



RFP# 2024-04

***REQUEST FOR PROPOSALS
ANNUAL CONTRACT FOR HAULING OF AGGREGATE
FOR CHEROKEE COUNTY, TEXAS***

BID DUE DATE:

By 2:00 PM CDT - Tuesday, March 19, 2024

*Cherokee County Auditor's Office
135 South Main, 3rd Floor
Rusk, Texas 75785*

<http://www.co.cherokee.tx.us/ips/cms/countyoffices/countyAuditor.html>

RFP SCHEDULE SUMMARY

Tuesday, February 13, 2024	Release of RFP
Wednesday, February 21, 2024 Wednesday, February 28, 2024	Legal Advertising of RFP
Friday, March 15, 2024 - 5:00 PM CDT	Deadline for RFP Questions
Tuesday, March 19, 2024 - 2:00 PM CDT	RFP Submittal Due Date
Tuesday, March 26, 2024 - 9:00 AM CDT	Anticipated Recommendation to Court / Anticipated Award of RFP / Anticipated Court Approval of Contract



February 13, 2024

RFP #2024-04 - Annual Contract for Hauling of Aggregate

Bid Opening Date – March 19, 2024, at 2:00 PM CDT

The enclosed *Invitation to Bid, Instructions/Terms of Contract* and *Specifications/Response Forms* are for your convenience in bidding the referenced products or services for Cherokee County.

Sealed bids shall be submitted no later than: Tuesday,

March 19, 2024 - 2:00 PM CDT

Mark Envelope: *RFP #2024-04 Annual Contract for Hauling of Aggregate*

Bids must be signed and dated by a person having the authority to bind the vendor in a contract. Bids which are not signed and dated will be rejected.

Cherokee County appreciates your time and effort in preparing a bid. Please note that all bids must be received at the designated location by the deadline shown. Bids received after the deadline will not be considered for award of the contract, and will be returned unopened. Bids will be opened in the courtroom on the third floor, Cherokee County Courthouse, Rusk, Texas. You are invited to attend.

The bidder may withdraw bids at any time prior to the official opening. Alterations made before the opening time must be initialed by the bidder to guarantee the authenticity of the change. After the official opening, bids may not be amended or altered and may not be withdrawn without the approval of the Commissioners' Court.

Cherokee County is aware of the time and effort you expend in preparing and submitting bids to the County. Please let us know of any bid requirements that are causing you difficulty in responding to our bids. We want to make the process as easy and painless as possible so that all responsible vendors can compete for the County's business.

Awards should be made no later than thirty (30) days after the bid opening date. To obtain results, or if you have any questions, please contact the Cherokee County Auditor's Office at 903-683-2717.

By order of the Commissioners' Court of Cherokee County, Texas, sealed bids will be accepted for:

Annual Contract for Hauling of Aggregate

Cherokee County reserves the right to reject any or all bids for the products covered in this bid request and to waive any informalities or defects in the bidding and to accept such bids as it shall deem to be in the best interest of Cherokee County.

BIDS MUST BE SUBMITTED on the forms included for that purpose on pages 9-12 and 14-25 in this packet. Each bid should be signed by a person having the authority to bind the vendor in a contract, placed in a sealed envelope and marked clearly on the outside as shown below.

Bids should be clearly marked – *RFP #2024-04 Annual Contract for Hauling of Aggregate*

SEALED BIDS SHOULD BE RETURNED TO the following address on or before Tuesday, March 19, 2024, no later than 2:00 PM CDT.

Cherokee County Auditor's Office
Cherokee County Courthouse
135 South Main Street
Rusk, Texas 75785

FACSIMILE TRANSMITTALS WILL NOT BE ACCEPTED.

ELECTRONIC TRANSMITTALS WILL NOT BE ACCEPTED.

All bids must be received in the Cherokee County Auditor's Office before the opening date and time.

Cherokee County is requesting bids on Hauling of Aggregate for County Precincts. Bids must be submitted on the attached forms. By returning this bid with a price quote, vendors certify and agree that:

Funding: Funds for payment have been provided through the Cherokee County budget approved by the Commissioners Court for the fiscal year ending September 30, 2024. State of Texas statutes prohibit the obligation and expenditure of public funds beyond the fiscal year for which a budget has been approved. Therefore, anticipated orders or other obligations that may arise past the end of the current fiscal year shall be subject to budget approval.

Late Bids: Bids received in the County Auditor's Office after the submission deadline will be considered untimely and subject to rejection at the discretion of Cherokee County on that basis alone. Cherokee County is not responsible for lateness or non-delivery of mail, carrier, etc., and the date/time stamp of the County Auditor's Office shall be the official time of receipt.

Altering Bids: Bids cannot be altered or amended after the submission deadline. Any interlineation, alteration or erasure made before the opening time must be initialed by the signer of the bid, guaranteeing authenticity.

Withdrawal of Bid: A bid may not be withdrawn or canceled by the bidder without the permission of the County for a period of ninety (90) days following the date designated for the receipt of bids, and bidder so agrees upon submittal of their bid.

Sales Tax: Cherokee County is exempt, by law, from payment of Texas Sales Tax and Federal Excise Tax; therefore, the bid price shall not include taxes.

Contract: This bid, when properly accepted by Cherokee County, shall constitute the complete contract equally binding between the successful bidder and Cherokee County. No additional terms or changes will become a part of this contract with the exception of properly executed written change orders as set forth herein.

Change Orders: No oral statement of any person shall modify or otherwise change, or affect, the terms, conditions or specifications stated in the resulting contract. The Cherokee County Auditor will make all change orders to the contract in writing.

If during the life of the contract, the successful bidder's net prices to other customers for hauling of aggregate awarded herein are reduced below the contracted price, it is understood and agreed that the benefits of such reduction shall be extended to Cherokee County.

Delivery Time: Bids shall show required time to place aggregate at the County's designated location. Failure to state delivery time may cause bid to be rejected. The county has the right to extend delivery time if reason appears valid.

Conflict of Interest: No public official shall have interest in this contract, in accordance with Vernon's *Texas Codes Annotated, Local Government Code*, Title 5, Subtitle C, Chapter 171.

Ethics: The bidder shall not offer or accept gifts or anything of value nor enter into any business arrangement with any employee, official or agent of Cherokee County.

Exceptions/Substitutions: All bids meeting the intent of this invitation to bid will be considered for award. Bidders taking exception to the specifications, or offering substitutions, shall state these exceptions in the section provided or by attachment as part of this bid. The absence of such a list shall indicate that the bidder has not taken exceptions and shall hold the bidder responsible to perform in strict accordance with the specifications of the invitation. The Cherokee County Commissioners' Court reserves the right to accept any and/or all/ none of the exception(s)/substitution(s) deemed to be in the best interest of the County.

Addenda: Any interpretations, corrections or changes to this *Invitation to Bid* and *Specifications* will be made by addenda. Sole issuing authority of addenda shall be vested in the Cherokee County Auditor. Addenda will be mailed to all who are known to have received a copy of this *Invitation to Bid*. Bidders shall acknowledge receipt of all addenda.

Bids must comply with all Federal, State, county and local laws concerning these type purchases.

Davis-Bacon and Related Acts: Attention is called to the fact that not less than the federally determined prevailing (Davis-Bacon and Related Acts) wage rate, as issued by the Texas Department of Housing and Community Affairs and contained in the contract documents, must be paid on this project. In addition, the successful bidder must ensure that employees and applicants for employment are not discriminated against because of race, color, religion, sex, age or national origin.

Minimum Standards for Responsible Prospective Bidders: A prospective bidder must affirmatively demonstrate their responsibility and meet the following requirements:

1. Have adequate financial resources, or the ability to obtain such resources as required;
2. Be able to comply with the required or proposed delivery schedule;
3. Have a satisfactory record of performance;
4. Have a satisfactory record of integrity and ethics, and;
5. Be otherwise qualified and eligible to receive an award.

Cherokee County may request representation and other information sufficient to determine the bidder's ability to meet these minimum requirements listed above.

References: Cherokee County requests bidder to supply, with this *Invitation to Bid*, a list of at least three (3) references where like services have been applied by their firm. Include name of firm, address, telephone number and name of representative.

Bidder shall provide, with this bid response, all documentation required by this *Invitation to Bid*. Failure to provide this information may result in rejection of your bid.

Successful Bidder shall defend, indemnify and save harmless Cherokee County and all its officers, agents and employees from all suits, actions or other claims of any character, name and description brought for or on account of any injuries or damages received or sustained by any person, persons, or property on account of any negligent act or fault of the successful bidder, or of any agent, employee, subcontractor or supplier in the execution of or performance under, any contract which may result from bid award. Successful bidder indemnifies and will indemnify and save harmless Cherokee County from liability, claim or demand on their part, agents, servants, customers and/or employees whether such liability, claim or demand arise from or happening upon or in any of the halls, elevators, entrances, stairways or approaches of or to the facilities within which the occupied premises are located. Successful bidder shall pay any judgment with costs which may be obtained against Cherokee County growing out of such injury or damages.

Insurance Requirements: Any vendor that conducts business with Cherokee County, whether it is for goods and/or services, must maintain lawful workers' compensation requirements and adequate liability limitations.

Within ten (10) days after contract award and prior to the commencement of any work or delivery, the County requires the successful vendor(s) to submit, to the County Auditor's Office, verification of the following coverages, showing Cherokee County as the certificate holder with coverage dates inclusive to that of the contract award:

- a. *Workers' Compensation Coverage* meeting the acceptable requirements as established by the Texas Workers' Compensation Act, Title 5, Subtitle A, Texas Labor Code; and
- b. *General Liability Insurance Coverage* meeting the following limits- \$1,000,000 per occurrence/aggregate, including products and completed operations coverage.

Vendors and/or their freight contractors must be prepared to show coverage verification prior to entering upon Cherokee County premises.

Failure to comply with lawful requirements or adequate liability requirements may result in delay of payments and/or cancellation of the contract.

Termination of Contract: This contract shall remain in effect until contract expires, delivery and acceptance of products and/or performance of services ordered or terminated by either party with thirty (30) days written notice prior to any cancellation. The successful bidder must state therein the reasons for such cancellation. Cherokee County reserves the right to award canceled contract to the next lowest and responsible bidder as it deems to be in the best interest of the County.

Termination for Default: Cherokee County reserves the right to terminate the contract for default if Contractor/Bidder breaches any of the terms therein including failure to comply with bidding requirements, including warranties of Contractor/Bidder or if the Contractor/Bidder becomes insolvent or commits acts of bankruptcy. Such right of termination is in addition to and not in lieu of any other remedies which Cherokee County may have in law or equity. Default may be construed as, but not limited to, failure to deliver the proper goods and/or services within the proper amount of time, and/or to properly perform any and all services required to Cherokee County's satisfactions and/or to meet all other obligations and requirements. Cherokee County may terminate the contract without cause upon thirty (30) days written notice.

Right To Purchase Elsewhere: Cherokee County will not actively solicit bids, proposals, quotations, or otherwise test the market solely for the purpose of seeking alternative sources; however, Cherokee County reserves the right to purchase elsewhere any and/or all items covered by this contract if available from another source at a price lower than the contract price or if contract term(s) are not met, and in cases where the successful bidder cannot meet the County's desired delivery schedule.

Notice: Any notice provided by this bid (or required by law) to be given to the successful bidder by Cherokee County shall be conclusively deemed to have been given and received on the next day after such written notice has been deposited in the mail in Rusk, Texas, by Registered or Certified Mail with sufficient postage affixed thereto, provided this shall not prevent the giving of actual notice in any other manner.

Packing Slips or other suitable shipping documents shall accompany each shipment and shall show: (a) name and address of successful bidder, (b) delivery location, (c) descriptive information as to the terms(s) delivered, ticket number(s), product(s), tonnage amount(s), mileage, cost per hauling plus a copy of the actual gravel ticket, etc.

Invoices shall show all Information as stated above and mailed directly to the Cherokee County Auditor's Office, 315 South Main Street, Rusk, Texas, 75785.

Payment will be made upon receipt and acceptance, by the County, of the items ordered in accordance with the State of Texas Prompt Payment Act", Article 610f, V.T.C.S. Successful bidder is required to pay subcontractors within ten (10) days.

Remedies: The successful bidder and Cherokee County agree that both parties have all rights, duties and remedies available as stated in the Uniform Commercial Code.

Venue: This agreement will be governed and construed according to the laws of the State of Texas. This agreement is performable in Cherokee County, Texas.

Assignment: The successful bidder shall not sell, assign, transfer or convey this contract, in whole or in part, without the prior written consent of Cherokee County.

Silence of Specification: The apparent silence of these specifications as to any detail or to the apparent omission of a detailed description concerning any point, shall be regarded as meaning that only the best commercial practices are to prevail. All interpretations of these specifications shall be made on the basis of this statement.

Governmental Entities within Cherokee County utilizing inter-governmental contracts with Cherokee County will be eligible, but not obligated, to purchase road materials under the contract(s) awarded as a result of this solicitation. All purchases by governmental entities other than Cherokee County will be billed directly to that governmental entity and paid by that governmental entity. Cherokee County will not be responsible for another governmental entity's debts.

Cherokee County reserves the right to make purchases from State Government Contracts to meet County needs.

Any Questions concerning this *Invitation to Bid* and *Specifications* should be directed to the Cherokee County Auditor's Office at 903-683-2717.

Cherokee County is requesting bids for Hauling of Aggregate as described in the following pages. The contract period will be for the time period from the award date, anticipated to be March 26, 2024, through September 30, 2024 .

General: It is the intent of the following specification to describe Hauling of Aggregate services needed by Cherokee County.

Delivery: The successful bidder shall be capable of delivering an undetermined amount of loads per day, of 20 to 25 tons per load. The successful bidder is responsible to be familiar with geographic areas of the County.

Delivery Location: Cherokee County may require the successful bidder to deliver aggregate from the various gravel pits and/or Precinct Barns to various job site and/or Precinct Barns located within Cherokee County, according to the instructions of the Commissioner at the time the order is made. It is the responsibility of the bidder to deliver the product by owned or contracted means. Pricing for this bid shall be based on haulage charges per ton to be charged for transportation to the designated locations from the various crusher/plan barn sites. The time of delivery and when delivered must be coordinated with the Commissioner or his/her employee so that they can oversee the delivery and/or application of materials. The County Barns are located at the following:

Precinct #1 Barn – 594 South Main Street – Rusk, Texas 75785

Precinct #2 Barn – 665 FM 851 South – Alto, Texas 75925

Precinct #3 Barn – 7500 US Highway 79 West, Jacksonville, Texas 75766

Precinct #4 Barn – 670 FM 2750 E, Troup, Texas 75789

Delivery tickets must be presented upon delivery of material(s) and signed by a County employee.

Satisfactory completion of work shall be determined by the Commissioner or his/her representative. Contractor will utilize all safety measures and equipment necessary to protect personnel, equipment and traffic from undue hazard or accident.

BID PROPOSAL AFFIDAVIT

The undersigned certifies that the bid prices in this proposal have been carefully reviewed and are submitted as correct and final. He further certifies that the bidder agrees to furnish any and/or all items upon which prices are extended at the price(s) offered, and upon the conditions contained in the specifications of the Invitation to Bid. The period of acceptance of this bid proposal will be thirty (30) calendar days from the date of the bid opening.

STATE OF TEXAS §

COUNTY OF CHEROKEE §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____ who, after being duly sworn, did depose and say: "I, _____, am a duly authorized officer or agent for _____, and have been authorized to execute the foregoing bid proposal on their behalf. I hereby certify that the foregoing proposal has not been prepared in collusion with any other bidder or other person or persons engaged in the same line of business prior to the official opening of this bid. Further, I certify that the bidder is not now, nor has he been for the past six (6) months, directly or indirectly concerned in any pool or agreement or combination, to control the price of the services or materials bid on, or to influence any person or persons to bid or not to bid thereon.

Name and Address of Bidder: _____

Telephone: _____

By: _____ Title: _____
(Type or Print Name)

Signature: _____

SUBSCRIBED AND SWORN to before me by the above named on this the ____ day of _____, 20 ____

Notary Public in and for the State of Texas

COMPANY SUBMITTING BID

FEDERAL ID NUMBER

ADDRESS _____

CITY, STATE, ZIP _____

NAME AND TITLE OF INDIVIDUAL SUBMITTING BID _____

TELEPHONE NO. _____ FAX NO. _____ E-MAIL _____

SIGNATURE OF AUTHORIZED REPRESENTATIVE _____ DATE _____

NUMBER OF TRUCKS IN FLEET _____

Hauling Rate per Loaded Ton/Flat Rate Charge from Plant/Barn to Site: (Including project sites within Precincts) Delivery Time: _____ Min/Max Delivery Quantity (Ton/Truck) _____

Limitations on Delivery Schedule (if any) _____

		Precinct 1	Precinct 2	Precinct 3	Precinct 4
Arcosa LWS 1112 E. Copeland Road Arlington, TX 76011	Grade 3, 4, or 5 Light Weight				
Big City Crushed Concrete P.O. Box 29816 Dallas, TX 75229	Rock 1-1/2", Rock Oversize, Asphalt Re grind Millings, Crushed Concrete				
Bryan & Bryan P.O. Box 625 Henderson, TX 75653	Oil Sand, Asphalt Road Oil				
Cleveland Asphalt P.O. Box 1449 Shepherd, TX 77371	AC-10, CRS-2, MC30 Prime, CSS-1 Fog Seal, CRS2-P				
Connors Construction 2513 US Highway 77 Lott, TX 76656	Rock 1-1/2", Rock Oversize, 3" x 5", 12" x 18", 12" x 24", Crushed Screen, 1" Commercial Base, 2" Commercial Base, Limestone Base				
Frost Crushed Stone P.O. Box 272 Mexia, TX 76667	Rock 1-1/2", Rock Oversize, 3" x 5", 12" x 18", 12" x 24", 2" Commercial Base, 3" Commercial Base				
Longview Asphalt P.O. Box 3661 Longview, TX 75606	Crushed Screen, Oil Sand, Type B & D HMCL, Hot Mix, Limestone Base				
Material Resources P.O. Box 1183 Port Allen, LA 70767	PM & HP Rejuvenating Fog Seal				
P2 Emulsions 516 South McLennan Loop Elm Mott, TX 76640	Stabilizer, S1, CWE-2 (Chip Seal), CWP (Cold Weather Patch), ROC (Road Over Coat), Rejuvenator, Prime Concentrate, RTU				
Texas Materials 5509 Old Jacksonville Tyler, TX 75703	Oil Sand, Oil Sand with County Provided Materials, Type B & D HMCL, Hot Mix	Palestine Plant	Palestine Plant	Palestine Plant	Palestine Plant
		Tyler Plant	Tyler Plant	Tyler Plant	Tyler Plant
		Lufkin Plant	Lufkin Plant	Lufkin Plant	Lufkin Plant
Vulcan Materials 10101 Reunion Place San Antonio, TX 78216	LRA Premix Type D				
Waller County Asphalt 22010 Fairgrounds Road Hempstead, TX 77445	Super Patch (bag), Super Patch (bulk)				

STATEMENT OF CONTRACTOR'S QUALIFICATIONS

All questions must be answered and the data given must be clear and comprehensive. If necessary, questions may be answered on separate attached sheets. The Contractor may submit any additional information they desire.

Name of Contractor: _____ Date Organized: _____

Address: _____ Date Incorporated: _____

Number of Years in contracting business under present name: _____

Contract on Hand:

Contact	Amount (\$)	Completion Date
_____	_____	_____
_____	_____	_____
_____	_____	_____

Type of work performed by your company: _____

Have you ever failed to complete any work awarded to you? _____

Have you ever defaulted on a contract? _____

List similar projects completed by your firm:

Project	Amount (\$)	Completion Date
_____	_____	_____
_____	_____	_____
_____	_____	_____

Major equipment available for this project: _____

Contract Checklist

This project will be bid, let and constructed according to the International Building Code 2006 Standards and the Texas Department of Transportation 2004 Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges.

Following are required documents that need to be submitted with the Bid Form:

- Bid Proposal Affidavit must be completed and submitted.
- Statement of Contractor's Qualifications must be completed and submitted.
- Certification of Eligibility Form must be completed and submitted.
- Compliance with Federal and State Laws Form must be completed and submitted.
- Vendor References Form must be completed and submitted.
- Insurance Certification/Binder must be submitted.
- Conflict of Interest Form (CIQ) must be completed and submitted.
- Certification Regarding Lobbying Form must be completed and submitted.
- Disclosure of Lobbying Activities Form must be completed and submitted.
- Residence Certification Form must be completed and submitted.
- Form W-9 (Request for Taxpayer Identification Number and Certification) must be completed and submitted.
- Non-Collusion Affidavit of Prime Bidder Form must be completed and submitted.

If any statements were not checked please provide an explanation in the given area below.

Contractor Signature

Date



Did you sign your Proposal/Bid and/or your addendum?

If not, your Proposal will be rejected.

CERTIFICATION OF ELIGIBILITY

(This provision applies if the anticipated contract exceeds \$25,000)

By submitting a Proposal/Bid in response to this solicitation, the Respondent certifies that at the time of submission, he/she is NOT on the State of Texas or the Federal Government's list of suspended, ineligible, or debarred proposers.

In the event of placement on the list between the time of Proposal submission and time of award, the Respondent will notify the Cherokee County Auditor.

Failure to do so may result in terminating this contract by default.

Authorized Signature

COMPLIANCE WITH FEDERAL AND STATE LAWS

Certification of Eligibility

By submitting an RFP in response to this solicitation, the Respondent certifies that at the time of submission, they are not on the Federal Government's list of suspended, ineligible, or debarred entities. In the event of placement on the list between the time of RFP submission and time of award, the Respondent will notify the Cherokee County Auditor. Failure to do so may result in terminating this contract by default.

Verification No Boycott Israel

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

Foreign Terrorist Organizations

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

Disclosure of Interested Parties

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

Visit <https://www.ethics.state.tx.us/filinginfo/1295/> for more information.

Signature: _____

Date: _____

VENDOR REFERENCES

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

REFERENCE ONE:

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

REFERENCE TWO:

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

REFERENCE THREE:

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

INSURANCE CERTIFICATION

Attach Insurance Certification or Binder

I, _____, as a duly authorized representative of _____,
(Full name) (Name of firm)

certify that evidence of required general liability, worker’s compensation, and professional liability insurance for personnel assigned to the project and automobile insurance for any vehicles used for the project in the amounts in this RFP shall be provided to the issuer of this RFP within 10 calendar days of any Notice of Award.

Signature – Company Official

Printed/Typed Firm Name

Printed/Typed Name/Title

Date

Statement of No Bid

If you do not intend to bid, please return this form immediately to: coauditor@cocherokee.org

We, the undersigned, have declined to bid on Bid/ Proposal # _____

Reason:

_____ Specifications “too tight,” geared toward one brand or manufacturer (explain)

_____ Insufficient time to respond.

_____ Specifications unclear (explain)

_____ We do not offer this product or an equivalent.

_____ Our product schedule does not permit us to perform.

_____ Unable to meet specifications.

_____ Unable to meet bond requirements.

Remarks:

We understand this if this “Statement of No Bid” is not executed and returned, our name may be deleted from the list of qualified bidders.

Company Name: _____

Address: _____

City/State/Zip: _____

Phone: _____

Signature: _____

To: Vendors of Cherokee County, Texas
From: Steven Daughety, County Auditor
Re: ***Conflict of Interest Form (CIQ)***

Vendor:

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

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

Original completed forms should be filed with the County Clerk's Office and a copy sent to the Cherokee County Auditor either through RFP return, fax, or email. Please see contact information below.

Cherokee County Clerk

Cherokee County Courthouse

135 South Main Street

Rusk, Texas 75785

Phone: 903-683-2350

Cherokee County Auditor

Email: coauditor@cocherokee.org

Phone: 903-683-2717

Fax: 903-683-2393

Applicable Law

Chapter 176 of the Texas Local Government Code requires that any vendor or person considering doing business with a local government entity disclose in the Questionnaire Form CIQ, the vendor or person's affiliation or business relationship that might cause a conflict of interest with a local government entity. By law, this questionnaire must be filed with the records administrator of Cherokee County (County Clerk) no later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. See Section 176.006, Texas Local Government Code.

Certification Regarding Lobbying

(To be submitted with each bid or offer exceeding \$100,000)

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

(a) 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 an 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.

(b) 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, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(c) The undersigned shall require that the language paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995).

The Contractor, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. § 3801 et seq., apply to this certification and disclosure, if any.

Signature of Contractor's Authorized Official

Printed Name and Title of Contractor's Authorized Official

Date

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether sub awardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity 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 a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the sub awardee, e.g., the first sub awardee of the prime is the 1st tier. Sub awards include but are not limited to subcontracts, sub grants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Sub awardee," then enter the full name, address, city, State, and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the federal agency making the award or loan commitment. Include at least one organizational level below the agency name, if known. For example, the Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitations for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Included prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State, and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503

Approved by OMB
0348-0046

Disclosure of Lobbying Activities

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

(See reverse for public burden disclosure)

1. Type of Federal Action: a. contract _____ b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	2. Status of Federal Action: a. bid/offer/application _____ b. initial award c. post-award	3. Report Type: a. initial filing _____ b. material change
4. Name and Address of Reporting Entity: _____ Prime _____ Subawardee Tier _____, if Known: Congressional District, if known:	5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime: Congressional District, if known:	
6. Federal Department/Agency:	7. Federal Program Name/Description: CFDA Number, <i>if applicable</i> : _____	
8. Federal Action Number, if known:	9. Award Amount, if known: \$	
10. a. Name and Address of Lobbying Registrant <i>(If individual, last name, first name, MI):</i>	b. Individuals Performing Services <i>(Including address if different from No. 10a)</i> <i>(Last name, first name, MI):</i>	
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____	
Federal Use Only	Authorized for Local Reproduction Standard Form - LLL (Rev. 7-97)	

RESIDENCE CERTIFICATION

Pursuant to Texas Government Code §2252.001 *et.seq.*, as amended, Cherokee County requires a Residence Certification. §2252.001 *et.seq.* of the Texas Government Code provides some restrictions on the awarding of governmental contracts; pertinent provisions of §2252.001 are stated below:

- (3) "Nonresident bidder" refers to a person who is not a resident.
- (4) "Resident bidder" refers to a person whose principal place of business is in this state, including a contractor whose ultimate parent company or majority owner has its principal place of business in this state.

I certify that _____ is a Resident Bidder of Texas as
(Company Name)
defined in Texas Government Code §2252.001.

I certify that _____ is a Nonresident Bidder as defined in
(Company Name)
Texas Government Code §2252.001 and our principal place of business is
_____.
(City and State)

Request for Taxpayer Identification Number and Certification

**Give Form to the
 requester. Do not
 send to the IRS.**

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type. See Specific Instructions on page 3.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
	2 Business name/disregarded entity name, if different from above	
	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____ <input type="checkbox"/> Other (see instructions) ▶ _____ <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <small>(Applies to accounts maintained outside the U.S.)</small>
	5 Address (number, street, and apt. or suite no.) See instructions.	Requester's name and address (optional)
	6 City, state, and ZIP code	
	7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

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

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number																				
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Part II Certification

Under penalties of perjury, I certify that:

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

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

Sign Here	Signature of U.S. person ▶	Date ▶
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

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

- Form 1099-INT (Interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1099 (home mortgage interest), 1099-E (student loan interest), 1099-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What Is backup withholding, later.

NONCOLLUSION AFFIDAVIT OF PRIME BIDDER

(Include with Bid)

State of Texas

County of Cherokee

_____, being first duly sworn, deposes and says that:

- (1) He/She is _____ of _____, the Bidder that has submitted the attached Bid;
- (2) He/She is fully informed respecting the preparation and contents of the attached Bid and of all pertinent circumstances respecting such Bid;
- (3) Such Bid is genuine and is not a collusive or sham Bid;
- (4) Neither the said Bidder nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, has in any way colluded, conspired, connived or agreed, directly or indirectly with another Bidder, firm or person to submit a collusive or sham Bid in connection with the Contract for which the attached Bid has been submitted or to refrain from bidding in connection with such Contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other Bidder, firm or person to fix the price or prices in the attached Bid or of any other Bidder, or to fix an overhead, profit or cost element of the Bid price or the Bid price of any other Bidder, or to secure through any collusion, conspiracy, connivance or unlawful agreement any advantage against Cherokee County or any person interested in the proposed Contract; and
- (5) The price or prices quoted in the attached Bid are fair and proper and are not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the Bidder or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

(Signed) _____

Title

Subscribed and sworn to me this _____ day of _____.

By: _____

Notary Public

My commission expires _____.



Cherokee County Auditor

Steven Daughety, County Auditor

135 South Main Street, 3rd Floor, Rusk, Texas 75785

Phone (903) 683-2717 Fax (903) 683-2393 coauditor@cocherokee.org

February 13, 2024

To: Cherokeean Herald

From: Steven Daughety, County Auditor

Subject: Advertisement RFP# 2024-04 – Annual Contract for Hauling of Aggregate - Cherokee County, Texas

Please run the following ad on Wednesday, February 21, 2024, and Wednesday, February 28, 2024, in the Cherokeean Herald.

PUBLIC NOTICE

Sealed bids will be received by County Auditor Steven Daughety at the Cherokee County Auditor's Office, at 135 South Main Street, 3rd Floor, Rusk, Texas 75785, on or before 2:00 pm, Tuesday, March 19, 2024, for RFP # 2024-04 – Annual Contract for Hauling of Aggregate for Cherokee County, Texas. Late submissions will not be accepted. RFP packet will be available on February 13, 2024, by visiting <http://www.co.cherokee.tx.us/ips/cms/countyoffices/countyAuditor.html> on the Auditor's Office web page, or requesting by e-mail at coauditor@cocherokee.org or calling (903) 683-2717. Payment will be made after items or services have been received in accordance with the award. Vendors must bid unit costs, but may offer lump sum discounts. Cherokee County reserves the right to accept or reject in whole or in part any bid received and to waive any irregularities or formalities in the best interest of Cherokee County.

Bids may be held by Cherokee County for a period not to exceed 60 days from the date of the bid opening for the purpose of reviewing the bids and investigating the bidders' qualifications prior to the contract award.

All contractors and/or subcontractors who are debarred, suspended, or otherwise excluded from or ineligible for participation on federal assistance programs may not undertake any activity in part or in full under this project.

