



CITY OF BROWNSVILLE  
PURCHASING & CONTRACT SERVICES DEPARTMENT

**Request for Statements of Qualifications for  
Traffic/Engineering Consulting Services for the  
City of Brownsville / Brownsville Metropolitan  
Planning Organization**

**SOQ # XXX-XX-XXXX**

**SOQ DUE DATE: Friday, February 22, 2019  
SOQ DUE TIME: 3:00 P.M.**



Request For Statements of Qualifications for Traffic/Engineering Consulting Services for the City of Brownsville / Brownsville MPO

SOQ #XXX-XX-XXXX

February 20, 2019 at 3:00 P.M.

INVITATION

*\* B/P/Q (Bid/Proposal/Qualifications)*

Description	NUMBER	Pre-Bid Meeting	OPENING
Request For Statements of Qualifications for Traffic/Engineering Consulting Services for the City of Brownsville/Brownsville MPO	*Q AEC-37-0718	<u>N/A</u>	<b>February 20, 2019 at 3:00 P.M.</b>

Sealed, bids/proposals/SOQ will be received by the City of Brownsville, at the Office of **Roberto C. Luna, Jr., Purchasing Director, located at City Hall, 1001 E. Elizabeth Street, Suite 101, Brownsville, Texas 78520, (956) 548-6087**, e-mail: [purchasing@cob.us](mailto:purchasing@cob.us).

**Copies of the bid documents consisting of detailed specifications, general requirements or other information may be obtained at the Purchasing Department.**

Interested Bidders/Proposer are invited to attend the Bid/Proposal/SOQ acknowledgement at the Office of the Purchasing/Contracting Department on the dates specified. Plans and Specifications are available at the Purchasing Office. Presence is not mandatory. Specifications may also be viewed and downloaded at:

<http://www.cob.us>

<https://idp.bidnetdirect.com>

<https://www.aaae.org/>

**Roberto C. Luna, Jr.**  
Purchasing Director



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Acknowledgment of Receipt

Please submit this page upon receipt.

For any clarifications, please contact Mr. Roberto C. Luna, Purchasing Director, at the City of Brownsville Purchasing & Contract Services office at (956) 548-6087 or e-mail: [purchasing@cob.us](mailto:purchasing@cob.us).

Please fax, mail and/or e-mail this page upon receipt of SOQ package no later than February 13, 2019 before 3:00 P.M. CST.

**Fax: (956) 546-2711**

If you are unable to respond on this item, kindly indicate your reason for **“Not Responding”** below and fax back. This will insure you remain active on our vendor list.

Date: \_\_\_\_\_

**Yes, I will be able to submit a Bid.**

**No, I will not be able to submit a Bid for the following reason:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_

Company: \_\_\_\_\_

Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_

E-mail address: \_\_\_\_\_

**PLEASE NOTE:**

Please take a moment to register your Company with the City of Brownsville Purchasing Department or update your registration on our new form at the following web site address: <http://www.cob.us> <https://idp.bidnetdirect.com> <https://www.aaae.org/>



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**MISCELLANEOUS**

**Point of Contact.**

For information regarding bidding procedures contact Mr. Roberto C. Luna, Purchasing Director, (956) 548-6087

**TERMINATION BY THE CITY** - The City of Brownsville reserves the right of unilateral termination of the contract by providing a thirty (30) day written notice of such intent.

**Forms.** Enclosed you will find a Disclosure of Interests Form and a Statement of Non-Collusion. Fill-in both forms and return with your bid.

**DISCLOSURE OF INTEREST FORM** - Please complete the attached Disclosure of Interest form and submit with your bid proposal.

**STATEMENT OF NON-COLLUSION FORM** - Enclosed is a Statement of Non-Collusion, which must be completed by the vendor and submitted with the bid.

**CERTIFICATION FORM** - Compliance with requirements for the participation of DBE's/ Debarment, Suspension, and other ineligibility and voluntary exclusion lower tier covered transactions/ Certification regarding restrictions on lobbying.

**ADDENDA**

The following Addenda have been received. The modifications to the Contract Documents noted therein have been considered and all costs thereto are included in the Bid Price.

Addendum No. .... Dated .....

Addendum No. .... Dated .....

Addendum No. .... Dated .....

**INDEMNIFICATION**



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BIDDER covenants and agrees to FULLY INDEMNIFY, DEFEND and HOLD HARMLESS, the CITY and the elected officials, employees, officers, directors, volunteers and representatives of the CITY, individually and collectively, from and against any and all costs, claims, liens, damages, losses, expenses, fees, fines, penalties, proceedings, actions, demands, causes of action, liability and suits of any kind and nature, including but not limited to, personal or bodily injury, death and property damage, made upon the CITY directly or indirectly arising out of, resulting from or related to BIDDER'S activities under this contract, including any acts or omissions of BIDDER, any agent, officer, director, representative, employee, consultant or subcontractor of BIDDER, and their respective officers, agents employees, directors and representatives while in the exercise of the rights or performance of the duties under this contract. The indemnity provided for in this paragraph shall not apply to any liability resulting from the negligence of CITY, its officers or employees, in instances where such negligence causes personal injury, death, or property damage. IN THE EVENT BIDDER AND CITY ARE FOUND JOINTLY LIABLE BY A COURT OF COMPETENT JURISDICTION, LIABILITY SHALL BE APPORTIONED COMPARATIVELY IN ACCORDANCE WITH THE LAWS FOR THE STATE OF TEXAS, WITHOUT, HOWEVER, WAIVING ANY GOVERNMENTAL IMMUNITY AVAILABLE TO THE CITY UNDER TEXAS LAW AND WITHOUT WAIVING ANY DEFENSES OF THE PARTIES UNDER TEXAS LAW.

The provisions of this INDEMNITY are solely for the benefit of the parties hereto and not intended to create or grant any rights, contractual or otherwise, to any other person or entity. BIDDER shall advise the CITY in writing within 24 hours of any claim or demand against the CITY or BIDDER known to BIDDER related to or arising out of BIDDER's activities under this contract, and shall see to the investigation and defense of such claim or demand at BIDDER's cost. The CITY shall have the right, at its option and at its own expense, to participate in such defense without relieving BIDDER of any of its obligations under this paragraph.

**BID REJECTION OR PARTIAL ACCEPTANCE** – The CITY OF BROWNSVILLE reserves the right to reject any or all bids. It further reserves the right to waive technicalities and formalities in bids, as well as to accept in whole or in part such bid or bids where it deems it advisable in protection of the best interests of the City.

**INSURANCE -**

Prior to beginning work, the Contractor shall furnish the City with certificates of insurance in the amounts listed below:



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- A. Workers' Compensation Insurance  
Amount: Statutory
  
- B. Comprehensive General Liability Insurance  
Amount: \$500,000 Each Occurrence  
\$1,000,000 General Aggregate
  
- C. Comprehensive Automobile Liability Insurance  
Amount: \$500,000 Combined Single Limit

This insurance shall be kept in force until the work under this contract has been completed and accepted by the City. The City shall be listed as Additional Insured under the policy.

**VALID SOQ TIME FRAME** – The City may hold bids 60 days after opening without taking action. Bidders shall be required to hold their bids firm for the same period of time.

**GENERAL INSTRUCTIONS**

**SECTION 1. GENERAL INFORMATION**



**Request For Statements of Qualifications for Traffic/Engineering Consulting Services for the City of Brownsville / Brownsville MPO**

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**February 20, 2019 at 3:00 P.M.**

The City of Brownsville is seeking letters of interest and statements of qualifications from parties interested in performing professional traffic/engineering consulting services for an update of the MPO's Congestion Management Process (CMP).

The selection process will be conducted in accordance with applicable federal, state and local regulations.

Final execution of a contract will be contingent on the availability of funding. The proposer shall include any sub consultants with this SOQ.

The purpose and intent of this Request for Qualifications is to enter into an agreement with a professional firm to perform consulting services. The successful proposer will be selected based on their qualifications as specified herein. Fee information will not be considered during the selection process. The resulting agreement shall be utilized on an as needed or as required basis; therefore, the Brownsville MPO does not guarantee the successful proposer an agreement value of any amount for services to be rendered under this contract. Brownsville MPO reserves the right to initiate additional procurement action for any portion of the prescribed services.

It is anticipated that this work will be accomplished with funds from MPO Planning (federal) funds.

Since it is anticipated that these projects will be funded by federal (MPO) monies, professional consultant services rendered for these projects must conform to all applicable requirements of the Federal Highway Administration (FHWA) and City of Brownsville's rules and regulations.

Applicable Federal provisions include, but may not be limited to:

- Title VI of the Civil Rights Act of 1964
- 49 CFR Part 29 – Debarment and Suspension

## **SECTION 2. SCOPE OF SERVICES**

The selected consultant may be requested to provide professional services on any or all of the following:

- Congestion Management Process (CMP) issues
- Intersection Improvements
- Access Management issues
- Traffic Signal Optimization
- Traffic Signal Synchronization Improvements and related issues





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The map (above) herein outlines the Brownsville's MPO Study Area. Incorporated cities within this study are Brownsville, Los Fresnos and the Town of Rancho Viejo. A subset of the MPO's arterials and collectors (FHWA Functionally Classified Roadways) provides roadways for which travel time studies will be conducted.

**Task A: Data Review, Data Collection and Analysis**

**Purpose:** To collect and analyze data regarding congested roadways.

The consultant shall analyze traffic time data provided to the MPO by the Texas A&M Transportation Institute (TTI). Specifically, the MPO has in its possession travel time data for two (2) previous years provided by TTI

In formulating a proposed scope of work, the successful firm shall review this list, in cooperation with MPO staff, to assess whether or not some roadways should be deleted and/or roadway segments should be added from the network list. The consultant shall mutually review these issues with the MPO staff. Such review might determine that some revisions are needed.

**Task A: Data Collection and Analysis**

**Purpose:** To collect and analyze data Re: congested roadways.

**Activities:** The information to be gathered includes, but is not limited to, the travel times and delays for identified road segments in the MPO's network. (Please see roadways listed below.)





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- \* Roadway mapping shall be conducted by driving each roadway utilizing Global Positioning System (GPS) equipment. Traffic elements shall be recorded including, but not limited to, the following: intersection controls, speed limits, number of lanes, school zone limits and construction areas. Other elements to be used with MPO supplied data include: jurisdictional boundaries, model area type and model facility type. Use of the GPS equipment for these mapping efforts is intended to provide information to the Brownsville MPO for use with ArcGIS. This will assist the MPO's planning for future projects and to assess changes in roadway (corridor) conditions.
- \* Develop maps indicating the current congestion levels.
- \* Travel times shall be collected in two (2) second time intervals and shall be plotted onto an appropriate ArcGIS system. In addition, this data should be provided in TransCAD and ArcView formats for the MPO's use.
- \* Coordinate proposed test vehicle work with all stakeholders (City of Brownsville Traffic Division and the City Manager of the City of Los Fresnos), TxDOT Pharr District (Jesus Leal) to gather information and address safety concerns. Also, another stakeholder is Brownsville Metro, formerly known as the Brownsville Urban System (BUS). The MPO's Transit Planner will provide information about those roadways which also serve as bus (transit) routes.
- \* A test vehicle will be used in order to gather travel times and congestion level data for roadways in the MPO study area. The test vehicle ("floating car") shall perform as the highway capacity manual definition of one (1) passenger car equivalent. If the consultant proposes to use another method of collecting data (other than the "floating car" method), then the consultant shall fully outline the proposed methodology and explain how it will provide superior results.
- \* Schedule & Timeline.
- \* The consultant must be willing to conduct test vehicle runs on the network during peak time periods, as agreed to by the Brownsville MPO. The "floating car" method will be used to perform such tests.

These roadways (below) are candidates for test vehicle runs for collection of data.

**(1) Brownsville MPO's FHWA Functionally Classified Roadways**

- IH-69E Expressway – from MPO Boundary line (north of S.H. 100) to University Blvd. (East Loop), next to the Veterans International Bridge. Note: frontage road data is also required.
- S.H. 100 – from U.S. 77/83 to ½ mile east of F.M. 1847
- F.M. 1732 – from U.S. 281 to U.S. 77/83
- F.M. 1847 – from IH-69E frontage road to S.H. 550
- U.S. 281 – from MPO boundary line (near or west of F.M. 1577) to S.H. 48 (near RR tracks)
- F.M. 3248 – from U.S. 281 to S.H. 550
- S.H. 48/S.H. 4 (Boca Chica Blvd.) – from U.S. 281 (near RR tracks) to F.M. 313
- S.H. 550 – from IH-69E to S.H. 48
- Bus. 77 (Central Blvd.) – from F.M. 802 to E. Elizabeth St. (at 6<sup>th</sup> St.)
- F.M. 802 – from U.S. 281 to F.M. 511
- S.H. 4/S.H. 48 – from Gateway International Bridge (at Elizabeth St.) to Port of Brownsville (S.H. 550)
- S.H. 48 – from Port of Brownsville/S.H. 550 Intersection to Shrimp Basin entrance



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- F.M. 1419 – (Southmost Rd.) – from 14<sup>th</sup> St. near Roosevelt to S.H. 4
- F.M. 1421 – from U.S. 281 to U.S. 77/83
- F.M. 1577 – from U.S. 281 to U.S. 77/83

**(2) Other Roadways within the Brownsville MPO that merit collection of congestion data**

- Old Port Isabel Rd. – from F.M. 802 to S.H. 550
- Price Rd. – from Central Blvd. (Bus 77) to S.H. 48 (South Padre Island Highway)
- Palm Blvd. – from Mexico Blvd. to S.H. 48 (Boca Chica Blvd.)
- Central Ave. – from Billy Mitchell Blvd. to Old Port Isabel Rd.
- University Blvd. (East Ave.) – from S.H. 4 (International Blvd.) to IH-69E NB frontage road
- Coffee Rd./Coffee Port Rd./J. Zapata Ave. – from F.M. 802 to S.H. 48 (South Padre Island Highway)
- Dana Rd. – from Old Port Isabel Rd. to F.M. 3248
- Robindale Rd. – from S.H. 550 to S.H. 48 (South Padre Island Highway)

**(3) Brownsville Metro Transit Routes**

Note: A small portion of one Brownsville Metro transit route is listed below. Other portions of many other transit routes are already listed in #1 and #2 above.

- Pablo Kisel Blvd. – from U.S. 77/83 frontage road to F.M. 3248

**Deliverables:**

A report which includes text, graphics and various maps to explain the following:

- \* Corridor Maps – Please identify the targeted corridors and provide additional drawings for intersection improvements.
- \* Narrative explanation (text) to illustrate comparative advantages and disadvantages of suggested congestion mitigation strategies.
- \* Evaluation of traffic optimization and synchronization strategies.
- \* Identification of particular problem areas which merit closer examination and recommended solutions.
- \* Other appropriate graphics.
- \* Identify trends (eg. increasing population and congestion) via charts, maps or other visual aids.

Another task that the consultant firm should undertake involves an analysis of high crash (rate) locations. This “hot spot” analysis may reveal recommended (geometric) solutions or outline corridors which merit other attention.

An essential qualifier will be for the consultant firm to provide a recommended methodology for selection of roadways for travel time runs. In addition, the firm shall develop suggestions for the MPO to consider in terms of a quantitative process for assessing the effectiveness of the MPO’s



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CMP and Travel Demand Model (TDM) activities. The consultant firm can suggest additional work activities for these services, if deemed beneficial.

The Brownsville MPO will still have a need for obtaining new data sets in the future. Given the new focus on performance-based planning and programming to meet federal regulations, the MPO staff will produce reports, charts, establish trend lines and other information about congestion management issues in the future. Accordingly, it is required that the consultant firm shall provide training to the MPO staff on the production of CMP-related graphics, maps, charts, trend lines, etc. These products involve the manipulation of datasets from the travel time runs, as well as from other data sources available to the MPO.

For an illustration of the Congestion Management TTI dataset and examples of visualizations, which will soon be available to the Brownsville MPO, the consultant firm is encouraged to visit the following: [ec2-18-212-202-159.compute-1.amazonaws.com/Bryan-College-Station/](http://ec2-18-212-202-159.compute-1.amazonaws.com/Bryan-College-Station/).

(Note: BC Station will be replaced with Brownsville).

**Task B: Stakeholder & Public Involvement**

The Brownsville MPO stresses the importance in obtaining public input when the MPO makes future plans for the development of the area's Transportation system. The consultant and the MPO staff, shall develop a public participation strategy designed to ensure that adequate input and involvement of the public in this Congestion Management Study.

There will be a minimum of one (1) open house event held (possibly during the evening hours) and we expect to hold at least two informal meetings with an Advisory Congestion Management Committee, to be established soon.

\* As part of this study, it will be necessary to hold at least one (1) open house event on proposed congestion mitigation strategies and related issues.

**Task C. Prepare Congestion Management Process (CMP) Documents**

The MPO prefers that this study be certified and sealed by a Certified/Registered Professional Traffic Operations Engineer (PTOE), but it is not a requirement.

Purpose: Work in this task shall be devoted to the development and preparation of the Congestion Management Process (CMP) document(s) and maps. The format for the documents shall be specified by the MPO, but shall include any maps and/or graphics needed to convey the results of the study. Work in this task should include adequate Technical Committee review and comment as well as adequate review time for the City of Brownsville staff, MPO and TxDOT staff.

\* Work by the consultant firm in formatting and providing documents in this task should be coordinated with the MPO staff.

\* Prepare recommendations about how to improve traffic flow. Specifically, the MPO seeks recommendations about how to improve traffic flow for the network's overall operations, as well as recommendation for specific corridors, including details about intersection improvements, signal timing and access management strategies. Detailed analyses are requested. For example, to simply outline that particular corridors will benefit from improved traffic signal timing is insufficient.



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Please provide the following information for specific corridors:

- informed estimates of the percentage (extent) of peak delays that can be ameliorated;
- the likely costs of implementation of traffic signal improvements;
- the future savings to be gained in terms of lessening of corridor delays;
- other relevant information pertaining to the needed corridor improvements;
- Information via graphics and/or charts.

One part of this analysis would consist of identification and recommendations about improvements for the MPO's ten (10) most congested roadway segments. Recommendations about improvements would include, but not be limited to, the following:

- \* re-stripping of lanes
- \* signalization improvements
- \* improved geometrics
- \* other feasible remedies
- \* cost:benefit analysis of proposed improvements

Travel time data for several years prior to 2018 has been provided to the MPO. The amount of material provided by the Texas A & M Transportation Institute (TTI) appears to be extensive. However, the particular (congested) roadways of interest are more limited in nature. Using such TTI data is needed by the Brownsville MPO for analyses of this travel time data. The following issues should be addressed:

- What are the costs associated with delays on area roadways?
- Which roadways are the most congested?
- What is the rate of increases (in congestion levels) for such roadways?
- How can these issues be shown via graphics, charts and/or maps?

### **SECTION 3. DELIVERABLES**

Deliverables:

Two (2) reproducibles and 30 bound copies of the draft Congestion Management Process (CMP) document(s) shall be submitted to the MPO for review. Upon receipt of comments, revisions shall be made by the consultant. Two (2) reproducibles and 35 copies of the final Congestion Management Process shall be provided. A copy of the final Congestion Management Process document shall also be provided on media format in a mutually agreeable format. Also, the consultant will develop overlays in a mutually agreeable digital format. The product of this task shall be the final Congestion Management Process (CMP) reports and maps.

Previous Work:

It is recommended that the consultant analyze the previous CMP work conducted by the Brownsville MPO in 2012.



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Resources to be made available to the Consultant:

1. Mapping and demographic data maintained by the Brownsville MPO.
2. Copy of MPO transportation plans and associated maps.
3. Most current Land Use maps for the City of Brownsville.
4. Latest travel demand forecasting information based on the last validated model for the Brownsville MPO study area.
5. MPO area Functional Classification (FC) map and listing of FC roadways.

Required Schedule:

It is anticipated that this project will take approximately four to five months to complete.

The collection of congestion data and data requirements should be coordinated with MPO staff to make sure that unusual events do not affect the validity of the results. Any necessary data collection should be completed at the initial stages of the study. Preliminary results should be presented for review by the Brownsville MPO within three months. A final report should be submitted for review within four to six months.

Reporting Requirements:

The proposer shall prepare a brief progress report every month. These reports should describe the work accomplished and technical decisions made during the previous reporting period and highlight the work to be completed during the next month.

Public Involvement:

The MPO stress the importance of citizen participation in making future plans for the development of the area's Transportation System. The consultant and the MPO staff shall develop a public participation strategy designed to ensure adequate input and involvement of the public in this Congestion Management Process. It is expected that an informal Open House Event will be held to solicit comments and/or questions about these issues from local citizens.

## **SECTION 4. QUALIFICATIONS**

QUALIFICATIONS:

The selected consultant must possess the ability, experience, and reputation for high quality service necessary to produce high quality and functional projects. To ensure the engineer is capable of providing an acceptable level of service to the City, the following minimum qualifications must be met:

- Consultant must have extensive experience in the transportation planning process and ability to analyze issues, data from a variety of sources and prepare recommendations for mitigation of congestion problems for the City of Brownsville/Brownsville MPO.
- Consultant must have knowledge of level of service issues for various functionally classified roadways and must be knowledgeable about traffic signal operations.
- Consultant must carry adequate Professional Liability Insurance.



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**SECTION 5. SELECTION PROCESS**

A selection committee may select a minimum of two (2) and a maximum of four (4) candidates from those responding to this RFQ, which appear best qualified relative to the evaluation criteria listed herein. Those candidates selected will be invited to make presentations to the selection committee. The committee will then rank the candidates in order of preference. Negotiations will be initiated with the number one ranked candidate to define a detailed scope of work and services. MPO staff at the City of Brownsville will obtain a cost estimate and will request the consultant to submit a fee proposal and cost breakdown for evaluation and negotiation. If a mutually satisfactory agreement cannot be reached with the first ranked candidate, negotiations will be terminated with that candidate and the negotiation process by MPO staff will be initiated with the second ranked candidate. This process will be repeated until a mutually satisfactory agreement is reached. Also, the Brownsville MPO Committee must acknowledge the rankings made via this selection process. When such an agreement is reached, a recommendation will be made to the City Commission to execute a contract pursuant to the agreement and subject to the availability of funding. The City reserves the right to reject any negotiated proposal at its sole discretion for any reason.

**Evaluation Score Sheet**

	Weight/Percentage
1. Project Understanding: Preferences shall be given to those firms which have a comprehensive understanding of the MPO requirements. (20%)	
• Thoroughness of response	5%
• Relevant maps and graphics	5%
• Quality of the proposal/SOQ	10%
2. Conceptual and technical approach to the requirements (45%)	
• Creativity of proposed approach in terms of analysis and problem solving	10%
• Efficient use of available data sources, including knowledge of MPO requirements	10%
• Demonstrated knowledge of the problem and methodologies for solving it	15%
• Geographical knowledge of study area, local governments and other study issues	10%
3. Proposed Management of the Undertaking (35%)	
• Background of the firm	5%
• Relevant experience of firm and key staff	5%
• References from agencies that utilized services of the firm	5%
• Provision of required skills and disciplines	5%
• Availability to perform the MPO's work	5%





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- Timeliness as to completion of previous projects 5%
- Professional 5%

(Perfect Score) Total: 100%

**SECTION 6. STATEMENT OF QUALIFICATION REQUIREMENTS**

Statements of Qualifications should be organized in the following format. Responses are limited to 25 pages' maximum. Elements listed under each part must be included in the submittal:

**A. Executive Summary:**

The Statement of Qualifications shall be prefaced by an Executive Summary of two (2) pages or less, which gives in brief, concise terms a summation of the submittal.

**B. Required Experience:**

Describe the background and experience of the primary and sub-consultants. This section should be a concise document which shall include the following information.

**C. Relevant Experience of Consultant:**

A brief summary of the work accomplished by the Consultant or its present personnel in similar engagements at similar Congestion Management Process (CMP) in the United States within the past three (3) years.

The summary must include where the work was performed, the disciplines performed at each location and the dollar value of the work performed at each location by the Consultant. The summary shall also include the approach to the work, any unique problems, and the solutions thereto, as seen by the Consultant in performing the work.

**D. Relevant Experience of Major Sub-Consultants:**

It is the intention of the City of Brownsville to execute a contract with one Consultant and to hold that firm solely responsible for the execution of the entire project. It is

recognized and expected that the Consultant may desire or need the services of sub-consultants to undertake various elements and items of these studies. In the event that such sub-consultants are anticipated, the statement of qualifications should identify the proposed sub-consultants and the specific elements and items for which each will be responsible. For any sub-consultant anticipated to receive 20% or more of the dollar volume of the work under this contract, said sub-consultant shall provide the same relevant experience information requested with respect to the Consultant.

**E. Assigned Staff:**

A statement of the project manager and key personnel that would be assigned to the study by the Consultant and its sub-consultants. Include an organizational chart, a description of the interface between the parent organization and the project team, job description of key positions, and resumes of the key personnel who would be performing the work. Each resume or biography must describe the person's professional capabilities, experience, education, training and work commitments. Describe any subcontracting relationships that are proposed for the project.



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**SECTION 7. PROPOSED TIME SCHEDULE**

The schedule for conducting this selection process is proposed as follows, subject to revision:

Advertise solicitation of SOQ	01/2019
Deadline to receive responses and qualification statements from interested firms.	02/20/2019
Selection Committee completes evaluation process	02/26/2019
Receive scope and fee proposal from top-ranked firm	early 03/2019
MPO Policy Committee approval of highest ranked firm	mid 03/2019
Finalize negotiations	3 <sup>rd</sup> week of 03/2019
City Commission authorization to execute contract	04/2019
*Notice to proceed	TBD

\*Pending availability of funds

**SECTION 8. DBE PARTICIPATION**

Describe your program for the direct involvement of Disadvantaged Business Enterprises (DBE) in the ownership, management, or operation of your business. If you are a certified DBE, indicate the source of your certification. The current year DBE goal for the City of Brownsville (fiscal agent of the MPO) is 2% of the dollar volume of contracts awarded.

**SECTION 9. SUBMISSION REQUIREMENTS**

One (1) Original “Marked ORIGINAL” and six (6) copies of the Statement of Qualifications are to be submitted in a sealed envelope bearing the name and address of the Engineer (firm) and should be clearly marked “Statement of Qualifications – Brownsville MPO Traffic/Engineering Consulting Services. Statements of Qualifications are to be submitted no later than 3:00 P.M. on February 20, 2019 to:

City of Brownsville  
P.O. Box 911  
Brownsville, TX 78520  
ATTN: Roberto C. Luna, Jr.  
Purchasing & Contract Services Director  
Telephone #: (956) 548-6087  
Fax #: (956) 546-2711





**Request For Statements of Qualifications for Traffic/Engineering Consulting Services for the City  
of Brownsville / Brownsville MPO**

**SOQ #XXX-XX-XXXX**

**February 20, 2019 at 3:00 P.M.**

Only timely received submittals meeting the requirements of this Request for Qualifications will be considered. No submittal will be considered or accepted which is submitted by an Consultant that is in default under the terms of any existing agreement with the City of Brownsville, or which has failed to perform its obligations faithfully under any previous agreement with the City. Submittals shall be signed by an authorized representative of the Consultant.

**SECTION 10. QUESTIONS REGARDING THIS REQUEST FOR QUALIFICATIONS**

Questions regarding this project shall be submitted in writing and directed to:

Roberto C. Luna, Jr.,  
Purchasing & Contract Services Director  
City of Brownsville  
1001 E. Elizabeth St., Suite 101  
Brownsville, TX 78520  
Telephone #: (956) 548-6087  
Fax #: (956) 546-2711  
E-Mail: [Purchasing@cob.us](mailto:Purchasing@cob.us)

Amendments or revisions of this Request for Qualifications resulting from written questions will be developed as expeditiously as possible, and will be distributed to all parties requesting the original proposal package.



Request For Statements of Qualifications for Traffic/Engineering Consulting Services for the City  
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**SECTION 11. RESTRICTIONS ON LOBBYING ACTIVITY**

**A. Prohibited Contacts During Contract Evaluation**

A vendor/contractor or a vendor's/contractor's agent/representative is prohibited from contacting city officials, including elected officials, and employees regarding a proposed contract from the time a Request for Proposal (RFP), a Request for Statements of Qualifications (RFQ-SOQ), a Bid Solicitation (IFB) or other solicitation has been released until the contract has been acted on by the City Commission. If contact is required, such contact will be done in accordance with procedures incorporated into the solicitation document. Violation of this provision by contractors, respondents or their agents, including lobbyists, may lead to disqualification of the respondent's offer.

**B. A Lobbyists or Vendor/ Contractor May Not Place City Official Under Personal Obligation**

A Lobbyist or a Vendor/Contractor or any of their agents may not do any act or refrain from any act for the express purpose and intent of placing any city official under personal obligation to the Lobbyist or Vendor/ Contractor.

**C. False Statements**

A lobbyist or the vendor/contractor or any of their agents/representatives cannot intentionally or knowingly make any false or misleading statement of fact to any city official, or cause a copy of a document with false information to be received by an official without notifying the official in writing of the truth. Likewise, a registrant who learns that a statement in a registration form or activity report during the previous 3 years is false must correct that statement within 30 days by written notification to the Office of the City Secretary.

**D. Use of False Identification**

A lobbyist or the vendor/contractor or any of their agents/representatives cannot communicate with a city official in the name of any fictitious person or in the name of any real person, without that person's consent.

**E. Improper Influence**

A lobbyist or the vendor/contractor or any of their agents/representatives cannot cause or influence the introduction of any ordinance, resolution, appeal, application, petition, nomination, or amendment for the purpose of later being employed as a lobbyist to secure its granting, denial, confirmation, rejection, passage, or defeat.



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**F. Improper Representation**

A lobbyist or the vendor/contractor or any of their agents/representatives cannot represent that the person can control or obtain the vote or action of any city official.

1 City Official – the Mayor, members of the City Commission, City Manager, Assistant City Managers, Department and Division Heads, and Municipal Court Judge of the City of Brownsville.



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**Disclosures and Requirements for City Vendors/Contractors**

Lobbyists are often retained for the purpose of assisting vendor/contractor seeking to do business with the city. The standards of conduct applicable to city contractors or other vendor/contractor of lobbyists are discussed below.

**A. Prohibited Contacts During Contract Evaluation**

A vendor/contractor or a vendor's/contractor's agent is prohibited from lobbying activities with city officials, including elected officials, and employees regarding a proposed contract from the time a Request for Proposal (RFP), a Request for statements of Qualifications (RFQ-SOQ), a Bid Solicitation (IFB) or other solicitation has been released until the contract is posted as a City Commission agenda item. If contact is required, such contact will be done in accordance with procedures incorporated into the solicitation document. Violation of this provision by respondents or their agents, including lobbyists, may lead to disqualification of the respondent's offer. There is a parallel no-contact provision for lobbyists and their agents.

**B. The City's Discretionary Contracts Disclosure Form**

When seeking a discretionary<sup>1[2]</sup> city contract, the contractor must submit a form disclosing:

1. the identity of all parties to the contract;
2. subcontractors;
3. partners, parent or subsidiary business entities of any party to the contract;
4. any lobbyist or public relations firm that has been employed for a purpose related to the contract.

The vendor/contractor must also disclose all political contributions<sup>2[3]</sup> totaling more than \$100 made by the parties or the other individuals or entities listed on the form made directly or indirectly to:

- any current or former member of City Commission, including the Mayor;
- any candidate for City Commission, including the Mayor;
- any political action committee (PAC) that contributes to City Commission elections.

Indirect contributions include contributions made by an individual's spouse or by the officers, owners, attorneys, or registered lobbyists of the entity.

Indirect contributions do not include contributions by owners of a business entity who hold less than 5% of the fair market value or voting stock of the entity. If a publicly traded corporation seeks to contract with the city, it will not be required to list contributions made by its shareholders whose holdings are less than 5%.

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<sup>2</sup> “Discretionary contract” means any contract other than those which by law must be awarded on a low or high qualified bid process. They do not include contracts subject to Section 252.022(a)(7) of the Texas Local Government Code or those contracts not involving an exercise of judgment or choice.

<sup>3</sup> Political contributions include both campaign and officeholder contributions.

**C. Chapter 176 of the Local Government Code**

Effective January 1, 2006, Chapter 176 of the Local Government Code requires all vendors or those who seek to contract for the sale or purchase of property, goods, or services with a local governmental entity to submit a completed “conflict of interest questionnaire” with the Office of the City Secretary within seven (7) days after the person:

1. begins contract discussions or negotiations; or
2. submits an application, response to a request for proposal or bids, correspondence or another writing related to a potential agreement with the local governmental entity.

The questionnaire requires the vendor/contractor or contract seeker to disclose business or employment relationships with Commissioners, Mayor and the City Manager. The Texas Ethics Commission is responsible for drafting the questionnaire and a link to the form on the Texas Ethics Commission website is posted on the “Forms” page of the city’s ethics webpage. It is subject to change and anyone subject to the requirement should consult the TEC website to obtain the most up-to-date form.

Violation of Chapter 176 of the Local Government Code is a class C misdemeanor. Please consult your own legal counsel for questions about compliance.

**D. Political Contribution Prohibition**

Any person or company official acting as a legal signatory for a proposed “high-profile” city contract cannot make a political contribution to any Commissioner or candidate from the time a Request for Proposal (RFP), Request for Statements of Qualifications (RFQ-SOQ) or Invitation for Bids (IFB) is issued or from the time negotiations or discussions for a contract for which no competitive solicitation begins until thirty (30) days after the contract is awarded.

The designation of “high-profile” is assigned in accordance with the City of Brownsville Purchasing Policy Manual.

4. “High-Profile”- A designation of profile assessment, based on contract value, level of community interest, non-competitive acquisition, and contract complexity.



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**AUTHORIZED CONTACT FORM:**

This \*IFB/RFP/SOQ has been issued by City of Brownsville Purchasing & Contract Services Department. The Purchasing & Contract Services Department shall be the vendor's sole point of contact with regard to the IFB/RFP/SOQ, its content, and all issues concerning it.

All communication regarding this IFB/RFP/SOQ shall be directed to an authorized representative of City Purchasing & Contract Services Department. The Purchasing Director or Assistant Director facilitating this IFB/RFP/SOQ is identified on the cover page, along with his or her telephone number, and he or she shall be the primary point of contact for discussions or information pertaining to the IFB/RFP/SOQ. Contact with any other City representative, including elected officials, for the purpose of discussing this IFB/RFP/SOQ, its content, or any other issue concerning it, is prohibited unless authorized by the Purchasing & Contract Services Department Director or Assistant Director. Violation of this clause, by the vendor having unauthorized contact (verbally or in writing) with such other City representatives, may constitute grounds for rejection by the Purchasing & Contract Services Department of the vendor's quotation.

The above stated restriction on vendor contact with City representatives shall apply until the City has awarded a purchase order or contract to a vendor or vendors.

SIGNATURE \_\_\_\_\_ TITLE \_\_\_\_\_

COMPANY \_\_\_\_\_ DATE \_\_\_\_\_

State of \_\_\_\_\_, County of \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public \_\_\_\_\_

My Appointment Expires: \_\_\_\_\_

\* IFB – Invitation for Bids

RFP – Request for Proposals

SOQ – Statements of Qualifications



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 SOQ #XXX-XX-XXXX February 20, 2019 at 3:00 P.M.

**CITY OF BROWNSVILLE  
 DISCLOSURE OF INTERESTS**

City of Brownsville, Texas requires all persons or firms seeking to do business with the City to provide the following information. Every question must be answered. If the question is not applicable, answer with "NA." Corporations whose shares are publicly traded and listed on national or regional stock exchanges or over-the-counter markets may file a current Securities and Exchange Commission Form 10-K with the City in lieu of answering the questions below. See reverse side for definitions.

**FIRM NAME:** \_\_\_\_\_

**STREET:** \_\_\_\_\_

**FIRM is:** 1. Corporation ( )      2. Partnership ( )      3. Sold Owner ( )  
 4. Association ( )      5. Other ( ) \_\_\_\_\_

**DISCLOSURE QUESTIONS**

If additional space is necessary, please use the reverse side of this page or attach separate sheet.

1. State the names of each "employee" of the City of Brownsville having an "ownership interest constituting 10% or more of the voting stock or shares of the business entity or ownership of \$2,500 or more of the fair market value of the business entity or employed by the above named "firm."

Name	Title	Department

2. State the name of each "official" of the City of Brownsville having an "ownership interest" constituting 10% or more of the ownership in the above named "firm", or employed by the above named "firm."

Name	Title	Department

3. State the names of each "board member" of the City of Brownsville having an "ownership interest" constituting 10% or more of the ownership in the above named "firm", or employed by the above named "firm."

Name	Board, Commission, or Committee

CERTIFICATE



**Request For Statements of Qualifications for Traffic/Engineering Consulting Services for the City  
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**SOQ #XXX-XX-XXXX**

**February 20, 2019 at 3:00 P.M.**

I certify that all information provided is true and correct as of the date of this statement, that I have not knowingly withheld disclosure of any information requested; and that supplemental statements will be promptly submitted to the City of Brownsville, Texas as changes occur.

Certifying Person: \_\_\_\_\_ Title: \_\_\_\_\_  
(Type or Print)

Signature of Certifying Person: \_\_\_\_\_ Date: \_\_\_\_\_





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**DEFINITIONS**

The following definitions of terms should be used in answering the questions set forth below:

- a. **“Board member.”** A member of any board, commission, or committee appointed by the City Commission of the City of Brownsville, Texas.
- b. **“Employee.”** Any person employed by the City of Brownsville, Texas either on a full or part-time basis, but not as an independent contractor.
- c. **“Firm.”** Any entity operated for economic gain, whether professional, industrial or commercial, and whether established to produce or deal with a product or service, including but not limited to, entities operated in the form of sole proprietorship, as self-employed person, partnership, corporation, joint stock company, joint venture, receivership or trust, and entities which for purposes of taxation are treated as non-profit organizations.
- d. **“Official.”** The Mayor, members of the City Commission, City Manager, Assistant City Managers, Department and Division Heads, and Municipal Court Judge of the City of Brownsville, Texas.
- e. **“Ownership interest.”** Legal or equitable interest, whether actually or constructively held, in a firm, including when such interest is held through an agent, trust, estate or holding entity. “Constructively held” refers to holdings or control established through voting trusts, proxies, or special terms of venture of partnership agreements.”

PLEASE FILL IN THE INFORMATION REQUIRED AND SUBMIT TO:

THE CITY OF BROWNSVILLE  
PURCHASING DEPARTMENT  
P. O. BOX 911  
BROWNSVILLE, TEXAS 78520



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**CITY OF BROWNSVILLE  
STATEMENT OF NON-COLLUSION**

The undersigned affirms that they are dully authorized to execute this contract, that this company, corporation, firm, partnership or individual has not prepared this proposal in collusion with any other respondent, and that the contents of this proposal as to prices, terms or conditions of said proposal have not been communicated by the undersigned nor by any employee or agent to any other person engaged in this type of business prior to the official opening of this proposal.

Company \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Phone \_\_\_\_\_

Fax Number \_\_\_\_\_

Bidder  
(Signature) \_\_\_\_\_

Bidder  
(Print Name) \_\_\_\_\_

Position  
with Company \_\_\_\_\_

Signature of Company  
Official Authorizing This  
Bid \_\_\_\_\_

Company Official  
(Print Name) \_\_\_\_\_

Official Position \_\_\_\_\_

**Note: This form must be filled in and submitted with the response.**



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**Certificate of Interested Parties**

**House Bill 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 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 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. The disclosure requirement applies to a contract entered into on or after January 1, 2016.

The Texas Ethics Commission was required to adopt rules necessary to implement that law, prescribe the disclosure of interested parties form, and post a copy of the form on the commission’s website. The commission adopted the Certificate of Interested Parties form (Form 1295) on October 5, 2015. The commission also adopted new rules (Chapter 46) on November 30, 2015, to implement the law. The commission does not have any additional authority to enforce or interpret [House Bill 1295](#).

**A business entity must use the application to enter the required information on Form 1295 and print a copy of the completed form, which will include a certification of filing that will contain a unique certification number. An authorized agent of the business entity must sign the printed copy of the form and have the form notarized. The completed Form 1295 with the certification of filing must be filed with the governmental body or state agency with which the business entity is entering into the contract.**

**Follow the hyperlink below to submit electronic filing application Form 1295 (*Must be submitted with bid/proposal package to be considered by the City of Brownsville*). The Purchasing/Contracting Department requires “CERTIFICATE OF INTERESTED PARTIES FORM 1295” from your firm in order to be considered as per Government Code section §2252.908**

**[HTTPS://WWW.ETHICS.STATE.TX.US/FILE/](https://www.ethics.state.tx.us/file/)**

Acknowledged by,

\_\_\_\_\_  
(Name of Bidder)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print)

\_\_\_\_\_  
Date

**Note: This page must be filled in and submitted with the sealed bid/proposal as an acknowledgement of bid/proposal document requirements by the City of Brownsville**



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<b>CERTIFICATE OF INTERESTED PARTIES</b>		<b>FORM 1295</b>																			
<p>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.</p>		<p><b>OFFICE USE ONLY</b></p>																			
<p><b>1 Name of business entity filing form, and the city, state and country of the business entity's place of business.</b></p>																					
<p><b>2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.</b></p>																					
<p><b>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 goods or services to be provided under the contract.</b></p>																					
<b>4</b>	<b>Name of Interested Party</b>	<b>City, State, Country (place of business)</b>	<b>Nature of Interest (check applicable)</b>																		
			<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;"><b>Controlling</b></td> <td style="text-align: center;"><b>Intermediary</b></td> </tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>	<b>Controlling</b>	<b>Intermediary</b>																
<b>Controlling</b>	<b>Intermediary</b>																				
<p><b>5 Check only if there is NO Interested Party.</b> <input type="checkbox"/></p>																					
<p><b>6 AFFIDAVIT</b> I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.</p> <p align="right">_____</p> <p align="right">Signature of authorized agent of contracting business entity</p> <p>AFFIX NOTARY STAMP / SEAL ABOVE</p> <p>Sworn to and subscribed before me, by the said _____, this the _____ day of _____, 20 _____, to certify which, witness my hand and seal of office.</p> <p>_____                  Signature of officer administering oath      Printed name of officer administering oath      Title of officer administering oath</p>																					
<b>ADD ADDITIONAL PAGES AS NECESSARY</b>																					



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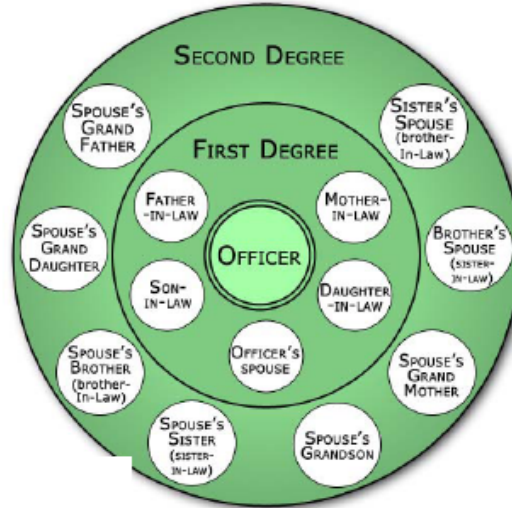
NEPOTISM CHART

The chart below shows

- **Affinity Kinship** (relationship by marriage)
- **Consanguinity Kinship** (relationship by blood) for purposes of interpreting nepotism as defined in VTCA Government Code, Chapter 573, §§573.021 - .025

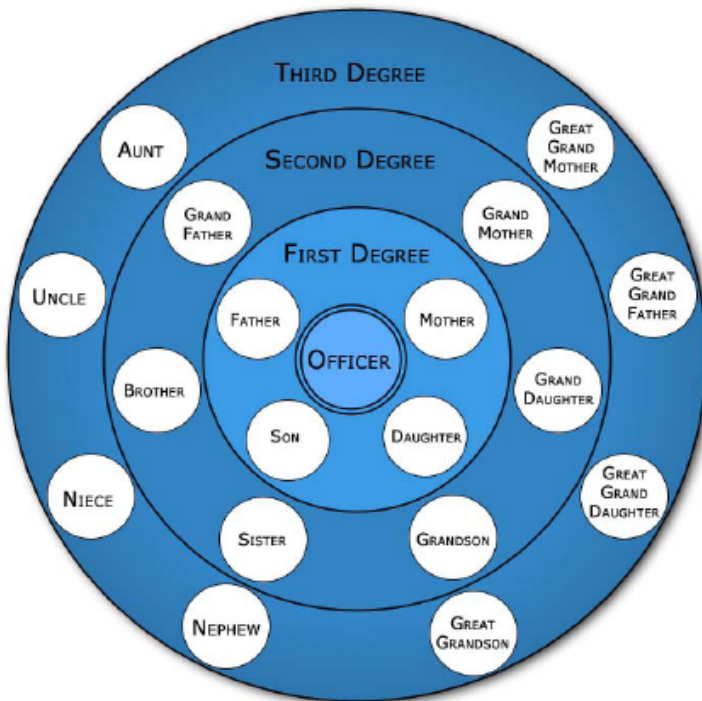
**AFFINITY KINSHIP**

Relationship by Marriage



**CONSANGUINITY KINSHIP**

Relationship by Blood





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**HISTORICALLY UNDERUTILIZED BUSINESSES SUBMITTAL REQUIREMENTS:**

It is the policy of the City of Brownsville Purchasing & Contract Services Department to promote and encourage contracting and subcontracting opportunities for Historically Underutilized Businesses (HUB) in all contracts. Accordingly, the Purchasing & Contract Services Department has adopted the State of Texas Statewide HUB Program, administered by the Texas Building and Procurement Commission. If the Purchasing & Contract Services Department determines that subcontracting opportunities are probable, then a HUB Subcontracting Plan is a required element of the contract.

Please follow the following link and choose Cameron County to run a HUB search.

<http://www.window.state.tx.us/procurement/cmb/cmbhub.html>

Centralized Master Bidders List (CMBL) & Historically Underutilized Business (HUB) Search

**Search:**

- CMBL only,  HUBs on CMBL,  HUBs not on CMBL  
 HUB Mentor Protege,  All Vendors

Vendor ID:  ?

Vendor Number:  ?

Vendor Name:  begins with  Name  ?

Include Inactive Vendors:  ? Small Businesses Only:  Yes,  No

Selection 1: Class Code:  Item:  District:

Selection 2: Class Code:  Item:  District:

Selection 3: Class Code:  Item:  District:  ?

[Class Code](#) | [Item Code](#) | [District](#)

? Click this Help icon for information and tips on generating search lists and files

**Related Links**

- [CMBL Registration](#)
- [HUB Directory](#)
- [HUB Mentor Protege Agreement Listing](#)
- [Excluded Parties List System Search](#)
- [Debarred Vendors List](#)

Texas County:  Cameron

City:  begins with

Zip:  begins with

Sort by:  City

Output as:  Detail List

Results:  return all matches

Output may contain coded information in [Hub Status](#) and [Reason Off CMBL](#)

[Texas Online](#) | [Statewide Search from the Texas State Library](#) | [State Link Policy](#) | [Texas Homeland Security](#)

[Susan Combs](#), Texas Comptroller • [Window on State Government](#) • [Contact Us](#)  
[Privacy and Security Policy](#) | [Accessibility Policy](#) | [Link Policy](#) | [Public Information Act](#) | [Compact with Texans](#)

**CERTIFICATION FORM**



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A) COMPLIANCE WITH REQUIREMENTS FOR THE PARTICIPATION OF DISADVANTAGED BUSINESS ENTERPRISES (DBE's)

The bidder hereby certifies that it will not discriminate on the basis or race, color, national origin, or sex in the performance of this contract. The requirements of 49 CFR Part 26 and U.S. DOT-approved Disadvantage Business Enterprise (DBE) program are incorporated in this contract by reference.

B) DEBARMENT, SUSPENSION, AND OTHER INELIGIBILITY AND VOLUNTARY EXCLUSION LOWER TIER COVERED TRANSACTIONS

The bidder certifies that neither the bidder, its third party subcontractors, nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

C) CERTIFICATION REGARDING RESTRICTIONS ON LOBBYING

The bidder certifies that no Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

SIGNATURE \_\_\_\_\_ TITLE \_\_\_\_\_

COMPANY \_\_\_\_\_ DATE \_\_\_\_\_

State of \_\_\_\_\_, County of \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public \_\_\_\_\_

My Appointment Expires: \_\_\_\_\_





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**SECTION 12. DIVESTMENT STATUTES**

1. SB253- Prohibition on Investments in Companies with Scrutinized Business Operations in Sudan, Iran, or with Foreign Terrorist Organizations

Under Section 2270.0209, Gov't Code (Pages 27 – 28), an investing entity may not acquire securities of a company that is identified on a list of companies with scrutinized active business operations in Sudan or Iran or with business ties to Foreign Terrorist Organizations (collectively, "Listed Companies"). The investing entity may be required under certain conditions to divest from investments in these Listed Companies.

<https://comptroller.texas.gov/purchasing/publications/divestment.php>

2. Gov. Code 2270- Prohibition on Investing Public Money in Certain Investments

Prohibits contracts with a company for goods or services unless the contract contains written verification from the company that it (1) does not boycott Israel and (2) will not boycott Israel during the term on the contract.

<https://comptroller.texas.gov/purchasing/publications/divestment.php>

**SECTION 13. PROTEST PROCEDURES**

Protest Procedure

The protest must outline the specific portion of the specification or IFB procedure that had been violated.

Prospective bidders whose direct economic interest would be affected by the award of a contract or by failure to award a contract may file a protest. The purchaser (City of Brownsville/BMetro) will consider all protests requested in a timely manner regarding the award of a contract, whether submitted before or after an award. All protests are to be submitted in writing to: Roberto C. Luna, Jr., Purchasing/Contracting Director, City of Brownsville Purchasing Department, City Hall, 1001 E. Elizabeth St., First Floor, Suite 101 Brownsville, TX 78520. Protest submissions should be concise, logically arranged, and clearly state the grounds for protest. Protest must include the following information:

- (A) name, address, and telephone number of protestor,
- (B) identification of contract solicitation number,
- (C) a detailed statement of the legal and factual grounds of the protest, including copies of relevant documents, and
- (D) a statement as to what relief is requested.

Protest must be submitted to the City of Brownsville Purchasing Department in accordance with these procedures and time requirements





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must be complete and contain all issues that the protestor believes relevant. In the procedure outline below, the Purchasing/Contracting Director is considered to be the Contracting Officer.

**1.3.1 Protest Before Opening**

Protests alleging restrictive specifications or improprieties which are apparent prior to the bid deadline or receipt of bids must be submitted in writing to the Contracting Officer at the address above and must be received at least seven (7) days prior to the bid opening. If the written protest is not received by the time specified in bid package may be received and award made in the normal manner unless the Contracting Officer determines that remedial action is required. Oral protest not followed up by a written protest will be disregarded. The Contracting Officer may request additional information from the appealing party and information or responses from other bidder, which shall be submitted to the Contracting Officer not less than ten (10) days after the date of the City of Brownsville's request. So far as practicable, appeals will be decided based on the written appeal, information and written responses submitted by the appealing party and other proposers. In failure of any party to timely respond to a request form information, it may be deemed by the purchaser that such party does not desire to participate in the proceeding, does not contest the matter, or does not desire to submit a response, and in such case, the protest will proceed and will not be delayed due to the lack of response. Upon receipt and review of written submissions and any independent evaluation deemed appropriate by the purchaser, the Contracting Officer shall either (a) render a decision, or (b) at the sole election of the Contracting Officer, conduct an informal hearing at which the interested parties will be afforded the opportunity to present their respective positions and facts, documents, justification, and technical information in support thereof. Parties may, but are not required to, be represented by counsel at the informal hearing, which will not be subject to formal rules of evidence or procedures. Following the informal hearing, if one is held, the Contracting Officer will render a decision, which shall be final, and notify all interested parties thereof in writing but no later than ten (10) days from the date of the informal hearing.

**1.3.2 Protest After Opening/Prior to Award**

Proposal protests against the making of an award by the purchaser must be submitted in writing to the Contracting Officer and received within seven (7) days of the award by the purchaser. Notice of the protest and the basis thereto will be given to all proposers. In addition, when a protest against the making of an award by the purchaser is received and it is determined to withhold the award pending disposition of the protest, the proposers whose proposals might become eligible for award shall be requested, before the expiration of the time for acceptance, to extend or to withdraw the proposal. Where a written protest against the making of an award is received in the time period specified, award will not be made prior to seven (7) days after resolution of the protest unless the purchaser determines that:



**Request For Statements of Qualifications for Traffic/Engineering Consulting Services for the City  
of Brownsville / Brownsville MPO**

**SOQ #XXX-XX-XXXX**

**February 20, 2019 at 3:00 P.M.**

- (a) the items to be purchased are urgently required
- (b) delivery or performance will be unduly delayed by failure to make an award promptly, or
- (c) failure to make an award will otherwise cause undue harm to City of Brownsville or the federal government.

**1.3.3 Protest After Award**

In instances where the award has been made, the Contractor shall be furnished with the notice of protest and the basis thereof. If the contractor has not executed the contract as of the date of the protest is received by the City of Brownsville; the execution of the contract will not be made prior to seven (7) days after resolution of the protest unless the City of Brownsville determines that:

- (a) the items to be purchased are urgently required
- (b) delivery or performance will be unduly delayed by failure to make an award promptly, or
- (c) failure to make an award will otherwise cause undue harm to the City of Brownsville or the federal government.