

TXShare

Your Public Sector Solutions Center

REQUEST FOR PROPOSALS
For
Street Pavement Crack Sealing Services
RFP # 2024-107

Sealed proposals will be accepted until 2:00 PM CT, **September 18, 2024**, and then publicly opened and read aloud thereafter.

ICOS Management LLC

Legal Name of Proposing Firm

Eric Brandenburg

President

Contact Person for This Proposal

Title

972-814-0124

Contact Person Telephone Number

eric@icosmgmt.com

Contact Person E-Mail Address

3133 PERSIMMON LN

Street Address of Principal Place of Business

Frisco, TX

City/State

75033

Zip

3133 PERSIMMON LN

Mailing Address of Principal Place of Business

Frisco, TX

City/State

75033

Zip

Aaron Thompson

Point of Contact for Contract Negotiations

Project Manager

Title

361-438-2425

Point of Contact Telephone Number

aaron.thompson@icosmgmt.com

Point of Contact Person E-Mail Address

Acknowledgment of Addenda (initial): #1 at #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)

TAB A

Capacity to Deliver

- 1) Describe and clearly indicate any exceptions to the specifications, options or alternatives being proposed. You should also indicate any major requirements that cannot be met.
 - We have no exceptions to the specifications.
- 2) Describe your firm's capabilities to deliver the products offered in a timely fashion.
 - Upon receipt of a contract or work order, we will immediately move forward with fulfillment. Whether it is material only or construction services for crack sealing or thermoplastic, we will schedule a crew to perform the work and stay in regular communication with the owner to ensure complete satisfaction.
- 3) List the business location(s) out of which your firm's team members will work from. You are encouraged to provide options to cover multiple geographic areas outside of Dallas/Fort Worth.
 - Plano, TX, Houston, TX, San Antonio, TX, Corpus Christi, TX, Bryan, TX.
- 4) Provide an overview of Proposer's organization, size, years in business, and experience; major clients; and other information that you feel would assist in our evaluation process.
 - Our organization encompasses work for our primary customer, TXDOT, performing many scopes of work related to the maintenance of highways and bridges, including crack sealing, joint sealing, and striping activities. We are a medium sized TXDOT highway maintenance contractor with a combined 90 years of management experience on TXDOT contracts. We have completed hundreds of contracts for TXDOT and city agencies within Texas. We do not step away from a challenge and encourage beating the project schedule always. ICOS Management has been in business successfully for several years. We are able to extend our qualified crews into additional service areas due to our excellent reputation. We run a low overhead operation consisting of our president, project managers, superintendents, and crew members. We own all of our own equipment, which gives us an advantage in an effort to provide rapid response. We are excited about the opportunity to serve you!
- 5) Please provide a description of how your firm intends to interact with the Customer while providing services.
 - We will remain in regular contact with the Customer/Owner via phone and email to ensure their expectations are met throughout the process. Respect will be extended always. We strive to be the contractor and supplier of choice for all of Texas for crack seal and thermoplastic applications.

- 6) Describe your invoicing process. Payment terms? Is payment by credit card accepted? Is a deposit required?
- Invoicing is completed when the order leaves our facility, or at reasonable intervals when performing construction related activities. Invoices are typically sent at approximately 30 day intervals when performing construction activities. Payment terms are typically due upon receipt. Credit card payments are accepted. No deposit is required for most owners/customers.
- 7) Designate and provide names of specific contact person(s) for the following phases: (1) proposal evaluation process (2) contracting process (3) primary point of contact for receiving orders from participating agencies.
- Aaron Thompson
 - 361-438-2425
 - aaron.thompson@icosmgt.com
- 8) Include a list of no more than five (5) similar contracts awarded within the last 5 years. These same five projects should be used as your references in Tab C.
- See TAB C references.
- 9) Identify any contracts within the past three years that were terminated due to non-performance.
- We have no contracts ever that have been terminated due to non-performance.

TAB B

EXHIBIT 1
CATEGORIES SELECTED, PRICING & CURRENT PUBLISHED PRICE LIST

Step 1: Please place a checkmark next to each Category that you are offering in your proposal:

- ☒ Category 1: Hot Poured Polymer Material Only.
- ☒ Category 2: Hot Poured Polymer Material & Application.
- ☒ Category 3: Ready-Mixed Cold-Applied Material Only.
- ☒ Category 4: Ready-Mixed Cold-Applied Material & Application.
- ☒ Category 5: Thermoplastic Cold-Applied Material Only.
- ☒ Category 6: Thermoplastic Cold-Applied Material & Application.
- ☐ Category #7: Ancillary Service and Related Supplies.

Step 2: 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**.

Step 3: 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 your proposal on either 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 published 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 2024-107**Category 1: Hot Poured Polymer Material Only**

Item	Description	% Discount off Current List Unit Price
1	Material Only	3%

Category 2: Hot Poured Polymer Material & Application

Item	Description	% Discount off Current List Unit Price
2	All Labor, Material, Traffic Control and Equipment Necessary to Apply (Turnkey)	3%

Category 3: Ready-Mixed Cold-Applied Material Only

Item	Description	% Discount off Current List Unit Price
3	Material Only	3%

Category 4: Ready-Mixed Cold-Applied Material & Application

Item	Description	% Discount off Current List Unit Price
4	All Labor, Material, Traffic Control and Equipment Necessary to Apply (Turnkey)	3%

Category 5: Thermoplastic Cold-Applied Material Only

Item	Description	% Discount off Current List Unit Price
5	Material Only	3%

Category 6: Thermoplastic Cold-Applied Material & Application

Item	Description	% Discount off Current List Unit Price
6	All Labor, Material, Traffic Control and Equipment Necessary to Apply (Turnkey)	3%

Category 7: Ancillary Service, Maintenance, Equipment & Supplies

Item	Description	% Discount off Current List Unit Price
7	Describe Below:	

EXHIBIT 2

SAMPLE MARKET BASKET FORM

For the purposes of evaluation, please provide your firm's pricing as it would exist for the simplified scenario on the Sample Market Basket Form. This scenario is for evaluation purposes only and will not be part of any awarded contract.

These exercises demonstrate equal costs for the exact same materials for all proposers, irrespective of other operating costs that are not asked for in this scenario. This permits fair and reasonable comparison of respondent pricing.

Sample Market Basket for RFP 2024-109

Category 1: Hot Poured Polymer Material Only

Item #	Item Description	Unit of Measure	Today's List Price FOB Origin	% Discount	Net Price After Discount FOB Origin (freight extra)	Bidder's Comments
1	Material	Pound	\$2.25	3%	\$2.18	Sold in pallet quantities 2,250 LBS/pallet.

Category 2: Hot Poured Polymer Material & Application

Item #	Item Description	Unit of Measure	Today's List Price	% Discount	Net Price After Discount	Bidder's Comments
2	All Labor, Material, Traffic Control and Equipment Necessary to Seal 5,000 LF of Two Lane Roadway.	Pound	\$65.00	3%	\$63.05	

Category 3: Ready-Mixed Cold-Applied Material Only

Item #	Item Description	Unit of Measure	Today's List Price FOB Origin	% Discount	Net Price After Discount FOB Origin (freight extra)	Bidder's Comments
3	Material	Pound	\$3.00	3%	\$2.91	Sold per pallet 3 drums per pallet 1,617 LBS/pallet.

Category 4: Ready-Mixed Cold-Applied Material & Application

Item #	Item Description	Unit of Measure	Today's List Price	% Discount	Net Price After Discount	Bidder's Comments
4	All Labor, Material, Traffic Control and Equipment Necessary to Seal 5,000 LF of Two Lane Roadway.	Pound	\$84.00	3%	\$81.48	

Category 5: Thermoplastic Cold-Applied Material Only

Item #	Item Description	Unit of Measure	Today's List Price FOB Origin	% Discount	Net Price After Discount FOB Origin (freight extra)	Bidder's Comments
5	Material	Pound	\$10.00	3%	\$9.70	Sold per 5 gallon unit 72 LBS/5 GAL unit.

Category 6: Thermoplastic Cold-Applied Material & Application

Item #	Item Description	Unit of Measure	Today's List Price	% Discount	Net Price After Discount	Bidder's Comments
6	All Labor, Material, Traffic Control and Equipment Necessary to Seal 5,000 LF of Two Lane Roadway.	Pound	\$70.00	3%	\$67.90	

Sample Market Basket for RFP 2024-109

Category 1: Hot Poured Polymer Material Only

Item #	Item Description	Unit of Measure	Today's List Price FOB Origin	% Discount	Net Price After Discount FOB Origin (freight extra)	Bidder's Comments
1	Material	Pound	\$2.25	3%	\$2.18	Sold in pallet quantities 2,250 LBS/pallet.

Category 2: Hot Poured Polymer Material & Application

Item #	Item Description	Unit of Measure	Today's List Price	% Discount	Net Price After Discount	Bidder's Comments
2	All Labor, Material, Traffic Control and Equipment Necessary to Seal 5,000 LF of Two Lane Roadway.	Pound	\$65.00	3%	\$63.05	

Category 3: Ready-Mixed Cold-Applied Material Only

Item #	Item Description	Unit of Measure	Today's List Price FOB Origin	% Discount	Net Price After Discount FOB Origin (freight extra)	Bidder's Comments
3	Material	Pound	\$3.00	3%	\$2.91	Sold per pallet. 3 drums per pallet. 1,617 LBS/pallet.

Category 4: Ready-Mixed Cold-Applied Material & Application

Item #	Item Description	Unit of Measure	Today's List Price	% Discount	Net Price After Discount	Bidder's Comments
4	All Labor, Material, Traffic Control and Equipment Necessary to Seal 5,000 LF of Two Lane Roadway.	Pound	\$84.00	3%	\$81.48	

Category 5: Thermoplastic Cold-Applied Material Only

Item #	Item Description	Unit of Measure	Today's List Price FOB Origin	% Discount	Net Price After Discount FOB Origin (freight extra)	Bidder's Comments
5	Material	Pound	\$10.00	3%	\$9.70	Sold per 5 gallon unit. 72 LBS/5 GAL unit.

Category 6: Thermoplastic Cold-Applied Material & Application						
Item #	Item Description	Unit of Measure	Today's List Price	% Discount	Net Price After Discount	Bidder's Comments
6	All Labor, Material, Traffic Control and Equipment Necessary to Seal 5,000 LF of Two Lane Roadway.	Pound	\$70.00	3%	\$67.90	

TAB C

REFERENCES:

CITY OF PLANO-CRACKSEALING

7430 | 2023-0281-ER | Sealing Requirements Contract 2022
3 YR CONTRACT

Chris Best

PW Construction Superintendent

4120 W Plano Parkway

Plano, Texas 75074

T 972.769.4128

C 469-344-1759

chrisbe@plano.gov

LAVACA CO-TXDOT-CRACKSEAL

CSJ:6362-56-001

Veronica De Leon

Construction Recordkeeper II

Wharton Area Office

1512 FM 102, Wharton, TX 77488

P: 979-358-9145

F: 979-532-0288

E: Veronica.Deleon@txdot.gov

BEXAR CO-TXDOT-CRACKSEALING

CSJ:6363-20-001

Arnold Benavides

Construction Inspector

San Antonio District - Bexar Metro Area Office

9320 SE Loop 410

San Antonio, Tx 78223

(Mobile) 210-218-2685

Arnoldo.Benavides@txdot.gov

MEDINA CO-TXDOT-CRACKSEALING
CSJ:6363-19-001

Melissa M. Romo

Contract Specialist | Hondo Area-Pleasanton Office
2154 2nd Street
Pleasanton, Texas 78064
Desk Phone: (830) 224-6785
Cell Phone: (210) 307-7097
Email: Melissa.Romo@txdot.gov

JASPER CO-TXDOT-CRACKSEALING
CSJ: 6359-21-001

Katrina Morgan

Jasper Area Office
Project Recordkeeper
3304 US Hwy 190 West, Jasper, TX 75951
Direct 409.224.7278
Cell 512.592.1124
Katrina.Morgan@txdot.gov

WILLIAMSON CO-TXDOT-CRACKSEALING
CSJ: 6349-84-001

Donna Taylor | Construction Recordkeeper
Georgetown Area Office
(512) 930-6013
Email: donna.taylor@txdot.gov

CITY OF CARROLLTON-CRACKSEALING
21-008 (Crack & Joint Sealing)

2 YR CONTRACT
KIRK IVERSON
1945 S JACKSON ST
CARROLLTON, TX 75006
469-504-8043
KIRK.IVERSON@CITYOFCARROLLTON.COM

TAB D

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
- ☒ 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.

ICOS MANAGEMENT LLC

Name of Organization/Contractor

Eric S. Brandenburg

Signature of Authorized Representative

ERIC S. BRANDENBURG, PRESIDENT

Printed/Typed Name and Title of Authorized Representative

10-8-24

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, ERIC S. BRANDENBURG (typed or printed name) certify that I am the PRESIDENT (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.

IGOS MANAGEMENT LLC

Name of Organization/Contractor

Eric A. Brandenburg

Signature of Authorized Representative

ERIC S. BRANDENBURG, PRESIDENT

Printed/Typed Name and Title of Authorized Representative

10-8-24

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.

ICOS Management LLC

Name of Organization/Contractor(s):

SAM.GOV Unique Identity ID:

Eric A. Brandenburg

Signature of Authorized Representative

ERIC S. BRANDENBURG, PRESIDENT

Printed/Typed Name and Title of Authorized Representative

10-8-24

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)

(Attachment IV: Cont.)

**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.

ICOS Management LLC

Name of Organization/Contractor

Eric A. Brandenburg

Signature of Authorized Representative

ERIC S. BRANDENBURG, PRESIDENT

Printed/Typed Name and Title of Authorized Representative

10-8-24

Date

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

The ICOS Management LLC (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 ICOS Management LLC (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.

ICOS Management LLC

Name of Organization/Contractor

Eric A. Brandenburg

Signature of Authorized Representative

ERIC A. BRANDENBURG, PRESIDENT

Printed/Typed Name and Title of Authorized Representative

10-9-24

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.

ICOS Management LLC

Name of Organization/Contractor

Eric S. Brandenburg

Signature of Authorized Representative:

ERIC S. BRANDENBURG, PRESIDENT

Printed/Typed Name and Title of Authorized Representative

10-8-24

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.

ICOS Management LLC
Name of Organization/Contractor

[Signature]
Signature of Authorized Representative

Eric S. Brandenburg, President
Printed/Typed Name and Title of Authorized Representative

10-9-24
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 LLC

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.

ICOS Management LLC

Name of Organization/Contractor

Eric A. Brandenburg

Signature of Authorized Representative

ERIC S. BRANDENBURG, PRESIDENT

Printed/Typed Name and Title of Authorized Representative

10-8-24

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.netrea.org/certification.html>

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

"NOT APPLICABLE"

N/A

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:

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)

(Attachment X: Cont.)

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.

FCOS Management LLC

Name of Organization/Contractor

Eric A. Brandenburg

Signature of Authorized Representative

Eric S. Brandenburg, President

Printed/Typed Name and Title of Authorized Representative

10-8-24

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.

Name of Organization/Contractor

ICOS Management LLC Eric A. Brandenburg

Signature of Authorized Representative

ERIC S. BRANDENBURG, PRESIDENT

Printed/Typed Name and Title of Authorized Representative

10-8-24

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.

ICOS Management LLC
Name of Organization/Contractor
Eric A. Brandenburg
Signature of Authorized Representative
ERIC S. BRANDENBURG, President
Printed/Typed Name and Title of Authorized Representative
10-8-24
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
This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session. This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a). By law this questionnaire must be filed with the records administrator of the local governmental entity no later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code. A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.		OFFICE USE ONLY Date Received
1	Name of vendor who has a business relationship with local governmental entity. <i>ICOS Management LLC</i>	
2	☐ Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)	
3	Name of local government officer about whom the information is being disclosed. <i>N/A</i> Name of Officer	
4	Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary. <i>N/A</i>	
A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor? ☐ Yes ☐ No		
B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity? ☐ Yes ☐ No		
5	Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more. <i>N/A</i>	
6	☐ Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).	
7	Signature of vendor doing business with the governmental entity <i>Eric A. Brander</i> President Date <i>10-28-24</i>	

EXHIBIT 3
SERVICE DESIGNATION AREAS

Texas Service Area Designation or Identification			
Proposing Firm Name: ICOS Management LLC			
Notes:			
Indicate in the appropriate box whether you are proposing to 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	
X – YES.			
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.			
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:	ICOS Management LLC		
Notes:	Indicate in the appropriate box whether you are proposing to provide service to all Fifty (50) States.		
	Will service all fifty (50) states	Will not service fifty (50) states	
		X - NO.	
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. 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.			
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	X - YES
44.	Utah		
45.	Vermont		
46.	Virginia		
47.	Washington		
48.	West Virginia		
49.	Wisconsin		
50.	Wyoming		

End of Exhibit 3