any be necessary to address any field modifications. Manhole locations are at the discretion of the contractor.

5. When the laterals are installed, how close to the road will the contractor be able to get for boring operations? **RESPONSE:** This will be identified in the TxDOT permit. Concrete traffic barriers will be required.

6. Does the city have a drawing and specs for the valve box’s? **RESPONSE:** Valve box requirements are on the general notes sheet.
7. Will the city be creating a list of all the questions and responses asked and sending them out to all the bidders? **RESPONSE:** Yes.

8. How far off of the existing 2" line will the new 4" line be installed? **RESPONSE:** 2 to 5-ft

9. Can you please clarify the requirements for seamless versus ERW pipe?
   
   a. The various BOMs for the metering/regulating stations spec out both ERW and SMLS. Additionally, the General Notes also have conflicting requirement for the mainline pipe.
      
      **RESPONSE:** seamless pipe is used for all above ground piping, as per BOM specifications; ERW pipe satisfying spec #1 & 2 is used for all underground piping.

10. Section 1E71.1. of the Special Conditions states that Contractor will pay for all testing, while Section 14.02 of the General Conditions dictates that the owner shall pay for all testing. Which section is correct? **RESPONSE:** Contractor responsible for all testing.

11. Given that this is a steel line as opposed to a PVC or HDPE line, will embedment be necessary? If embedment is necessary, with this being in what is already a sandy area, can native material be utilized? **RESPONSE:** Yes; refer to page 68 Gas Construction Notes 5-9 for specific requirements.

12. Will the City of Port Aransas consider any value engineering propositions? **RESPONSE:** Yes.

13. How long is "Lateral K"? **RESPONSE:** Lateral K is approximately 30 lf installed by open cut at 5-ft of cover.

14. Given the shallow depth of the proposed bores (particularly the longer ones) combined with the anticipated soil conditions, who will be responsible for any frac outs/inadvertent returns? **Response:** Contractor is responsible.
   
   a. Does the client have an bore/HDD specifications or requirements as it relates to inadvertent returns? To our knowledge, City does not have any; EUSI team can develop specs/requirements if needed. Suggest contractor provide their bore plan for review and approval by City.

15. Is a BOM available for the 4" and 2" pipe? **RESPONSE:** No BOM is available for the 4" and 2" line. Quantities will need to be extracted from the Plan and Profile sheets.

16. On the culvert replacements are they designated on the plans? **RESPONSE:** There are no culvert replacements shown on the plan sheets. All culverts, roadways and driveways are to be bored. The culvert replacement bid item is to allow field changes if needed.

17. I looked through everything and cannot find a bid item sheet or a way that this project will be bid. Will this be released later or am I missing it somewhere? **RESPONSE:** Bid Proposal is Item 1A3.

18. Will there be an easement obtained by the city in order to have adequate room to set up drill machine and weld up bore sections for road crossings? **RESPONSE:** See response to Question 1.

19. What is the plan for the sales meter as it is not indicated on the plans to be installed? **For Fish Pass CG, see page 57; for Meter Tap Stations, see page 63.**

20. On the plans, it calls for LR fittings on the mainline, but on the prints it calls 3R. Please specify. **N-S mainline run must be piggable (3R), laterals do not need to be piggable.**
21. Has the state permit been obtained for the project? If so, will we receive a copy before bidding? **RESPONSE:** A TxDOT permit will be provided at the time of award of the contract.

22. In regards to the power poles, what is the tolerance zone? **RESPONSE:** All power poles are outside of the TxDOT ROW. Tolerance for power poles is based on the equipment and safety protocol.

23. On the Fish Pass station/Southcross tie in, where do we reduce from 4” to 2” on the inlet side? **RESPONSE:** Connection pipe should be 2” from tie-in to Southcross to beginning of Fish Pass CG.

24. Please clarify the exact location/address of the Newport station. **RESPONSE:** Lat/Log for the Newport (Area 51 Station) is 27.800074,-97.088125 (refer to sheet 58A)

25. Is the piping on the customer side of the meter poly or steel? Could you provide a count and sizes for these situations? **RESPONSE:** Refer to sheets 58A, 61A, 62A & 63A.

26. Are the service valves off the mainline flange or weldneck? **RESPONSE:** all buried valves are welded.

27. There will need to be more clarification on the heater valve setup. Description is lacking information. **RESPONSE:** Refer to sheets 57 & 66 for full details.

28. Does existing road crossing have valves? **RESPONSE:** Yes

29. Is there a manufacturer preference on the stopples to be used? **RESPONSE:** Stopples are not proposed on this project.

30. Paint specs for above ground piping. **RESPONSE:** refer to COPA specifications (Section 4.23).

31. If you elect to bore the mainline in its entirety, will each section pulled in need to be pretested or will the final test suffice? **RESPONSE:** Final test will be sufficient.

32. Can you please clarify if all piping on the project will be Standard Grade B and domestic? **RESPONSE:** Yes

33. Will credit days be allowed for rain events? **RESPONSE:** Yes, for rain days which exceed the normal rain days for the month.

34. Will pay item be added for prep ROW? **RESPONSE:** Preparation of ROW is subsidiary to the open cut/bore pipe bid items.

35. Will we be required to supply an SWPPP plan? Will a pay item be added for such? **RESPONSE:** SWPPP is required and per Item 1E8[1] it is subsidiary to the open cut/bore pipe bid items.

36. Will a pay item be added for trench protection? **RESPONSE:** Per Item 1E8[1], trench protection is subsidiary to open cut and bored piping.

37. When will the plan holders list be provided? **RESPONSE:** See item III of this addendum.

38. Will working on Saturday be permissible? **RESPONSE:** Yes, Saturday work will need to be scheduled with the inspector.
39. Will lane closures be allowed where needed? **RESPONSE:** All lane closures will need to be coordinated with and approved by TxDOT.

40. Can we test regulators in place? **RESPONSE:** Regulators are not included in pressure test.

41. What are the specs for the lockable valve boxes? **RESPONSE:** refer to COPA specifications (Section 4.20)

42. Will a mobilization bid item be added? **RESPONSE:** See attached 1A3[2] PROPOSAL FOR UNIT PRICE BID.

43. What will be the specs for the fencing around the meter runs? **RESPONSE:** Refer to sheets 55, 56, 58A, 61A & 62A.

44. Please provide specifications for the SCADA. **RESPONSE:** Refer to sheets 57, 60 & 61.

45. Are we to replace existing fencing and landscaping within the ROW that will need to be accessed to complete work? **RESPONSE:** Yes. All disturbed areas will need to be returned to existing conditions or better.

46. 4” ball valve at STA 10+93 needs specification to be either flanged or weld on? **RESPONSE:** 4” ball valve at Sta 10+39 shown on sheet 55 as part of the buried main line is a welded valve.

47. Detail for Lateral K at STA 490+73 is needed. **RESPONSE:** Lateral K is approximately 30 ft installed by open cut at 5-ft of cover. All fittings are shown on the plan sheet.

48. On the bore pipe, is the 40-50 mils of ARO coating added to the original amount of coating or just 40-50 mils of ARO by itself? **RESPONSE:** ARO coating is in addition.

49. The plans reference “Pipe Spec #1” and “Pipe Spec #2” but I’m unable to locate the spec describing the material and associated coating. **RESPONSE:** Refer to sheet 68 of 71 Material Notes # 6 & 7

50. What are the X-Ray/NDE requirements for the project? **RESPONSE:** Refer to sheet 68 of 71 Welding Requirements #4

51. Will the 4”x4” tees at the lateral locations need to be barred to allow for pigging of the 4” gas main? **RESPONSE:** Refer to sheet 68 of 71 Material Notes #14

52. Will the 2” valves at the lateral locations be buried or above ground? **RESPONSE:** Buried

   a. If buried, will stem extensions on the valves be required? **RESPONSE:** Refer to sheet 68 of 71 Material Notes #12

53. What type of fittings are required for the PIs and “box sags” on the project? 3R segmental or standard long radius? **RESPONSE:** Refer to sheet 68 of 71 Material Notes #13

54. It appears as though the lateral bores across Hwy 361 will be cased bores. What are the specs for the casing pipe? **RESPONSE:** All lateral bores and main line bores are unencased. No casings are shown on the plans.

55. Will socket weld fittings be acceptable for 1” and below? **RESPONSE:** No.

56. What is the scope of work as it relates to the existing 4” & 6” PE distribution lines shown on Sht 56 of the plans? It appears as though both are routed through proposed pipe supports.
RESPONSE: Contractor will need to temporarily offset existing PE distribution lines as needed to accommodate pipe supports, with City approval.

57. If all material must be domestic, is a domestic mill adequate or will the material need to be MMA (melted & manufactured in the USA)? RESPONSE: MMA

58. Can the contractor use the power company easements adjacent to the TXDOT ROW for access and storage RESPONSE: All lay down areas will need to be coordinated and obtained by the Contractor

59. What is the timeline for approval of materials, SWP3, and traffic control pans once submitted? RESPONSE: Submittal review period is 10 working days.

60. Can the contractor pre-weld, coat and Xray all of the pipe prior to beginning excavation and installation services? RESPONSE: Yes.

61. Does COPA have a list of land owners and specific restrictions/requirements along the route and at the 2" lateral locations. RESPONSE: All 2" laterals are within TXDOT ROW or an existing public utility easement. The City can provide a list of property owners for all laterals after award of the contract.

62. Is it the contractor's responsibility to negotiate extra work space or will the COPA handle this? RESPONSE: Extra work space will need to be coordinated and obtained by the Contractor.

63. Is there a limitation on the duration or number of shut down/tie in windows for tying in the new stations to the LP distribution lines? RESPONSE: See response to question 20 from pre-bid.

64. Will slope stabilization be required in places where the line is installed on the slope of the swale running parallel to the ROW boundary? RESPONSE: Slope protection will need to be part of the Trench Protection.

65. Will COPA require pre testing drill strings for convenience bores/drills? RESPONSE: Contractor discretion, not a requirement.

66. Will any hydro seeding be required? RESPONSE: Reseeding or hydro seeding is acceptable. Erosion control will need to be maintained until native vegetation is reestablished.


68. For well pointing/de-watering operations can the ground water be pumped into adjacent drains and or diffused through straw bales? RESPONSE: Yes, ground water may be pumped into adjacent ditches or diffused through straw bales.

69. Will TXDOT require jersey barrier in locations where equipment and personnel are working or staged just off the shoulder? RESPONSE: Yes.
ACKNOWLEDGEMENT: It is the Bidder’s responsibility to acknowledge receipt of this Addendum No. 1 at the appropriate location in Section 1A3 - Proposal.

END OF ADDENDUM NO. 1

Attachments
1) 1A1[2] INVITATION TO BID
2) 1A3[2] PROPOSAL FOR UNIT PRICE BID
3) 1A7[1] BID BOND
4) 1E8[1] MEASUREMENT AND PAYMENT
5) NEW VENDOR PACKET
6) PRE-BID MEETING ATTENDEE LIST
7) PLAN HOLDER LIST

URBAN ENGINEERING

William C. Causey, Jr., P. E.
Project Engineer
DIVISION 1 - GENERAL REQUIREMENTS

SECTION 1A - BID DOCUMENTS

1A[2] INVITATION TO BID

Sealed Proposals addressed to the City of Port Aransas will be received at the office of the City of Port Aransas, 710 W. Ave. A, Port Aransas, Texas 78373 until October 22, 2020 @ 2:00 P.M., at which time they will be publicly opened and read.

Proposals will be for constructing City of Port Aransas High Pressure Gas Main Replacement. The project consists of: Installation of approximately 9.9 miles of 4” diameter high pressure natural gas main and twelve pressure reducing station. Existing system is to be abandoned below ground.

Bidders must submit a Cashier’s or Certified Check issued by a bank satisfactory to City of Port Aransas, or a Proposal Bond from a reliable surety company, payable to City of Port Aransas in an amount not less than five percent (5%) of the bid submitted as a guaranty that the Bidder will enter into a contract using the forms provided within thirty (30) days after notice of award of contract to him. Bids without the required check or proposal bond will not be considered. The City of Port Aransas will notify the successful Bidder, in writing, within thirty (30) days after the date of opening bids, of its acceptance of his proposal.

The successful Bidder will be required to furnish a Performance Bond and a Payment Bond each in the amount of contract, written by a responsible surety company authorized to do business in the State of Texas, listed in the latest issue of U. S. Treasury Circular 570 and satisfactory to the Owner, as required by Article 5160, V.A.T.C.S., as amended by H.B. 344, passed by the 56th Legislature, Regular Session, 1959.

The Contract Documents contain detailed Instructions to Bidders; however, the Contractors attention is directed to the following items:

1. The Bidder is hereby notified that the Owner has ascertained the Wage Rates, which prevail in the locality in which this work is to be done. The Contractor and Subcontractors shall pay not less than the Wage Rates so shown for each craft or type of "laborer", "workman" or "mechanic" employed on this project.

2. The Manufacturer is required to obtain tentative approval (prior to bidding) for certain major items of equipment to be incorporated into the project. See Subsection 1E17 for a list of major items on which tentative approval is required. To be considered, specific information must be received by the Engineer no later than 10 calendar days prior to the date set for bid opening. If the 10th. day falls on Saturday or Sunday, then submission must be delivered to the Engineer by 5:00 P.M. on the previous Friday. All other equipment must meet all requirements of the specifications, but tentative approval (prior to Bidding) will not be given. Any information on equipment, other than that listed in Subsection 1E17, submitted to the Engineer prior to bidding will not be reviewed and will be automatically be discarded without notification.
3. Contractor is required to hold his bid pricing for up to 120 days from the bid opening to award of construction contract.

The Owner reserves the right to reject any or all bids and to waive formalities. In case of ambiguity or lack of clearness in stating the prices in the bids, the Owner reserves the right to consider the most advantageous construction thereof, or to reject the bid. Unreasonable (or "unbalanced") unit prices will authorize the Owner to reject the bid.

Bidders are expected to inspect the site of the work and to inform themselves regarding all local conditions.

Copies of the Contract Documents, which include drawings, general requirements, and technical specifications, may be obtained by depositing a $50.00 deposit with Urban Engineering, 2725 Swantner, Corpus Christi, Texas 78404-2832. This deposit will be refunded to any general contractor submitting a bid, if the Contract Documents are returned in good condition within 14 days after bid opening. All others will be refunded $25.00, if Contract Documents are returned in good condition within 14 days after bid opening. Copies of Contract Documents will be on file for inspection at the office of the Engineer, 2725 Swantner, Corpus Christi, Texas, the A.G.C. office in Corpus Christi, and at Builder's Exchange in San Antonio, Texas.
DIVISION 1 - GENERAL REQUIREMENTS
SECTION 1A - BID DOCUMENTS

1A3[2] PROPOSAL FOR UNIT PRICE BID

TO: City of Port Aransas
710 W. Ave A
Port Aransas, Texas 78373
Date: ____________________

PROPOSAL FOR THE CONSTRUCTION OF

CITY OF PORT ARANSAS HIGH PRESSURE GAS MAIN REPLACEMENT

GENTLEMEN:

We, the undersigned, having familiarized itself with local conditions affecting the cost of the work with all requirements of Contract Documents as prepared by the Engineers, and all Addenda to said Documents, hereby proposes to furnish all things as required by said Documents and addenda thereto for the construction of said improvements for the unit prices for work in place for the items as set out hereinafter.

1A3.1 **BASE BID FOR ENTIRE PROJECT:**

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1A3.2 **TABULATION OF BASE BID:**
The bid for 1A3.1 is further itemized as follows:
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<th>NO.</th>
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**TOTAL BASE BID:**  
$ __________________

**NOTE:** The unit prices stated herein before must include all labor, materials, bailing, removal, overhead, profit, insurance, etc., to cover the finished work of the several kinds called for and the Owner reserves the right to delete all or a portion of any Bid Item. The above quantities are approximate and may vary from the final quantities. *Do not order material based on these approximate quantities.*

1A3.2 **REJECTIONS OF BIDS**
We, the undersigned, understands that the Owner reserves the right to reject any or all Bids and to waive any informalities in the bidding.

1A3.3 **SITE INVESTIGATIONS**
We, the undersigned, have investigated the site conditions, full satisfied ourselves of both the surface and subsurface conditions there, and based our bid accordingly.

1A3.4 **TIME OF COMPLETION**
We, the undersigned, will commence work within 10 Calendar Days after the date of the written notice to proceed with construction and to substantially complete the entire project within **300 Calendar Days**. Should we fail to comply with this requirement, we agree to pay liquidated damages in the amount of $1,000 per Calendar Day until the work is completed.

1A3.5 **BIDDER QUALIFICATIONS**
We, the undersigned, do hereby agree that if requested we will furnish written evidence to demonstrate our qualifications to perform the work.
1A3.6 **WAGES AND SALARIES**

We, the undersigned, do hereby agree to fully comply with the prevailing wage rates for Nueces County (These rates are set out in Subsection 1E10 of the Special Conditions), and that We and our Subcontractors will pay not less than those for each craft or type of “Laborer”, “Workman” or “Mechanic” employed on this project.

ATTEST:

________________________________________

Contractor

By: ________________________________

(Seal if Corporation)

________________________________________

Address

______________________________

Telephone

1A3.8 **ADDENDUM RECEIPT**

Receipt of the following addenda to the Contract Documents is acknowledged:

<table>
<thead>
<tr>
<th>ADDENDA NO.</th>
<th>DATE RECEIVED</th>
<th>SIGNED</th>
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1A3.9 **BID ACCEPTANCE**

If written notice of the acceptance of this Bid is mailed, Faxed, or delivered to the Bidder within **one hundred and twenty (120) days** after the date for opening of Bids or anytime thereafter before this Bid is withdrawn, the Bidder will, within **thirty (30) days** after the date of such mailing, Faxing, or delivery of such notice, execute and deliver to the Owner, an Agreement in the form included in the Contract Documents and surety bonds in accordance with Section 1A2 of the Instructions to Bidders. The Bidder hereby designates as his office to which such notice of acceptance may be mailed, Faxed, or delivered:
1A3.10 INFORMATION CONCERNING BIDDER

Name of Bidder: ________________________________________________________________

Bidder Is: Individual ( ) Partnership ( ) Corporation ( )

Residence of Bidder (if individual): _______________________________________________

Date of Bid:____________________________________________________________________

If Bidder is a partnership, fill in the following blanks:

Name of Partners: _______________________________________________________________

If Bidder is a corporation, fill in the following blanks

Organized under the laws of the State of __________________________

Name and Home address of the President___________________________________________

______________________________________________________________________________

Name and Address of the Treasurer _________________________________________________

______________________________________________________________________________
DIVISION 1 - GENERAL REQUIREMENTS
SECTION 1A - BID DOCUMENTS

1A7[1] BID BOND

KNOW ALL MEN BY THESE PRESENTS; that we the undersigned, __________________________ as PRINCIPAL, and __________________________ __________________________ as SURETY, are held and firmly bound unto The City of Port Aransas, Nueces COUNTY, TEXAS hereinafter called OWNER in the penal sum of __________________________ __________________________ Dollars and ______ Cents, ($_______________________________), lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the Principal has submitted the Accompanying Bid, dated __________, 2020, for the construction of:

CITY OF PORT ARANSAS HIGH PRESSURE GAS MAIN REPLACEMENT

NOW, THEREFORE, if the Principal shall not withdraw said Bid within the period specified therein after the opening of the same, or, if no period be specified, within one hundred and twenty (120) days after the said opening, and shall within the period specified therefore, or if no period be specified, within thirty (30) days after the prescribed forms are presented to him for signature, enter into written Contract with the OWNER in accordance with the Bid as accepted, and give bond with good and sufficient surety or sureties, as may be required, for the faithful performance and proper fulfillment of such Contract, or in the event of the withdrawal of said Bid within the period specified, or the failure to enter into such Contract and give such bond within the time specified, if the Principal shall pay the OWNER the difference between the amount specified in said Bid and the amount for which the OWNER may procure the require work or supplies or both, if the latter be in excess of the former, then the above obligation shall be void and of no effect, otherwise to remain in full force and virtue.

IN WITNESS WHEREOF, the above-bounded parties have executed this instrument under their several seals this __________ Day of __________________________, 2020, the name and corporate seal of each corporate party hereto affixed and these presents signed by its undersigned representative, pursuant to authority of its governing body.

In presence of __________________________ __________________________ (SEAL)

__________________________________________________________ (Individual Principal)

__________________________________________________________ (Business Address)

__________________________________________________________ (SEAL)

__________________________________________________________ (Business Address)

City of Port Aransas                                         1A7
High Pressure Gas Main Replacement                          Bid Bond
Page 1 of 2
CERTIFICATE AS TO CORPORATE PRINCIPAL

I, ____________________________________________, certify that I am the
_________________________________________ Secretary of the Corporation names as Principal in the attached
Bond that __________________________________ who signed the said Bond on behalf of the Principal was then
the __________________________________________ of said Corporation, that I know his signature and his
signature thereto is genuine; and that said Bond was duly signed, sealed and attested for and in behalf of said
Corporation by authority of the governing body.

__________________________________________ (Signed)
Title _______________________________________
Date _______________________________________
Affix Corporate Seal

City of Port Aransas
High Pressure Gas Main Replacement
1A7 Bid Bond
Page 2 of 2
DIVISION 1 - GENERAL REQUIREMENTS

SECTION 1E - SPECIAL CONDITIONS

1E8 MEASUREMENT AND PAYMENT

1E8.1.1 General: This is a Unit Price contract but contain some lump sum bid items. See the “Measurement” paragraph of Art SC-15 of the Supplemental Conditions – Part I for detailed information.

1E8.1.2 Quantities and Measurements: No extra or customary measurements of any kind will be allowed, but the actual measured and/or computed length, area, solid contents, number and weight only shall be considered. The method of measuring the bid items and payment of bid items is set out hereinafter.

1E8.1.3 Install 4” High Pressure Gas Main by Open Cut: This item shall be measured by the linear foot of pipe installed by open cut or boring for Contractor’s convenience. This item includes but is not limited to the following work:
   a. Preparation of Right of Way.
   b. Furnishing, storing, placing and installing gas piping, fittings, and valves.
   c. Joint welding and testing
   d. Installation and operation of dewatering well point systems
   e. Hydroexcavation
   f. Installation of trench protection
   g. Trench excavation, installation and compaction of pipe bedding, embedment and backfill
   h. Pipeline nitrogen pressure testing
   i. Removal of existing and installation of new Cathodic Protection System
   j. Installation and maintenance of Traffic Control
   k. Installation and maintenance of Stormwater Pollution Prevention Plan
   l. Abandon High Pressure Gas Main below grade and remove all above ground appurtenances

1E8.1.4 Install 4” High Pressure Gas Main by Boring: This item shall be measured by the linear foot of pipe installed by boring as shown on the plans. This item includes but is not limited to the following work:
   a. Preparation of Right of Way
   b. Furnishing, storing, placing and installing gas piping, fittings and valves by boring
   c. Joint welding and testing
   d. Installation and operation of dewatering well point systems
   e. Hydroexcavation
   f. Installation of trench protection
   g. Bore pit and receiving pit excavation, shoring, and backfill
   h. Pipeline nitrogen pressure testing
   i. Removal of existing and installation of new Cathodic Protection System
   j. Installation and maintenance of Traffic Control
   k. Installation and maintenance of Stormwater Pollution Prevention Plan
   l. Abandon High Pressure Gas Main below grade and remove all above ground appurtenances

1E8.1.5 Type “A, B, C1, C2, and D” Stations: This item shall be measured by each station installed by as shown on the plans. This item includes but is not limited to the following work:
   a. Furnishing, storing, and installing each station complete in place
   b. Welding and testing
c. Installation and operation of dewatering well point systems

d. Hydroexcavation

e. Installation of trench protection

f. Pipe supports

g. Sitework, fencing and rock installation

h. Nitrogen pressure testing

i. Removal of existing and installation of new Cathodic Protection System

j. Installation and maintenance of Traffic Control

k. Installation and maintenance of Stormwater Pollution Prevention Plan

l. Abandon High Pressure Gas Main below grade and remove all above ground appurtenances

1E8.1.6 HMAC Paving Repair: This item shall pertain to any existing asphalt pavement that is cut when necessary to construct this project. This item will be measured by the square yard of pavement repaired; however, the Contract Documents show the maximum width of repaired pavement other than those areas shown to be repaired. If the contractor disturbs an area greater than what is depicted on the plans, he shall be responsible for repairing the entire area. However, the additional area will not be measured for payment. This item includes but is not limited to the following work:

a. Furnishing, placing and compacting base course

b. Furnishing and applying prime coat

c. Placing and compacting asphaltic concrete

d. Removing and off-site disposal of HMAC pavement and base

1E8.1.7 2” HMAC Including Prime or Tack Coat: This item shall pertain to any existing asphalt pavement that is cut when necessary to construct this project. This item will be measured by the square yard of pavement repaired; however, the Contract Documents show the maximum width of repaired pavement other than those areas shown to be repaired. If the contractor disturbs an area greater than what is depicted on the plans, he shall be responsible for repairing the entire area. However, the additional area will not be measured for payment. This item includes but is not limited to the following work:

a. Furnishing and applying prime or tack coat

b. Placing and compacting asphaltic concrete

1E8.1.8 8” Cement Stabilized Base w/2” Crushed Concrete: This item shall pertain to any existing base material that is cut or excavated when necessary to construct this project. This item will be measured by the square yard of base repaired; however, the Contract Documents show the maximum width of repaired base other than those areas shown to be repaired. If the contractor disturbs an area greater than what is depicted on the plans, he shall be responsible for repairing the entire area. However, the additional area will not be measured for payment. This item includes but is not limited to the following work, furnishing, placing and compacting base course.

1E8.1.9 Remove Existing Curb: This item will be measured by the linear foot of removed curb per the plans and specifications. All removed curb and materials shall be disposed of offsite.

1E8.1.10 Install New Curb: This item shall be measured by the linear foot of installed concrete curb in accordance with the plans. This shall include all materials necessary to complete the installation of the curb. New curb shall be flush and level with existing curb.
1E8.1.11 **10” HMAC Type “B” Base:** This item shall pertain to any existing base material that is cut or excavated when necessary to construct this project. This item will be measured by the square yard of base repaired; however, the Contract Documents show the maximum width of repaired base other than those areas shown to be repaired. If the contractor disturbs an area greater than what is depicted on the plans, he shall be responsible for repairing the entire area. However, the additional area will not be measured for payment. This item includes but is not limited to the following work, furnishing, placing and compacting base course.

1E8.1.12 **Manhole Rim/Valve Box Adjustment:** This item shall be measured by each manhole rim or valve box adjusted to match grades proposed as shown on the plans or finished.

1E8.1.13 **Driveway Repair:** This item will be measured by the square yard. This item includes but is not limited to the following work:

   a. Excavation including removing all material encountered.
   b. Compacting the subgrade to the required thickness, grades and density. Furnishing and installing forms, concrete, reinforcing steel and any other items required to complete the pavement.
   c. Furnishing and installing HMAC, base, limestone or gravel and any other items required to complete the pavement.
   d. Saw cutting existing concrete pavement.
   e. Removal and disposal of existing concrete pavement.
   f. Doweling into existing concrete pavement.
   g. Furnishing and installing all required material as shown on the plans.
   h. Re-striping parking areas to preconstruction condition.
   i. Installing new RCP or RCB culverts to match existing drainage conditions.

Limits of Measurement: The Contractor shall replace any pavement removed during construction. Only the pavement removed by the trenching operation will be measured for payment. The maximum width of repair is shown on the set of plans.

1E8.1.14 **Remove and Replace Culverts:** This item will be measured by the linear foot. This item includes but is not limited to the following work:

   a. Removal of RCP or RCB
   b. Installation of bedding material, backfill, HMAC, concrete pavement, and RCP or RCB to match existing
   c. Safety end treatment to match existing

1E8.2 **PAYMENTS:**

1E8.2.1 **Cost Breakdown:**

   The Contract shall provide the Cost Breakdown (Schedule of Values) as required in Article SC-15, paragraph 15.2 of the Supplemental General Conditions for Lump Sum bid items.

1E8.2.2 **Partial Payments and Retainage:**

   On or before the 5th day of each month, the Contractor shall submit to the Engineer for approval a statement, on a form furnished by the Engineer, showing as completely as practicable the total value of the work done by the Contractor up to and including the value of all sound materials delivered on the site of the work that are to be fabricated into the work. The Owner shall then pay the Contractor on or before the 25th day of the same month the total amount of the Contractor's Statement, less 10% of the amount thereof, which 10% shall be retained until final payment (if contract amount is under $400,000. If contract amount is $400,000 or more, retainage amount
will be 5%), and further less all previous payments and all further sums that may be retained by the Owner under the terms of the Agreement.

1E8.2.3 Final Payment:
See Article 15, paragraphs 15.06 of the Standard General Conditions of the Construction Contract. Payment shall be full compensation for all materials, supplies, machinery, power, fuel, transportation, royalty fees and any other facilities necessary for the execution and completion of the project.
FINANCE DEPARTMENT
New Vendor Packet

Thank you for your interest in becoming a Vendor with the City of Port Aransas, Texas. Organizations doing business with the City for the first time will need to complete the forms included in this packet prior to submitting invoices for payment.

*W-9 Form - Request for Taxpayer Identification Number and Certification

*Conflict of Interest Questionnaire - Pursuant to Texas Local Government Code Chapter 176, all parties doing business with the City must complete a Conflict of Interest Questionnaire (Form CIQ)

*Vendor Information Form

*For Contracts that are awarded by City Council the following must be done.

Form 1295- Certificate of Interested Parties - The Texas Ethics Commission has adopted rules requiring the business entity entering into certain contracts with a governmental agency file Form 1295 electronically with the Commission. The law applies only to a contract of a governmental entity or state agency that either (1) requires an action or vote by the governing body of the entity or agency before the contract may be signed; or (2) has a value of at least $1 million.

All Vendors that meet the above requirement must log on to https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm to create a Certificate of Interested Parties. After the 1295 is completed online, you must forward to us the assigned certificate number issued by the Texas Ethics Commission during this online process to the e-mail address shown below.

Please submit completed forms via email to cfranje@cityofportaransas.org or fax to 361-749-5270

Direct all invoices to: City of Port Aransas
                      Attn: Accounts Payable
                      710 W Avenue A
                      Port Aransas, TX 78373

The City holds its employees and vendors to the highest ethical standards. Employees or their family members may not request or accept from, or give to, a supplier anything that may be construed to influence the City's relationships. Gifts include material goods and services, as well as promotional premiums or discounts on personal purchases. If any situation appears as a conflict of interest, please report it to the Finance Department immediately.

If you should have any questions, please feel free to contact our office at 361-749-4111
Request for Taxpayer Identification Number and Certification

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
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<tbody>
<tr>
<td>Name (as shown on your income tax return); Name is required on this line; do not leave this line blank.</td>
<td>Name: (Block this line)</td>
</tr>
<tr>
<td>Business name/disregarded entity name, if different from above</td>
<td>Business Name: (Block this line)</td>
</tr>
<tr>
<td>Check appropriate box for federal tax classification: check only one of the following seven boxes:</td>
<td>Individual/sole proprietor or C Corporation or S Corporation or Partnership or Trust/estate</td>
</tr>
<tr>
<td>Single-member LLC</td>
<td>Limited liability company. Enter the tax classification (C-C, corporation, S-S corporation, P-partnership)</td>
</tr>
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<td>Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.</td>
<td>(Block this line)</td>
</tr>
<tr>
<td>Other (see instructions)</td>
<td>Other (Block this line)</td>
</tr>
<tr>
<td>Address (number, street, and apt. or suite no.)</td>
<td>Address: (Block this line)</td>
</tr>
<tr>
<td>City, state, and ZIP code</td>
<td>City, State, and ZIP code: (Block this line)</td>
</tr>
<tr>
<td>Account number(s) here (optional)</td>
<td>Account Number: (Block this line)</td>
</tr>
<tr>
<td>Requester's name and address (optional)</td>
<td>Requester's Name and Address: (Block this line)</td>
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</table>

Part I: Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. Other entities, it is your employer identification number (EIN). If you do not have a number, see How to get a TIN on page 3.

Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Part II: Certification

Under penalties of perjury, I certify that:
1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here

Signature of U.S. person

Date

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted. Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/fw9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1096 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)
- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.
- If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding? on page 2.

By signing the filled-out form, you:
1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued).
2. Certify that you are not subject to backup withholding.
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See What is FATCA reporting? on page 2 for further information.
Note. If you are a U.S. person and a requester gives you a form other than Form W-8, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of U.S. person. For federal tax purposes, you are considered a U.S. person if you are:
• An individual who is a U.S. citizen or U.S. resident alien;
• A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
• An estate (other than a foreign estate); or
• A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1441 on any foreign person's share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States:
• in the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
• in the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
• in the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five points:
1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China Income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States under U.S. law; this student will become a resident alien for tax purposes if he or she stays in the United States for 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exemption (under paragraph 2 of the first protocol) and is relying on this exemption to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

Backup Withholding

What is backup withholding? Persons making certain payments to you must withhold a certain percentage of the payments and pay the IRS all or a portion of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:
1. You do not furnish your TIN to the requester;
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details).
3. The IRS tells the requester that you furnished an incorrect TIN;
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only);
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1995 and Foreign Only)

Certain pays and payments are exempt from backup withholding. See Exempt paye code on page 3 and the separate instructions for the Requestor of Form W-9 for more information.

Also see Special rules for partnerships above.

What is FATCA reporting?
The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See Exemption from FATCA reporting code on page 3 and the instructions for the Requestor of Form W-9 for more information.

Updating Your Information
You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and aroiluce receiving reports of payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In any event, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

Penalties
Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of $50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in backup withholding, you are subject to a $500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Line 1

You must enter one of the following on this line; do not leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account, list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9.

a. Individual. Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

b. ITIN applicant. Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ on line 1. You may enter your business, trade, or "doing business as" (DBA) name on line 2.

c. Sole proprietor or single-member LLC. Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or "doing business as" (DBA) name on line 2.

d. Corporation. Enter the entity's name as shown on the entity's tax return on line 1 and any business, trade, or DBA name on line 2.

e. Other entities. Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

f. Disregarded entity. For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a "disregarded entity." See Regulations section 301.7701-2(c)(2)(ii). Enter the owner's name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on line 2. For example, if the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8. Instead of a Form W-8, this is the case even if the foreign person has a U.S. TIN.
**Line 2**
If you have a business name, trade name, DBA name, or disregarded entity name, you may enter it on line 2.

**Line 3**
Check the appropriate box in line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box in line 3.

- Limited Liability Company (LLC). If the name on line 1 is an LLC treated as a partnership for U.S. federal tax purposes, check the "Limited Liability Company" box and enter "S" in the space provided. If the LLC has filed Form 8832 or 2693 to be taxed as a corporation, check the "Limited Liability Company" box and in the space provided enter "C" for Corporation or "S" for S Corporation. If it is a single-member LLC that is a disregarded entity, do not check the "Limited Liability Company" box; instead check the first box in line 3 "individualSOLE PROPRIETOR or single-member LLC."

**Line 4, Exemptions**
If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space in line 4 any code(s) that may apply to you.

- Exempt payee code.
  - Generally, individuals (including sole proprietors) are not exempt from backup withholding.
  - Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
  - Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.
  - Corporations are not exempt from backup withholding with respect to attorneys' fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC. The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space in line 4.
  1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(5)(d).
  2. The United States or any of its agencies or instrumentalities.
  3. A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities.
  4. A foreign government or any of its political subdivisions, agencies, or instrumentalities.
  5. A corporation.
  6. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession.
  7. A futures commission merchant registered with the Commodity Futures Trading Commission.
  8. A real estate investment trust.
  9. An entity registered at all times during the tax year under the Investment Company Act of 1940.
  10. A common trust fund operated by a bank under section 584(a).
  11. A financial institution.
  12. A middleman known in the investment community as a nominee or custodian.
  13. A trust exempt from tax under section 564 or described in section 4947.

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payee listed above, 1 through 13.

<table>
<thead>
<tr>
<th>IF the payment is for . . .</th>
<th>THEN the payment is exempt for . . .</th>
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</thead>
<tbody>
<tr>
<td>Interest and dividend payments</td>
<td>All exempt payees except for 7</td>
</tr>
<tr>
<td>Broker transactions</td>
<td>Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.</td>
</tr>
<tr>
<td>Barter exchange transactions and patronage dividends</td>
<td>Exempt payees 1 through 4</td>
</tr>
<tr>
<td>Payments over $600 required to be reported and direct sales over $5,000</td>
<td>Generally, exempt payees 1 through 5</td>
</tr>
<tr>
<td>Payments made in settlement of payment card or third party network transactions</td>
<td>Exempt payees 1 through 4</td>
</tr>
</tbody>
</table>

1. See Form 1099-MISC, Miscellaneous Income, and its instructions.

However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorney fees, gross proceeds paid to an attorney reportable under section 6045(e), and payments for services paid by a federal executive agency.

**Exemption from FATCA Reporting Code**
The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" or any similar indication written or printed on the line for a FATCA exemption code.

- A—Organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37).
- B—The United States or any of its agencies or instrumentalities.
- C—A state, the District of Columbia, or a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities.
- D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i).
- E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i).
- F—A dealer in securities, commodities, or derivative financial instruments (including national principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state.
- G—A real estate investment trust.
- H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940.
- I—A common trust fund as described in section 584(a).
- J—A bank as defined in section 581.
- K—A broker.
- L—A trust exempt from tax under section 664 or described in section 4947(a)(1).
- M—A tax exempt trust under a section 403(b) plan or section 457(g) plan.

Note: You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

**Line 5**
Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information return.

**Line 8**
Enter your city, state, and ZIP code.

**Part I. Taxpayer Identification Number (TIN)**
Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see How to get a TIN below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see Limited Liability Company (LLC) on this page), enter the owner's SSN or EIN (if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note: See the chart on page 4 for further clarification of name and TIN combinations. How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for a SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at www.ssa.gov. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/apply/en and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting IRS.gov or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note: Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.
Part II. Certification

To establish to the withholding agent that you are a U.S. person or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if items 1, 4, or 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see Exempt payee code earlier.

Signature requirements. Complete the certification as indicated in items 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. Other payments include payments made in the course of the requester's trade or business for rentals, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA, or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account: Give name and SSN of:

1. Individual

2. Two or more individuals (joint account)

3. Custodian account of a minor (Uniform Gift to Minors Act)

4. a. The usual revocable savings trust (grantor is also trustee)
   b. So-called trust account that is not a legal or valid trust under state law

5. Sole proprietorship or disregarded entity owned by an individual

6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(ii) (B))

For this type of account: Give name and EIN of:

7. Disregarded entity not owned by an individual

8. A valid trust, estate, or pension trust

9. Corporation or LLC electing corporate status on Form 8832 or Form 2553

10. Association, club, religious, charitable, educational, or other tax-exempt organization

11. Partnership or multi-member LLC

12. A broker or registered nominee

13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments

14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(ii) (B))

1. You must show your individual name and you may also enter your business or DBA name on the "Business name/descriptor" entity name line. You may use either your SSN or EIN if you have one, but the IRS encourages you to use your SSN.

2. List first and circle the name of the trust, estate, or pension trust. Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title. Also see Special rules for partnerships on page 2.

3. *Note: Grantor also must provide a Form W-9 to trustee of trust.

4. If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Secure Your Tax Records from Identity Theft
Identity theft occurs when someone uses your personal information such as your name, SSN, or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN.
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4355, Identity Theft Prevention and Victim Assistance.

Victims of identity theft who are experiencing economic harm or a systemic problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes. Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for their PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to phishing@irs.gov. You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at: reportfraud.org or contact them at www.ftc.gov/idtheft or 1-877-IDTHEFT (1-877-438-4338).

Visit IRS.gov to learn more about identity theft and how to reduce your risk.

Privacy Act Notice
Section 6109 of the Internal Revenue Code requires you to provide your correct TIN (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 5406, payees must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payee. Certain penalties may also apply for providing false or fraudulent information.
CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

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.

---

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

---

Form provided by Texas Ethics Commission www.ethics.state.tx.us Revised 11/30/2015
CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm. For easy reference, below are some of the sections cited on this form.

**Local Government Code § 176.001(1-a):** "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:
- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

**Local Government Code § 176.003(a)(2)(A) and (B):**
(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

***
(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds $2,500 during the 12-month period preceding the date that the officer becomes aware that

(i) a contract between the local governmental entity and vendor has been executed; or

(ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than $100 in the 12-month period preceding the date the officer becomes aware that:

(i) a contract between the local governmental entity and vendor has been executed; or

(ii) the local governmental entity is considering entering into a contract with the vendor.

**Local Government Code § 176.006(a) and (a-1)**
(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

1. has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);
2. has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or
3. has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

1. the date that the vendor:

   (A) begins discussions or negotiations to enter into a contract with the local governmental entity; or

   (B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

2. the date the vendor becomes aware:

   (A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);

   (B) that the vendor has given one or more gifts described by Subsection (a); or

   (C) of a family relationship with a local government officer.
CITY OF PORT ARANSAS
710 W. Avenue A
Port Aransas, TX 78373
Office: 361-749-4111 Fax: 361-749-5270
Email: cfranje@cityofportaransas.org

VENDOR INFORMATION FORM

Please Type or Print Information

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<tr>
<th>Company Name</th>
<th>DBA Name</th>
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<th>Sales Representative/Company Contact</th>
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Certifications (Copies of current certifications must be included):

- [ ] Historically Underutilized Business
- [ ] Woman-Owned
- [ ] Minority Owned
CERTIFICATE OF INTERESTED PARTIES

Complete Nos. 1 - 4 and 6 if there are interested parties. Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

1 Name of business entity filing form, and the city, state and country of the business entity’s place of business.

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

4 Name of Interested Party | City, State, Country (place of business) | Nature of Interest (check applicable) | Controlling | Intermediary

5 Check only if there is NO Interested Party.

6 UNSWORN DECLARATION

My name is __________________________________________, and my date of birth is __________________________________________.

My address is __________________________________________, __________________________________________, __________________________________________, __________________________________________. (street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in ____________ County, State of ____________, on the ____ day of ____________, 20____.

(Declarant)

Signature of authorized agent of contracting business entity

ADD ADDITIONAL PAGES AS NECESSARY
Frequently Asked Questions
For Disclosure of Interested Parties (Form 1295)

1. Changes to Form 1295 since December 2017
2. Why do I need to include my date of birth and address when I sign Form 1295? Was this always the case?
3. Will my date of birth and address appear on the TEC’s website when I file the form?
4. Who is considered an "interested party"?
5. Who is required to file Form 1295?
6. To what contracts does Form 1295 apply?
7. Are there certain contracts that do not require Form 1295?
8. What if there is a change to an existing contract?
9. What if the contract is renewed?
10. Can I file Form 1295 with the Commission on paper?
11. How do I log in to the filing application?
12. Is there a mobile version?
13. Help! I can't log in!
14. Help! I forgot my password!
15. What is my "ID" when I click "Forgot Password" on the login page?
16. Can I have multiple accounts?
17. Do I send a copy of the signed Form 1295 to the Texas Ethics Commission?
18. Why is my Form 1295 certificate status "Pending" in my "Completed Certificates" table?
19. I still am not sure if anyone in my company qualifies as a controlling interest or intermediary. Can you give me some examples?
20. I submitted a Form 1295 and realized there is an error. Can I edit it?
21. How do I correct an error in a 1295 certificate after it has been acknowledged?
22. What if the contract associated with the Form 1295 is never fulfilled?
23. I represent a state agency or governmental agency. How much time do I have to acknowledge a Form 1295?
24. What if I accidentally acknowledge the wrong Form 1295?
25. The filing application says this Form 1295 has already been acknowledged. What do I do now?
26. Why am I not receiving email messages from the Texas Ethics Commission?

1. Changes to Form 1295 since December 2017

Changes to the law requiring certain businesses to file a Form 1295 are in effect for contracts entered into or amended on or after January 1, 2018. The changes exempt businesses from filing a Form 1295 for certain types of contracts and replace the need for a completed Form 1295 to be notarized. Instead, the person filing a 1295 needs to complete an "unsworn declaration."

2. Why do I need to include my date of birth and address when I sign Form 1295? Was this always the case?

In 2017, the legislature amended the law to require Form 1295 to include an "unsworn declaration" which includes, among other things, the date of birth and address of the authorized representative signing the form. The change in the law applies to contracts entered into, renewed, or amended on or after January 1, 2018. The unsworn declaration, including the date of birth and address of the signatory, replaces the notary requirement that applied to contracts entered into before January 1, 2018.

3. Will my date of birth and address appear on the TEC's website when I file the form?
No. The TEC filing application does not capture the date of birth or street address of the signatory and it will not appear on forms that are filed using the TEC filing application.

Although the TEC does not capture the date of birth and street address of the signatory, the contracting state agency or governmental agency will have a physical copy of the form that includes the date of birth and address of the signatory. The TEC cannot answer whether the contracting state agency or governmental agency may release such information. Questions regarding the Texas Public Information Act may be directed to the Office of the Attorney General. See also Paxton v. City of Dall., No. 03-13-00546-CV, 2015 Tex. App. LEXIS 5228, at *10-11 (App.-Austin May 22, 2015) (mem. op.) (pet. denied).

4. Who is considered an “interested party”?

An interested party is: (1) a person who has a controlling interest in a business entity with whom a governmental entity or state agency contracts; or (2) an intermediary.

(1) Controlling Interest: An interested party has a controlling interest in the business entity if the interested party meets one or more of the following conditions:

(a) has an ownership interest or participating interest in a business entity by virtue of units, percentage, shares, stock, or otherwise that exceeds 10 percent;

(b) is a member of 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

(c) serves as an officer of a business entity that has four or fewer officers, or serves as one of the four officers most highly compensated by a business entity that has more than four officers. Subsection (c) of this section does not apply to an officer of a publicly held business entity or its wholly owned subsidiaries.

(2) Intermediary Interest: An interested party has an intermediary interest in a contract if the person actively participates in facilitating a contract or negotiating the terms of a contract with a governmental entity or state agency, including a broker, intermediary, advisor, attorney, or representative of or agent for the business entity who meets all of the following conditions:

(a) receives compensation from the business entity for the person’s participation;

(b) communicates directly with the governmental entity or state agency on behalf of the business entity regarding the contract; and

(c) is not an employee of the business entity or of an entity with a controlling interest in the business entity.

The definitions are located at https://www.ethics.state.tx.us/legal/ch46.html.

5. Who is required to file Form 1295?

In 2015, the Texas Legislature adopted House Bill 1295, which added section 2252.908 of the Government Code. The law states that a governmental entity or state agency may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties (Form 1295) to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency.
The Texas Ethics Commission has adopted rules requiring the business entity to file Form 1295 electronically with the Commission. The state agency or governmental entity must use the filing application to acknowledge the receipt of Form 1295.

6. To what contracts does Form 1295 apply?

The law applies only to a contract between a governmental entity or state agency and a business entity at the time it is voted on by the governing body or at the time it binds the governmental entity or state agency, or whichever is earlier, including an amended, extended, or renewed contract, of a governmental entity or state agency that either:

(1) requires an action or vote by the governing body of the entity or agency before the contract may be signed; or

(2) has a value of at least $1 million.

Gov't Code § 2252.908; Texas Ethics Commission Rules §§ 46.1(b), 46.3(a). The disclosure requirement applies to a contract entered into on or after January 1, 2016.

A contract does not require an action or vote by the governing body of a governmental entity or state agency if:

(1) the governing body has legal authority to delegate to its staff the authority to execute the contract;

(2) the governing body has delegated to its staff the authority to execute the contract; and

(3) the governing body does not participate in the selection of the business entity with which the contract is entered into.

Texas Ethics Commission Rules § 46.1(c).

7. Are there certain contracts that do not require Form 1295?

Yes. Form 1295 is not required for the following contracts if entered into or amended on or after January 1, 2018:

(1) a sponsored research contract of an institution of higher education;

(2) an interagency contract of a state agency or an institution of higher education;

(3) a contract related to health and human services if:

(a) the value of the contract cannot be determined at the time the contract is executed; and

(b) any qualified vendor is eligible for the contract;

(4) a contract with a publicly traded business entity, including a wholly owned subsidiary of the business entity;
(5) a contract with an electric utility, as that term is defined by Section 31.002, Utilities Code;*
or

(6) a contract with a gas utility, as that term is defined by Section 121.001, Utilities Code.*

8. What if there is a change to an existing contract?

The law also applies to a change made to an existing contract, which includes an amendment, change order, or extension of a contract.

If the business entity has not submitted a disclosure of interested parties form for the existing contract, a new disclosure is required if: (1) the changed contract requires an action or vote by the governing body of the entity, or (2) agency or the value of the changed contract is at least $1 million.

If the business entity submitted a disclosure of interested parties form for the existing contract, a new disclosure is required if either: (1) there is a change to the disclosure of interested parties; (2) the changed contract requires an action or vote by the governing body of the entity or agency; or (3) the value of the changed contract is at least $1 million greater than the value of the existing contract.

Texas Ethics Commission Rules § 46.4.

9. What if the contract is renewed?

See "What if there is a change to an existing contract?" for information about a renewed contract.

10. Can I file Form 1295 with the Commission on paper?

No. A business entity must file Form 1295 electronically with the Texas Ethics Commission using the online filing application. The business entity must print the copy of the form filed with the Commission and submit the signed copy to the contracting state agency or governmental entity. See "How do I log in to the filing application?" for information about logging in to the online filing application.

11. How do I log in to the filing application?

If this is your first time logging in, you will need to create an account in order to register and receive a password. Once you have registered, you will receive an email containing a password setup link. Click on the link to set your password. After you have established an account, you will use your email address, password, and user type (either "Business Entity" or "Governmental Entity/State Agency") to log in to the Form 1295 filing application. Watch our short videos on "Logging In The First Time" on the Form 1295 File Reports Electronically web page.

12. Is there a mobile version?

Yes. You can submit and acknowledge certificates using mobile devices.

13. Help! I can’t log in!

The Email (User ID) is case sensitive. If you cannot remember the correct case of your email, you will need to call the Texas Ethics Commission at 512-463-5300. If you forgot your password, see "Help! I forgot my password!".

14. Help! I forgot my password!
If you forgot your password, you can reset your password by clicking the "Forgot Password?" link on the Form 1295 filing application login screen. Once you enter your email address (case sensitive) and filer type and successfully answer the security questions, you will receive an email containing a password reset link. If you cannot successfully answer your security questions, you will need to call the Texas Ethics Commission at 512-463-5800.

15. What is my "ID" when I click "Forgot Password" on the login page?

"ID" is the email address that you used to create your account. Your ID is case sensitive. When you enter your email address in the "ID" field, you must enter the exact upper and lower case letters, numbers, and special characters that you used when you created your account. For example, if you created your account as MyEmail@doesnotexist.com, you must enter the "M" in "My" and the "E" in "Email" as upper case and all other letters as lower case.

16. Can I have multiple accounts?

You can have a separate account associated with each unique email address. However, once an account is established, there is no way to combine it with another account. You can only view those certificates created under your own unique email address. If you want to view all your certificates together in one account, we highly encourage you to setup a specific email address to register your account and use that email address each time you log in to the filing application.

17. Do I send a copy of the signed Form 1295 to the Texas Ethics Commission?

No. Do not send a paper copy of the signed Form 1295 to the Texas Ethics Commission. If you are with a state agency or other governmental entity, you will log in to the filing application and acknowledge receipt of Form 1295 electronically. See "How do I log in to the filing application?" for more information about logging into the filing application.

18. Why is my Form 1295 certificate status "Pending" in my "Completed Certificates" table?

Any submitted 1295 certificate that has been signed must be sent to the governmental entity/state agency for acknowledgment. The certificate status will remain pending until the governmental entity/state agency acknowledges the certificate online. Once the 1295 certificate is acknowledged by the governmental entity/state agency, the status will change to "Acknowledged".

19. I still am not sure if anyone in my company qualifies as a controlling interest or intermediary. Can you give me some examples?

For example, Joe is filling out a Form 1295 for his company’s contract with a governmental entity. Joe owns 50% of the company and his wife, Jane, owns 50% of the company. They have no officers or board members. Joe would list both his name and his wife’s name as controlling interests because they each have an ownership interest of greater than 10 percent.

Joe also hired a lawyer to help facilitate his company’s contract with the governmental entity. Joe paid the lawyer a fee, the lawyer contacted the governmental entity, and the lawyer is not Joe’s employee. Joe would list the lawyer as an intermediary because the lawyer is a non-employee paid
by the company to make a direct communication with the governmental entity to negotiate or facilitate the contract.

20. I submitted a Form 1295 and realized there is an error. Can I edit it?

No. Once a Form 1295 has been submitted by the business entity, it can no longer be edited. If you found an error, you will need to start a new certificate and re-enter all the required information.

21. How do I correct an error in a 1295 certificate after it has been acknowledged?

It is not possible to correct a submitted and acknowledged 1295 certificate. If you find that the acknowledged 1295 certificate has an error, you need to create a new certificate. This new certificate must include all of the required information from the original certificate plus the changes to correct the error. In Box 3, enter this string at the very beginning of the description field:

"This supercedes certificate 2016-#####."

where 2016-##### is the certificate number in the "OFFICE USE ONLY" box on the certificate that contains the error.

When you have completed the data entry for the replacement certificate, submit the certificate. Print the new certificate and sign it -- completing the unsworn declaration -- and provide the signed certificate to your governmental entity or state agency to acknowledge using the 1295 filing application.

Both the original certificate and the replacement certificate will be available on the TEC website.

22. What if the contract associated with the Form 1295 is never fulfilled?

All certificates that are filed with the Texas Ethics Commission and acknowledged by a governmental entity will be posted to the Commission's website regardless of the eventual outcome of the contract associated with the certificate.

23. I represent a state agency or governmental agency. How much time do I have to acknowledge a Form 1295?

A state agency or other governmental entity must acknowledge the receipt of the filed Form 1295 not later than the 30th day after the date the governing body or state agency receives the Form 1295. Once a Form 1295 is acknowledged, it will be posted to the Texas Ethics Commission's website within seven business days.

24. What if I accidentally acknowledge the wrong Form 1295?

Before you acknowledge a Form 1295, you should double check that you are acknowledging the correct one. If you acknowledge a Form 1295 in error, you cannot undo the certification. Contact the Texas Ethics Commission at 512-463-5800 and ask to speak with Technical Support.

25. The filing application says this Form 1295 has already been acknowledged. What do I do now?

First, you should double check that you are entering the correct certification number. If you still receive an error, contact the Texas Ethics Commission at 512-463-5800 and ask to speak to technical support.

26. Why am I not receiving email messages from the Texas Ethics Commission?
All password reset links will be sent to the email address you provided when you registered. This should be an email address that is current and that you check often. You can verify and update your email address right after you log in. Also, be sure to "whitelist" or mark as "safe" emails that come from "do-not-reply@ethics.state.tx.us" and be sure to check your Spam or Junk folder for any missing messages.

Last Revision: January 3, 2018
CITY OF PORT ARANSAS  
HIGH PRESSURE GAS MAIN REPLACEMENT  

PRE-BID ATTENDEES  
The following companies emailed after the Pre-Bid Meeting that the attended. Some companies had multiple attendees.  

- TROY CONSTRUCTION  
- BEST BID  
- GONZALEZ DE LA GARZA & ASSOCIATES, LLC  
- CECO PIPELINE SERVICES  
- EQUIX  
- BADECO INC.  
- TENNESSEE PIPELINE CONSTRUCTION COMPANY  

PLAN HOLDER LIST  
The following companies are on the plan holder list.  

- CONSTRUCTION JOURNAL  
- AUSTIN AMTEK INFORMATION SERVICES  
- RB CONSTRUCTION  
- ROBYN BRUCE  
- CONSTRUCTION CONNECT  
- LOUEN LEA M. CARILLA  
- EQUIX ENERGY SERVICES  
- BOYD & CONSTRUCTION  
- H&S CONSTRUCTION  
- MASTEC  
- FOSS ENERGY SERVICES  
- TROY CONSTRUCTION  
- BADECO  
- R CONSTRUCTION  
- SEXTON  
- DOWNSOUTH FIELD SERVICES  
- BADECO  
- AUSTIN ENGINEERING COMP.  
- LEMOINE PIPELINE SERVICES  
- NDE SOLUTIONS  
- MILESTONE CO.