

TXShare

Your Public Sector Solutions Center

REQUEST FOR PROPOSALS
For

Electric Motors/Pumps, Repair & Service

RFP # 2024-106

Scaled proposals will be accepted until 2:00 PM CT, **September 4, 2024**, and then publicly opened and read aloud thereafter.

SMITH PUMP COMPANY

Legal Name of Proposing Firm

IAN MILLIGAN

Contact Person for This Proposal

APPLICATIONS ENGINEER MANAGER

Title

254-776-0377

Contact Person Telephone Number

IAN.M@SMITHPUMP.COM

Contact Person E-Mail Address

301 MB INDUSTRIAL DRIVE

Street Address of Principal Place of Business

WACO, TX

City/State

76712

Zip

301 MB INDUSTRIAL DRIVE

Mailing Address of Principal Place of Business

WACO, TX

City/State

76712

Zip

IAN MILLIGAN

Point of Contact for Contract Negotiations

APPLICATIONS ENGINEERING MANAGER

Title

254-776-0377

Point of Contact Telephone Number

IAN.M@SMITHPUMP.COM

Point of Contact Person E-Mail Address

Acknowledgment of Addenda (initial): #1 _____ #2 _____ #3 _____ #4 _____ #5 _____

NOTE: Any confidential/proprietary information must be clearly labeled as "confidential/proprietary". All proposals are subject to the Texas Public Information Act.

(Cover Sheet)

EXHIBIT 1
CATEGORIES SELECTED, PRICING & CURRENT PUBLISHED PRICE LIST

- **Please place a checkmark next to each Category that you are offering in your proposal:**

- ☒ Category #1: Water and Wastewater Pumps & Equipment
- ☒ Category #2: Electric Motors & Equipment
- ☒ Category #3: Labor - Repairs
- ☒ Category #4: Labor - Installation
- ☒ Category #5: Ancillary Service, Maintenance, Equipment & Supplies

- **Proposed Contractual Discounts on Pricing for Items Offered**

For each of the bid items you wish to offer from Categories you selected above, provide your proposed **discount** off your list price on the attached Bid Price Worksheet.

- **Current Published Price List for Items Offered**

For each of the bid items you wish to offer, please provide the current list price. Please attach this information to on your proposal a separate sheet or via a weblink. Please match the corresponding Bid Item number from the Bid Price Worksheet next to the matching item on your current published price list.

NOTE: The current price list is NOT a part of the contractual obligation and may be modified at the vendor's discretion. Only the percentage discount is contractually obligated.

BID PRICE WORKSHEET 2024-106**Category 1: Water and Wastewater Pumps & Equipment**

Item	Description	% Discount off Current List Unit Price
1	Pumps Product Line	5%
2	Repair Parts for Pumps	5%

Category 2: Electric Motors & Equipment

Item	Description	% Discount off Current List Unit Price
3	Electric Motor Product Line	5%
4	Repair Parts for Electric Motors	5%

Category 3: Labor - Repairs

Item	Description	% Discount off Current List Unit Price
5	Electric Motor Repair Labor	5%
6	Pump Repair Labor	5%

Category 4: Labor - Installation

Item	Description	% Discount off Current List Unit Price
7	Electric Motor Removal/Installation Labor	5%
8	Pump Removal Installation Labor/Removal/Repair Labor	5%
9	Confined Space Entry Service Labor	0%
10	Service Call Fee	0%

Category 5: Ancillary Service, Maintenance, Equipment & Supplies

Item	Description	% Discount off Current List Unit Price
11	Preventative Maintenance	5%
12	Crane Truck Service	5%
13	Ancillary Equipment/Accessories	5%
14	Supplies	0%
15	Other - Please List Below	—

EXHIBIT 2
SAMPLE MARKET BASKET FORM

For the items on the MARKET BASKET WORKSHEET, please enter your current unit price for the items you are offering in your proposal. This form is for evaluation purposes only and will not be part of any awarded contract.

Exhibit 2 - Market Basket Worksheet

Item	Description	Unit of Measure	Today's List Price FOB Origin	% Discount	Net Price After Discount FOB Origin
1	Complete Overhaul, parts, and labor, single phase 110-220 volts, various RPM ½ HP motor/pump	Lump Sum	\$455.00	5%	\$432.25
2	Complete Overhaul, parts, and labor, Flygt Pump model 3085.181, 3.2 HP, 1700 RPM, 3 Phase 60 Hz, 230/460 Volts 9/4.5 Amps	Lump Sum	\$5,654.00	5%	\$5,371.30
3	Complete Overhaul, parts, and labor, Flygt Pump, Model 3127.180-0862, 10 HP, 1735 RPM, 3Phase, 60Hz, 230/460 Volts, 13/25 Amp	Lump Sum	\$5,335.00	5%	\$5,068.25
4	Complete Overhaul, parts, and labor, single phase 110-220 volts, various RPM, 3 HP motor/pump	Lump Sum	\$4,289.00	5%	\$4,074.55
5	Complete Overhaul, parts, and labor, Gould Pump Model WS5034D3, 5 HP, 1750 RPM, 3 Phase. 60 Hz 460 Volts, 8.2 Amps	Lump Sum	\$5,342.40	5%	\$5,075.28
6	Complete Overhaul, parts, and labor, Fairbanks Morse Pump, N <i>NO GOOD INFO FOR EXAMPLE</i>	Lump Sum	—	—	—
7	Electric Motor Repair Labor	HR	\$135.00	5%	\$128.25

Item	Description	Unit of Measure	Today's List Price FOB Origin	% Discount	Net Price After Discount FOB Origin
8	Pump Repair Labor	HR	\$135.00	5%	\$128.25
9	Pump Removal/Installation Labor/Repair Labor	HR	\$135.00	5%	\$128.25
10	Crane Truck Service	HR	\$135.00	5%	\$128.25
11	Service call charge, 20 miles round trip, standard crew *ASSUMED 8 HR - 1 TECHNICIAN	call	\$1,200.00	0%	\$1,200.00
12	Electric Motor Removal/Installation Labor	HR	\$135.00	5%	\$128.25
13	Purchase of AMCO Model STP44 (or equivalent) Self Priming Trash Pump, 4" x 4" Suction/Discharge, 3" Solids Handling, 9.75" Impeller.	EA	\$14,750.00	5%	\$14,012.50

EXHIBIT 3
SERVICE DESIGNATION AREAS

Texas Service Area Designation or Identification							
Proposing Firm Name:	SMITH PUMP COMPANY						
Notes:	<p>Indicate in the appropriate box whether you are proposing to service the entire state of Texas</p> <table border="1" style="width: 100%;"> <tr> <td>Will service the entire state of Texas</td> <td>Will not service the entire state of Texas</td> </tr> <tr> <td></td> <td style="text-align: center;">✓</td> </tr> </table> <p>If you are not proposing to service the entire state of Texas, designate on the form below the regions that you are proposing to provide goods and/or services to. By designating a region or regions, you are certifying that you are willing and able to provide the proposed goods and services.</p>			Will service the entire state of Texas	Will not service the entire state of Texas		✓
Will service the entire state of Texas	Will not service the entire state of Texas						
	✓						
Item	Region	Metropolitan Statistical Areas	Designated Service Area				
1.	North Central Texas	16 counties in the Dallas-Fort Worth Metropolitan area	✓				
2.	High Plains	Amarillo Lubbock	✓				
3.	Northwest	Abilene Wichita Falls	✓				
4.	Upper East	Longview Texarkana, TX-AR Metro Area Tyler	✓				
5.	Southeast	Beaumont-Port Arthur	✓				
6.	Gulf Coast	Houston-The Woodlands-Sugar Land	✓				
7.	Central Texas	College Station-Bryan Killeen-Temple Waco	✓				
8.	Capital Texas	Austin-Round Rock	✓				
9.	Alamo	San Antonio-New Braunfels Victoria	✓				
10.	South Texas	Brownsville-Harlingen Corpus Christi Laredo McAllen-Edinburg-Mission	✓				
11.	West Texas	Midland Odessa San Angelo	✓				
12.	Upper Rio Grande	El Paso					

(Exhibit 3 continued on next page)

(Exhibit 3 continued)

Nationwide Service Area Designation or Identification Form							
Proposing Firm Name:	SMITH PUMP COMPANY						
Notes:	<p>Indicate in the appropriate box whether you are proposing to provide service to all Fifty (50) States.</p> <table border="1"> <tr> <td>Will service all fifty (50) states</td> <td>Will not service fifty (50) states</td> </tr> <tr> <td></td> <td>✓ ONLY TEXAS</td> </tr> </table> <p>If you are not proposing to service to all fifty (50) states, then designate on the form below the states that you will provide service to. By designating a state or states, you are certifying that you are willing and able to provide the proposed goods and services in those states.</p> <p>If you are only proposing to service a specific region, metropolitan statistical area (MSA), or City in a State, then indicate as such in the appropriate column box.</p>			Will service all fifty (50) states	Will not service fifty (50) states		✓ ONLY TEXAS
Will service all fifty (50) states	Will not service fifty (50) states						
	✓ ONLY TEXAS						
Item	State	Region/MSA/City (write "ALL" if proposing to service entire state)	Designated as a Service Area				
1.	Alabama	—					
2.	Alaska	—					
3.	Arizona	—					
4.	Arkansas	—					
5.	California	—					
6.	Colorado	—					
7.	Connecticut	—					
8.	Delaware	—					
9.	Florida	—					
10.	Georgia	—					
11.	Hawaii	—					
12.	Idaho	—					
13.	Illinois	—					
14.	Indiana	—					
15.	Iowa	—					
16.	Kansas	—					
17.	Kentucky	—					
18.	Louisiana	—					
19.	Maine	—					

20.	Maryland	-	
21.	Massachusetts	-	
22.	Michigan	-	
23.	Minnesota	-	
24.	Mississippi	-	
25.	Missouri	-	
26.	Montana	-	
27.	Nebraska	-	
28.	Nevada	-	
29.	New Hampshire	-	
30.	New Jersey	-	
31.	New Mexico	-	
32.	New York	-	
33.	North Carolina	-	
34.	North Dakota	-	
35.	Ohio	-	
36.	Oregon	-	
37.	Oklahoma	-	
38.	Pennsylvania	-	
39.	Rhode Island	-	
40.	South Carolina	-	
41.	South Dakota	-	
42.	Tennessee	-	
43.	Texas	ALL EXCEED EL PASO AREA	✓
44.	Utah	-	
45.	Vermont	-	
46.	Virginia	-	
47.	Washington	-	
48.	West Virginia	-	
49.	Wisconsin	-	
50.	Wyoming	-	

End of Exhibit 3

**ATTACHMENT I:
INSTRUCTIONS FOR PROPOSALS COMPLIANCE AND SUBMITTAL**

REQUIRED ATTACHMENT CHECKLIST

This checklist is provided as a courtesy to responding firms. Please utilize this checklist to ensure that all required attachments are included with your proposal. IF AN ATTACHMENT DOES NOT APPLY, PLEASE MARK AS "**NOT APPLICABLE**" AND SUBMIT WITH THE PROPOSAL. **FAILURE TO SUBMIT ALL REQUIRED DOCUMENTS MAY NEGATIVELY IMPACT YOUR EVALUATION SCORE.**

- ☒ Cover Sheet
- ☒ Exhibit 1: Categories Selected, Pricing & Current Published Price List
- ☒ Exhibit 2: Sample Market Basket Form
- ☒ Exhibit 3: Service Area Designation Forms
- ☒ Attachment I: Instructions for Proposals Compliance and Submittal
- ☒ Attachment II: Certification of Offeror
- ☒ Attachment III: Certification Regarding Debarment
- ☒ Attachment IV: Restrictions on Lobbying
- ☒ Attachment V: Drug-Free Workplace Certification
- ☒ Attachment VI: Certification Regarding Disclosure of Conflict of Interest
- ☒ Attachment VII: Certification of Fair Business Practices
- ☒ Attachment VIII: Certification of Good Standing Texas Corporate Franchise Tax Certification
- ☒ Attachment IX: Historically Underutilized Businesses, Minority Or Women-Owned Or Disadvantaged Business Enterprises **N/A**
- ☒ Attachment X: Federal and State of Texas Required Procurement Provisions
- ☒ Attachment XI: Conflict of Interest Questionnaire

Compliance with the Solicitation

Submissions must be in strict compliance with this solicitation. Failure to comply with all provisions of the solicitation may result in disqualification. You recognize that all proposals must be submitted electronically through PublicPurchase.com by the RFP due date and time. All other forms of submissions will be deemed nonresponsive and will not be opened or considered.

Acknowledgment of Insurance Requirements

By signing its submission, you acknowledge that it has read and understands the insurance requirements for the submission. You also understand that the evidence of required insurance may be requested to be submitted within ten (10) working days following notification of its offer being accepted; otherwise, NCTCOG may rescind its acceptance of the your proposals. The insurance requirements are outlined in Section 6.4.

SMITH PUMP COMPANY

Name of Organization/Contractor



Signature of Authorized Representative

IAN MILLIGAN - APPLICATIONS ENGINEER MANAGER

Printed/Typed Name and Title of Authorized Representative

8/28/2024

Date

**ATTACHMENT II:
CERTIFICATIONS OF OFFEROR**

I hereby certify that the information contained in this proposal and any attachments is true and correct and may be viewed as an accurate representation of proposed services to be provided by this organization. I certify that no employee, board member, or agent of the North Central Texas Council of Governments has assisted in the preparation of this proposal. I agree that failure to submit all requested information may result in rejection of this proposal as non-responsive. I acknowledge that I have read and understand the requirements and provisions of the solicitation and that the organization will comply with the regulations and other applicable local, state, and federal regulations and directives in the implementation of this contract.

I also certify that I have read and understood all sections of this solicitation and will comply with all the terms and conditions as stated; and furthermore that I, IAN MILLIGAN (typed or printed name) certify that I am the APPLICATIONS ENGINEERING MGR. (title) of the corporation, partnership, or sole proprietorship, or other eligible entity named as you and you herein and that I am legally authorized to sign this offer and to submit it to the North Central Texas Council of Governments, on behalf of said Offeror by authority of its governing body.

SMITH PUMP COMPANY

Name of Organization/Contractor



Signature of Authorized Representative

IAN MILLIGAN - APPLICATIONS ENGINEER MGR.

Printed/Typed Name and Title of Authorized Representative

8/28/2024

Date

**ATTACHMENT III:
CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS**

This certification is required by the Federal Regulations Implementing Executive Order 12549, Debarment and Suspension, 45 CFR Part 93, Government-wide Debarment and Suspension, for the Department of Agriculture (7 CFR Part 3017), Department of Labor (29 CFR Part 98), Department of Education (34 CFR Parts 85, 668, 682), Department of Health and Human Services (45 CFR Part 76).

The undersigned certifies, to the best of his or her knowledge and belief, that both it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency;
2. Have not within a three-year period preceding this contract been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or Local) transaction or contract under a public transaction, violation of federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false Proposals, or receiving stolen property;
3. Are not presently indicated for or otherwise criminally or civilly charged by a government entity with commission of any of the offense enumerated in Paragraph (2) of this certification; and,
4. Have not within a three-year period preceding this contract had one or more public transactions terminated for cause or default.

Where the prospective recipient of federal assistance funds is unable to certify to any of the qualifications in this certification, such prospective recipient shall attach an explanation to this certification form.

SMITH PUMP COMPANY
Name of Organization/Contractor(s):

SAM.GOV Unique Identity ID:


Signature of Authorized Representative

IAN MILLIGAN - APPLICATIONS ENGINEERING MGR.
Printed/Typed Name and Title of Authorized Representative

8/28/2024
Date

**ATTACHMENT IV:
RESTRICTIONS ON LOBBYING**

Section 319 of Public Law 101-121 prohibits recipients of federal contracts, grants, and loans exceeding \$100,000 at any tier under a federal contract from using appropriated funds for lobbying the Executive or Legislative Branches of the federal government in connection with a specific contract, grant, or loan. Section 319 also requires each person who requests or receives a federal contract or grant in excess of \$100,000 to disclose lobbying.

No appropriated funds may be expended by the recipient of a federal contract, loan, or cooperative agreement to pay any person for influencing or attempting to influence an officer or employee of any federal executive department or agency as well as any independent regulatory commission or government corporation, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any of the following covered federal actions: 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.

As a recipient of a federal grant exceeding \$100,000, NCTCOG requires its subcontractors of that grant to file a certification, set forth in Appendix B.1, that neither the agency nor its employees have made, or will make, any payment prohibited by the preceding paragraph.

Subcontractors are also required to file with NCTCOG a disclosure form, set forth in Appendix B.2, if the subcontractor or its employees have made or have agreed to make any payment using nonappropriated funds (to include profits from any federal action), which would be prohibited if paid for with appropriated funds.

(Attachment continued on next page)

**LOBBYING CERTIFICATION
FOR CONTRACTS, GRANTS, LOANS, AND COOPERATIVE AGREEMENTS**

The undersigned certifies, to the best of his or her knowledge or belief, that:

1. No federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an officer or employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal loan, the entering into of any cooperative Contract, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative contract; and
2. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, and or cooperative contract, the undersigned shall complete and submit Standard Form – LLL, “Disclosure Form to Report Lobbying”, in accordance with the instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers and that all sub-recipients shall certify accordingly.

SMITH PUMP COMPANY

Name of Organization/Contractor



Signature of Authorized Representative

IAN MILLIGAN - APPLICATIONS ENGINEERING MGR.

Printed/Typed Name and Title of Authorized Representative

8/28/2024

Date

**ATTACHMENT V:
DRUG-FREE WORKPLACE CERTIFICATION**

The SMITH PUMP COMPANY (company name) will provide a Drug Free Work Place in compliance with the Drug Free Work Place Act of 1988. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited on the premises of the SMITH PUMP COMPANY (company name) or any of its facilities. Any employee who violates this prohibition will be subject to disciplinary action up to and including termination. All employees, as a condition of employment, will comply with this policy.

CERTIFICATION REGARDING DRUG-FREE WORKPLACE

This certification is required by the Federal Regulations Implementing Sections 5151-5160 of the Drug-Free Workplace Act, 41 U.S.C. 701, for the Department of Agriculture (7 CFR Part 3017), Department of Labor (29 CFR Part 98), Department of Education (34 CFR Parts 85, 668 and 682), Department of Health and Human Services (45 CFR Part 76).

The undersigned subcontractor certifies it will provide a drug-free workplace by:

Publishing a policy Proposal notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace and specifying the consequences of any such action by an employee;

Establishing an ongoing drug-free awareness program to inform employees of the dangers of drug abuse in the workplace, the subcontractor's policy of maintaining a drug-free workplace, the availability of counseling, rehabilitation and employee assistance programs, and the penalties that may be imposed on employees for drug violations in the workplace;

Providing each employee with a copy of the subcontractor's policy Proposal;

Notifying the employees in the subcontractor's policy Proposal that as a condition of employment under this subcontract, employees shall abide by the terms of the policy Proposal and notifying the subcontractor in writing within five days after any conviction for a violation by the employee of a criminal drug abuse statute in the workplace;

Notifying the Board within ten (10) days of the subcontractor's receipt of a notice of a conviction of any employee; and,

Taking appropriate personnel action against an employee convicted of violating a criminal drug statute or requires such employee to participate in a drug abuse assistance or rehabilitation program.

SMITH PUMP COMPANY
Name of Organization/Contractor


Signature of Authorized Representative

IAN MILLIGAN - APPLICATIONS ENGINEERING MGR.
Printed/Typed Name and Title of Authorized Representative

8/28/2024
Date

**ATTACHMENT VI:
CERTIFICATION REGARDING DISCLOSURE OF CONFLICT OF INTEREST**

The undersigned certifies that, to the best of his or her knowledge or belief, that:

"No employee of the contractor, no member of the contractor's governing board or body, and no person who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of this contract shall participate in any decision relating to this contract which affects his/her personal pecuniary interest.

Executives and employees of contractor shall be particularly aware of the varying degrees of influence that can be exerted by personal friends and associates and, in administering the contract, shall exercise due diligence to avoid situations which give rise to an assertion that favorable treatment is being granted to friends and associates. When it is in the public interest for the contractor to conduct business with a friend or associate of an executive or employee of the contractor, an elected official in the area or a member of the North Central Texas Council of Governments, a permanent record of the transaction shall be retained.

Any executive or employee of the contractor, an elected official in the area or a member of the NCTCOG, shall not solicit or accept money or any other consideration from a third person, for the performance of an act reimbursed in whole or part by contractor or Department. Supplies, tools, materials, equipment or services purchased with contract funds shall be used solely for purposes allowed under this contract. No member of the NCTCOG shall cast a vote on the provision of services by that member (or any organization which that member represents) or vote on any matter which would provide a direct or indirect financial benefit to the member or any business or organization which the member directly represents".

No officer, employee or paid consultant of the contractor is a member of the NCTCOG.

No officer, manager or paid consultant of the contractor is married to a member of the NCTCOG.

No member of NCTCOG directly owns, controls or has interest in the contractor.

The contractor has disclosed any interest, fact, or circumstance that does or may present a potential conflict of interest.

No member of the NCTCOG receives compensation from the contractor for lobbying activities as defined in Chapter 305 of the Texas Government Code.

Should the contractor fail to abide by the foregoing covenants and affirmations regarding conflict of interest, the contractor shall not be entitled to the recovery of any costs or expenses incurred in relation to the contract and shall immediately refund to the North Central Texas Council of Governments any fees or expenses that may have been paid under this contract and shall further be liable for any other costs incurred or damages sustained by the NCTCOG as it relates to this contract.

SMITH PUMP COMPANY

Name of Organization/Contractor



Signature of Authorized Representative:

IAN MILLIGAN - APPLICATIONS ENGINEERING MGR

Printed/Typed Name and Title of Authorized Representative

8/28/2024

Date

**ATTACHMENT VII:
CERTIFICATION OF FAIR BUSINESS PRACTICES**

That the submitter has not been found guilty of unfair business practices in a judicial or state agency administrative proceeding during the preceding year. The submitter further affirms that no officer of the submitter has served as an officer of any company found guilty of unfair business practices in a judicial or state agency administrative during the preceding year.

SMITH PUMP COMPANY

Name of Organization/Contractor



Signature of Authorized Representative

IAN MILLIGAN - APPLICATIONS ENGINEERING MGR.

Printed/Typed Name and Title of Authorized Representative

8/28/2024

Date

**ATTACHMENT VIII:
CERTIFICATION OF GOOD STANDING
TEXAS CORPORATE FRANCHISE TAX CERTIFICATION**

Pursuant to Article 2.45, Texas Business Corporation Act, state agencies may not contract with for profit corporations that are delinquent in making state franchise tax payments. The following certification that the corporation entering into this offer is current in its franchise taxes must be signed by the individual authorized on Form 2031, Corporate Board of Directors Resolution, to sign the contract for the corporation.

The undersigned authorized representative of the corporation making the offer herein certified that the following indicated Proposal is true and correct and that the undersigned understands that making a false Proposal is a material breach of contract and is grounds for contract cancellation.

Indicate the certification that applies to your corporation:

X

The Corporation is a for-profit corporation and certifies that it is not delinquent in its franchise tax payments to the State of Texas.

The Corporation is a non-profit corporation or is otherwise not subject to payment of franchise taxes to the State of Texas.

Type of Business (if not corporation):

- ☐ Sole Proprietor
☐ Partnership
☐ Other

Pursuant to Article 2.45, Texas Business Corporation Act, the North Central Texas Council of Governments reserves the right to request information regarding state franchise tax payments.

SMITH PUMP COMPANY
Name of Organization/Contractor



Signature of Authorized Representative

IAN MILLIGAN - APPLICATIONS ENGINEERING MGR
Printed/Typed Name and Title of Authorized Representative

8/28/2024
Date

**ATTACHMENT IX:
HISTORICALLY UNDERUTILIZED BUSINESSES, MINORITY OR WOMEN-OWNED OR
DISADVANTAGED BUSINESS ENTERPRISES**

Historically Underutilized Businesses (HUBs), minority or women-owned or disadvantaged businesses enterprises (M/W/DBE) are encouraged to participate in the solicitation process.

NCTCOG recognizes the certifications of most agencies. This applies only to the Offeror and not a subcontractor. HUB vendors must submit a copy of their certification for consideration during the evaluation of their proposal. Please attach a copy to this form.

Texas vendors who are not currently certified are encouraged to contact either the Texas United Certification Program, State of Texas HUB Program, or the North Central Texas Regional Certification Agency, among others. Contact:

State of Texas HUB Program
Texas Comptroller of Public Accounts
Lyndon B. Johnson State Office Building
111 East 17th Street
Austin, Texas 78774
(512) 463-6958
<http://www.window.state.tx.us/procurement/prog/hub/>

North Central Texas Regional Certification Agency
624 Six Flags Drive, Suite 100
Arlington, TX 76011
(817) 640-0606
<http://www.nctrca.org/certification.html>

Texas United Certification Program
USDOT website at
<https://www.transportation.gov/DBE>

You must include a copy of your certification document as part of this solicitation to receive points in the evaluation.

Vendor to Sign Below to Attest to Validity of Certification:

N/A
Vendor Name

Authorized Signature

Typed Name

Date

ATTACHMENT X
NCTCOG FEDERAL AND STATE OF TEXAS REQUIRED PROCUREMENT PROVISIONS

Note: The following provisions are mandated by Federal and/or State of Texas law. Failure to certify the following will result in disqualification of consideration for contract. Entities or agencies that are not able to comply with the following statements will be ineligible for consideration of contract award.

(Attachment continued on next page)

**PROHIBITED TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT
CERTIFICATION**

This Contract is subject to the Public Law 115-232, Section 889, and 2 Code of Federal Regulations (CFR) Part 200, including §200.216 and §200.471, for prohibition on certain telecommunications and video surveillance or equipment. Public Law 115-232, Section 889, identifies that restricted telecommunications and video surveillance equipment or services (e.g., phones, internet, video surveillance, cloud servers) include the following:

- A) Telecommunications equipment that is produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliates of such entities).
- B) Video surveillance and telecommunications equipment produced by Hytera Communications Corporations, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliates of such entities).
- C) Telecommunications or video surveillance services used by such entities or using such equipment.
- D) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, Director of the National Intelligence, or the Director of the Federal Bureau of Investigation reasonably believes to be an entity owned or controlled by the government of a covered foreign country. The entity identified below, through its authorized representative, hereby certifies that no funds under this Contract will be obligated or expended to procure or obtain telecommunication or video surveillance services or equipment or systems that use covered telecommunications equipment or services as a substantial or essential component of any system, or as a critical technology as part of any system prohibited by 2 CFR §200.216 and §200.471, or applicable provisions in Public Law 115-232 Section 889.

☒ The Contractor or Subrecipient hereby certifies that it does comply with the requirements of 2 CFR §200.216 and §200.471, or applicable regulations in Public Law 115-232 Section 889.

SMITH PUMP COMPANY

Name of Organization/Contractor

[Signature]

Signature of Authorized Representative

IAN MILLIGAN - APPLICATIONS ENGINEERING MGR

Printed/Typed Name and Title of Authorized Representative

8/28/2024

Date:

-OR-

☐ The Contractor or Subrecipient hereby certifies that it cannot comply with the requirements of 2 CFR §200.216 and §200.471, or applicable regulations in Public Law 115-232 Section 889.

Name of Organization/Contractor

Signature of Authorized Representative

Printed/Typed Name and Title of Authorized Representative

Date

(Attachment continued on next page)

(Attachment X: Cont.)

DISCRIMINATION AGAINST FIREARMS ENTITIES OR FIREARMS TRADE ASSOCIATIONS

This contract is subject to the Texas Local Government Code chapter 2274, Subtitle F, Title 10, prohibiting contracts with companies who discriminate against firearm and ammunition industries.

TLGC chapter 2274, Subtitle F, Title 10, identifies that "discrimination against a firearm entity or firearm trade association" includes the following:

- A) means, with respect to the entity or association, to:
- I. refuse to engage in the trade of any goods or services with the entity or association based solely on its status as a firearm entity or firearm trade association; and
 - II. refrain from continuing an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association; or
 - III. terminate an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association.
- B) An exception to this provision excludes the following:
- I. contracts with a sole-source provider; or
 - II. the government entity does not receive bids from companies who can provide written verification.

The entity identified below, through its authorized representative, hereby certifies that they have no practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and that they will not discriminate during the term of the contract against a firearm entity or firearm trade association as prohibited by Chapter 2274, Subtitle F, Title 10 of the Texas Local Government Code.

☒ **The Contractor or Subrecipient hereby certifies that it does comply with the requirements of Chapter 2274, Subtitle F, Title 10.**

SMITH PUMP COMPANY
Name of Organization/Contractor



Signature of Authorized Representative

IAN MILLIGAN - APPLICATIONS ENGINEERING MGR
Printed/Typed Name and Title of Authorized Representative

8/28/2024
Date

-OR-

☐ **The Contractor or Subrecipient hereby certifies that it cannot comply with the requirements of Chapter 2274, Subtitle F, Title 10.**

Name of Organization/Contractor

Signature of Authorized Representative

Printed/Typed Name and Title of Authorized Representative

Date

(Attachment continued on next page)

(Attachment X: Cont.)

BOYCOTTING OF CERTAIN ENERGY COMPANIES

This contract is subject to the Texas Local Government Code chapter 809, Subtitle A, Title 8, prohibiting contracts with companies who boycott certain energy companies.

TLGC chapter Code chapter 809, Subtitle A, Title 8, identifies that "boycott energy company" means, without an ordinary business purpose, refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations with a company because the company:

- I. engages in the exploration, production, utilization, transportation, sale, or manufacturing of fossil fuel-based energy and does not commit or pledge to meet environmental standards beyond applicable federal and state law; and
- II. does business with a company described by paragraph (I).

The entity identified below, through its authorized representative, hereby certifies that they do not boycott energy companies, and that they will not boycott energy companies during the term of the contract as prohibited by Chapter 809, Subtitle A, Title 8 of the Texas Local Government Code.

☒ The Contractor or Subrecipient hereby certifies that it does comply with the requirements of Chapter 809, Subtitle A, Title 8.

SMITH PUMP COMPANY

Name of Organization/Contractor



Signature of Authorized Representative

IAN MILLIGAN - APPLICATIONS ENGINEERING MGR

Printed/Typed Name and Title of Authorized Representative

8/28/2024

Date

-OR-

☐ The Contractor or Subrecipient hereby certifies that it cannot comply with the requirements of Chapter 809, Subtitle A, Title 8.

Name of Organization/Contractor

Signature of Authorized Representative

Printed/Typed Name and Title of Authorized Representative

Date

CONFLICT OF INTEREST QUESTIONNAIRE For vendor doing business with local governmental entity		FORM CIQ
<p>This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.</p> <p>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).</p> <p>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.</p> <p>A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.</p>	OFFICE USE ONLY	
<p>1 Name of vendor who has a business relationship with local governmental entity.</p> <p style="margin-left: 40px; font-size: 1.2em;">N/A</p>	<p>Date Received</p>	
<p>2 <input type="checkbox"/> 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.)</p>		
<p>3 Name of local government officer about whom the information is being disclosed.</p> <p style="text-align: center; margin-top: 20px;">_____</p> <p style="text-align: center;">Name of Officer</p>		
<p>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.</p> <p style="margin-top: 40px;">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?</p> <p style="margin-left: 100px;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </p> <p style="margin-top: 20px;">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?</p> <p style="margin-left: 100px;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </p>		
<p>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.</p>		
<p>6 <input type="checkbox"/> 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).</p>		
<p>7</p>		
<p>_____ Signature of vendor doing business with the governmental entity</p>		<p>_____ Date</p>