REQUEST FOR COMPETITIVE SEALED PROPOSALS FOR CONSTRUCTION OF A NEW SENIOR CENTER

CITY OF FERRIS
CSP #FY20-001

Submittal Deadline: January 15, 2020 at 2:00 p.m.

*****CSP Informational Meeting: January 8, 2020 at 10:00 a.m.*****

December 26, 2019

Prepared by:

City of Ferris
Finance Department
100 Town Plaza
Ferris, TX 75125

City of Ferris, TX Finance Department

VENDOR ACKNOWLEDGEMENT FORM

CSP #FY20-001

CONSTRUCTION OF A NEW SENIOR CENTER

The undersigned hereby certifies that he/she understands the Request for Competitive Sealed Proposals, has read the document in its entirety and understands the provisions set forth in this document.

The following information must be filled out in its entirety for the response to be considered.

Company Name: _____

Address, Phone and Fax of Principal Place of Business:

_____

_____

_____

_____

Phone Fax

Address, Phone and Fax of Majority Owner Principal Place of Business:

_____

_____

_____

_____

Phone Fax

Federal Tax Identification Number: _____

E-Mail Address of Representative: _____

Authorized Representative: _____

Signature Date

_____

Printed Name

Acknowledgement of Addenda: #1_____#2_____#3_____#4_____#5 _____

PLEASE INCLUDE THIS COMPLETED PAGE AS THE FIRST PAGE OF YOUR SUBMITTAL.

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I. ADVERTISEMENT

CITY OF FERRIS
REQUEST FOR COMPETITIVE SEALED PROPOSALS

Sealed proposals for CSP#FY20-001 "City of Ferris – Construction of Senior Center" will be received at the Finance Office, 100 Town Plaza, Ferris, TX 75125 or mailed to 100 Town Plaza, Ferris, TX 75125, until **2:00 pm, January 15, 2020**. Proposals will be opened at the City Council Chambers, 215 W. Sixth Street, Ferris, Texas 75125.

A non-mandatory informational meeting will be held at 10:00 am, January 8, 2020 at the City Council Chambers, 215 W. Sixth Street, Ferris, Texas 75125.

CSP documents are available for download at https://www.ferristexas.gov/bids-and-proposals.

Publish Dates in Ellis County Press: **December 26, 2019** and **January 2, 2020**.

II. KEY INFORMATION

The City of Ferris ("City") invites responses to this Request for Competitive Sealed Proposals (CSP) from qualified vendors and/or teams ("Respondent") interested in providing a turnkey Senior Center constructed in place on property owned by the City of Ferris. This request is intended to address both Respondent qualifications and a preliminary methodology as to how the project would be executed. All final details of scope of work and deliverables, project timeline, and fees will ultimately be determined through contract negotiation with the selected Respondent.

Deadline and Submission

The proposal must be sealed and delivered to Bobby La Borde, City of Ferris, at the address set forth below at or before **2:00 pm on January 15, 2020**. Any proposals received beyond this deadline will be deemed ineligible. All proposals must be labeled on the outside with the Respondent's name and "CSP #FY20-001, City of Ferris – Construction of Senior Center".

The original one (1) proposal, two (2) copies, and one electronic version of the proposal must be submitted in a sealed envelope or box. The electronic version of the proposal must be provided in Adobe Acrobat format written to a single CD-ROM, thumb drive, or similar device. The electronic version of the proposal must be an exact duplicate of the original hard-copy proposal and both must comply with the format requirements of this Request for Competitive Sealed Proposal. Failure to submit in the manner prescribed may cause the proposal to be rejected.

Delivered / Mailed To:
Bobby La Borde
City of Ferris
100 Town Plaza
Ferris, Texas 75125

To enable the City to efficiently evaluate the proposals, it is important that Respondents follow the required format prescribed in the following paragraphs.

RESPONSES THAT DO NOT CONFORM TO THE PRESCRIBED FORMAT MAY NOT BE EVALUATED.

The original one (1) proposal is to be unbound and each of the two (2) copies shall be bound using a semi-permanent binding method, to ensure that pages are not lost. Pages shall be no larger than letter-size (8½" by 11") or, if folded to that dimension, twice letter size (11" by 17") with each section (defined below in Section V) separated by a tabbed divider. Elaborate covers, binding, dividers, etc. are not required.

CSP Informational Meeting

The City will host a CSP informational meeting for prospective Respondents on **January 8, 2020 at 10:00 am.** The meeting will be held at the City of Ferris Council Chambers at 215 W. Sixth Street, Ferris, Texas 75125. Attendance is not mandatory but attendees will have an opportunity to ask questions of City representatives and visit the propose project site.

Inquiries about CSP

Any questions concerning proposals should be directed to the Program Manager, Gallagher Construction Services, Attn: Jeff Fisher. All questions must be submitted by email to jeff@gallaghertx.com. All questions and answers will be made available to all interested parties via the City's website at https://www.ferristexas.gov/bids-and-proposals.

III. GENERAL SCOPE OF WORK

Turn-key construction of a new Senior Center per design documents prepared by Steven L. Wilson, Architect, LLC dated 10-17-19.

Schedule

To be provided by respondent on proposal form.

Budget

The budget for this project is $400,000.

IV. FORMAT & CONTENT OF PROPOSALS

Parties interested in responding to this Proposal should compile a proposal package in the following required format and sequence:

A. **Transmittal Letter.** A letter of introduction, including the name and address of the Vendor submitting the proposal and the name, address, and phone number of the person(s) to contact who will be authorized to present and bind the Vendor to all commitments made in the response.

B. **Approach to the Project.** Proposer should identify the project team, background and all relevant experience. This includes any subcontractors the proposer plans on utilizing. Proposer provides in detail the implementation plan and schedule for all aspects of the project. *Warranty of the work shall be explained in detail.*

C. **Background.** Proposer should provide the following:

1. Services the Proposer specializes in and the primary markets served by the Proposer.
2. Number of years that the Proposer has been in existence.
3. Number of similar projects constructed by Proposer.
4. Number of years of experience in constructing similar projects.

D. **Pricing**. Submit a complete proposal form with price, proposed schedule, addenda acknowledgement and appropriate signatures.

E. **Required Forms and State Contract Requirement.** As required by Chapter 176 of the Texas Local Government Code, Respondents shall complete Form CIQ, Conflict of Interest Questionnaire (attached to this CSP package as Attachment G), and include it at the end of each copy of their response. State law requires a vendor that wishes to conduct business or be considered for business with a city to file this form, which was created by the Texas Ethics Commission. In addition, the Vendor Acknowledgement Form contained in this CSP package (page ii) should also be completed along with page 23 "Compliance with Federal and State Laws" and included in this Section.

V. SELECTION PROCESS

City Staff/Selection Committee will rank submissions and may take any of the following actions after review of the submitted materials:

- ❑ Contact Respondents and request additional materials or supporting information.
- ❑ Contact Respondents for an in-person interview.
- ❑ Enter into direct negotiation with a Respondent.
- ❑ Re-advertise and/or reissue the original Request for Competitive Sealed Proposal or an amended Request for Competitive Sealed Proposal.
- ❑ Determine that responses received are inadequate and/or that the services sought are no longer necessary or desired.

VI. EVALUATION CRITERIA

The criteria used to evaluate the proposals will include, but not be limited to, the following:

(Pass/Fail) **Transmittal Letter**

(30 Points) **Organization, Experience, Qualifications, and Key Personnel**

1. State the full name and address of your organization.
    a. If applicable, name the branch office or other subordinate element that will perform, or assist in performing, the work specified.
    b. Indicate whether the organization operates as a sole proprietorship, partnership, or corporation.
2. Provide a brief overview of the firm, length of existence, types of services provided, and identify the technical details which make it uniquely qualified for this work.
    a. Include a description of specific experience in constructing similar facilities.
    b. Provide summaries for up to four (4) projects, past or ongoing, that are similar in terms of the size and scope of the Senior Center as shown in the contract documents.
    c. Provide a primary reference for each project example provided in 2b (name, title, address, phone number, and email address).
3. Include the names and titles of all personnel who will work directly on this project.
    a. Identify a principal contact, a Project Manager (if different from the principal contact), and the roles of all other individuals to be assigned to the project.
    b. Indicate which of these individuals you consider key to the successful completion of the project.

c. Include a resume for each person who will work directly on this project, including subcontractors, with a description of individual qualifications (education, certifications, professional history, specialties, relevant project experience).
d. Please note that all primary personnel assigned to the project should be expected to attend interviews if that team/firm is selected for an interview.

(40 Points) **Project Specific Approach & Work Plan**

4. Present a detailed work plan listing all tasks necessary to accomplish the scope of work. The work plan shall define resources needed for each task and the Respondent's responsible staff person(s). In addition, the work plan should include a schedule depicting the sequence and duration of tasks showing how the work will be organized and executed. The work plan and schedule should reflect all proposed phases, with appropriate milestones, to include any recommendations for activities/tasks not specifically called out in the contract documents.
    a. The work plan must identify information the Respondent will need from City staff to complete the project. Include estimated time and resource commitment from City staff.
    b. The work plan should include any other information that the Respondent believes to be pertinent but not specifically asked for elsewhere.
    c. The work plan should include proposed steps, if any, to expedite completion of the project. This will be given due consideration during evaluation of proposals.

(30 Points) **Proposal Amount**

5. Proposal forms shall be submitted in a separate, sealed, envelope as part of the proposal. The proposal is to relate in detail to each item of the proposed work plan. Respondents shall be capable of justifying the details of the fee proposal relative to personnel costs, material and time.
    a. The proposal must include the total estimated cost for the project when it is 100% complete. This total may be adjusted after negotiations with the City and prior to signing a formal contract, if justified.
    b. The contract form to be used for this project is the AIA Document A105, Standard Form of Agreement Between Owner and Contractor. Final contract terms will be negotiated with the respondent offering the best value to the City.

VII. SCHEDULE OF SELECTION PROCESS

The evaluation and selection process is tentatively scheduled to occur as follows:

❑ Requests for Proposals Issued	December 26, 2019
❑ CSP Informational Meeting	January 8, 2020
❑ Proposals Due	January 15, 2020
❑ Review of Proposals Completed	January 22, 2020
❑ Short-List Announced	January 24, 2020
❑ Interviews of Short-Listed Firm(s)	January 29, 2020
❑ Recommendation of Selected Firm to Council	February 3, 2020

VIII. GENERAL GUIDELINES & ADDITIONAL INFORMATION

A. All Information True. Respondent represents and warrants to the City of Ferris that all information provided in the response shall be true, correct and complete. Respondents who provide false, misleading, or incomplete information, whether intentional or not, in any of the documents presented to the City of Ferris for consideration in the selection process shall be excluded.

B. Proposals Opening. Proposals shall be kept secret during negotiations to avoid disclosure of the contents to competing offerors. All proposals shall be open for public inspection after the contracts are awarded, with the exception of trade secrets and confidential information contained in the response and identified by the Respondent as such to the extent allowed by law.

C. Interviews. After the initial evaluation of the proposals, Respondents will be notified by email of their status in the selection process. Respondents who are "short-listed" should expect and anticipate subsequent interviews which will most likely focus not only on the Respondent's program approach but also on an appraisal of the people who would be directly involved in the Project.

D. Inquiries. Do not contact the City of Ferris or elected officials during the selection process to make inquiries about the progress of this selection process. Respondents will be contacted when it is appropriate to do so.

E. Cost of Responses. The City of Ferris will not be responsible for the costs incurred by anyone in the submittal of responses and interviews.

F. **Contract Negotiations.** This Proposal packet is not to be construed as a contract or as a commitment of any kind. If this request for Competitive Sealed Proposal results in a contract offer by the City, the specific scope of work, associated fees, and other contractual matters will be determined during contract negotiations. To ensure that the appropriate staff is assigned to the Project, the City intends to make the inclusion of a "key persons" clause a part of the contract negotiations. Fair and equal treatment will be shown to all Respondents with respect to any opportunity for discussion and revision of responses. Such revision may be permitted after submissions and prior to award for the purpose of obtaining best and final offers.

G. **No Obligation.** The City reserves the sole right to (1) evaluate the responses submitted; (2) waive any irregularities therein; (3) select candidates for the submittal of more detailed or alternate responses; (4) accept any submittal or portion of submittal; (5) reject any or all Respondents submitting responses, should it be deemed in the City's best interest; or (6) cancel the entire process.

H. **Equal Opportunity Employer.** The selected provider agrees that, during the term of the contract, they shall not engage in any employment practices which have the effect of discriminating against any employee or applicant for employment on the basis of race, color, religion, national origin, sex, age, or handicap; further, the successful Respondent will take affirmative steps that applicants are treated and employees are treated during employment without regard to their race, color, religion, national origin, sex, age or handicap.

I. **Conflict of Interest.** Per the terms of Chapter 176 of the Texas Local Government Code, should any Respondent be awarded all or any part of the goods or services on which this Bid or Response solicits a return, then it is the Respondent's sole responsibility to provide the City of Ferris, with an updated Conflict of Interest questionnaire, Form CIQ. The Respondent must file the updated form within seven days after learning that a prior filing (if any) is no longer accurate. This form and the names of the City Council members, Mayor, City Manager, and Assistant City Manager are available upon request.

IX. INSTRUCTIONS TO PROPOSERS

1. **RECEIPT AND OPENING OF PROPOSALS:** The City of Ferris ("City") invites proposals on the form attached hereto, all blanks of which must be appropriately filled in. Proposals will be received by the City no later than 2:00 pm, Wednesday, January 15, 2020, and will be then publicly opened and respondent's names read aloud in the City Council Chambers at 215 W. Sixth Street, Ferris, Texas 75125.

2. **PROPOSAL SUBMITTAL:** The original proposal form must be sealed in an envelope clearly marked on the (outside) front with **"PROPOSAL ENCLOSED, CSP #FY20-001, CONSTRUCTION OF SENIOR CENTER, 2 PM, JANUARY 15, 2020,"** and addressed to City of Ferris, Finance Department, 100 Town Plaza, Ferris, TX 75125. Proposer shall indicate his company's name and address on the outside of the envelope.

   The City may consider informal any proposal not prepared and submitted in accordance with the provisions hereof and may, at its sole option and within its sole discretion, waive any informalities or reject any and all proposals. Any proposal may be withdrawn prior to the above scheduled time for the opening of proposals or authorized postponement thereof. No proposer may withdraw a proposal within 90 days after actual date of the opening thereof.

3. **INSTRUCTIONS:** These instructions apply to all proposals and become a part of the terms and conditions of any proposal submitted unless proposer takes exception in writing when submitting quotations/proposals.

4. **FORM:** Proposals must be submitted on the forms provided.

5. **LATE PROPOSALS & FAX PROPOSALS:** Proposals must be in the Finance Department's office prior to the closing date and time. LATE PROPOSALS WILL NOT BE ACCEPTED for any reason and will be returned to proposer unopened. Proposals which are faxed (transmitted by facsimile) will not be accepted for any reason. The clock in the Finance Department office will serve as the official time.

6. **ACCEPTANCE:** The City reserves the right to accept or reject any or all of the proposal, and to accept the offer considered most advantageous to the City.

7. **F.O.B. -DAMAGE:** Proposals shall be provided F.O.B. Ferris. Shipping costs shall be included in proposal amount. The City of Ferris assumes no liability for goods delivered in damaged or unacceptable condition. The successful proposer shall handle all claims with carriers, and in case of damaged goods, shall ship replacement goods immediately upon notification by the entity of damage.

8. **FIRM PRICES:** Proposal prices must remain firm for the entire contract period as specified in the proposal documents if applicable, otherwise they must remain firm for 90 days.

9. **AUTHORIZED SIGNATURE:** Proposals MUST show full firm name and address of proposer and be manually signed. Failure to sign will disqualify the proposal. Persons signing the proposal must show title or AUTHORITY TO BIND HIS FIRM IN A CONTRACT.

10. **WITHDRAWAL - ALTERATION OF PROPOSALS:** Proposals CANNOT be altered or amended after proposal closing. Alterations made before proposal closing must be initialed by proposer guaranteeing authenticity. No proposal may be withdrawn after proposal closing without acceptable reason in writing and with the approval of the Director of Finance.

11. **INVOICES:** Invoices must be submitted by the successful proposer in duplicate to the City of Ferris, Finanace Department, 100 Town Plaza, Ferris, TX 75125.

12. **CASH DISCOUNTS:** Normal payment terms are Net 30 days given that the goods and/or service received are in satisfactory condition. Any discounts available for early payment should be noted. Discounts may be considered in determining successful proposal.

13. **TAXES:** The City of Ferris is exempt from Federal Manufacturer's Excise, and State Sales taxes. TAX MUST NOT BE INCLUDED IN PROPOSAL. Tax exemption certificates will be executed and furnished upon request.

14. **INSURANCE:** Insurance and worker's compensation is required by the City for said proposal item(s). Proof of insurance and worker's compensation shall be submitted with the proposal. The City reserves the right to review all insurance policies

pertaining to proposal item(s) to guarantee that the proper coverage is obtained by the proposer. Prior to issuance of a purchase order or contract the City will require an insurance certificate listing the City of Ferris as a certificate holder.

15. **SPECIFICATIONS - SAMPLES:** Any catalogue, brand name or manufacturer's reference in the specifications are descriptive NOT restrictive, and is used to indicate type and quality level desired. Proposal on brands of like nature and quality may be considered unless specifically excluded. If proposing on other than reference on specifications, proposal must show manufacturer brands, trade name, catalog and/or lot number, etc., on article offered, any certificate article offered is equivalent to specifications. If other than specified brands of items are offered, specifications, illustrations and complete descriptive literature must be submitted with proposal unless previously filed with the Director of Finance.

16. **WARRANTY - MAINTENANCE AGREEMENT:** Any information regarding warranties and/or maintenance agreements pertaining to said proposal item(s) are to be included in the proposal.

17. **DELIVERY PROMISE - PENALTIES:** Proposals MUST show the number of calendar days required to complete the project in full. DO NOT quote shipping dates. Failure to specify the project completion time will obligate proposer to complete the project in 180 calendar days from the date the proposal is awarded. Unrealistically short or undue long completion promises may cause the proposal to be disregarded. Consistent failure of a proposer to meet his completion promises without a valid reason may cause removal from the proposer list.

When completion delay can be foreseen, the proposer shall give prior notice to the City's designated representative, who shall have the right to extend the completion date if reasons for delay appear acceptable.

18. **PATENT RIGHTS:** The vendor agrees to protect the City from any claim involving patent right infringement or copyrights on goods and supplies.

19. **PROPOSAL EVALUATION:** All proposals are evaluated for compliance with specifications before the proposal price is considered. Response to specification is primary in determining the lowest responsible proposal.

20. **NEGOTIATION:** Any attempt to negotiate or give information on the contents of this proposal with the City or its representatives prior to award shall be grounds for disqualification.

21. **GRATUITIES:** The City may, by written notice to the successful proposer, cancel this contract without liability to successful proposer if it is determined by the City that gratuities in the form of entertainment, gifts, or otherwise, were offered or given by the successful proposer, or any agent or representative of the successful proposer, to any officer or employee of the City with a view toward securing or amending, of the making of any determinations with respect to the performing of such a contract.

22. **APPLICABLE LAW:** This agreement shall be governed by the Uniform Commercial Code as adopted in the State of Texas.

23. **PROPRIETARY INFORMATION:** All material submitted to the City becomes public property and is subject to the Texas Open Records Act upon receipt. If a Proposer does not desire proprietary information in the proposal to be disclosed, each page must be identified and marked proprietary at the time of submittal. The City will, to the extent allowed by law, endeavor to protect such information from disclosure. The final decision as to what information must be disclosed, however, lies with the Texas Attorney General. Failure to identify proprietary information will result in all unmarked sections being deemed non-proprietary upon public request.

24. **PROPOSAL AWARD:** The City of Ferris reserves the right to reject any and all proposals.

25. **HB 1295:** Beginning January 1, 2016, state law requires awarded vendors contracting with the City to complete and submit the Certificate of Interested Parties (Form 1295). This form is located on the Texas Ethics Commission website and should be completed and submitted upon notification of pending award at https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm.

26. **HB 89:** Beginning September 1, 2017, state law prohibits governmental entities from contracting with companies who boycott Israel. The Texas State Comptroller maintains a list of companies that boycott Israel. Inclusion on this list will prevent the City of Ferris from entering into a contract with the contractor. The list can be found here: https://comptroller.texas.gov/purchasing/publications/divestment.php

27. **SB 252:** Beginning September 1, 2017, a governmental entity may not enter into a governmental contract with a company that does business with Iran, Sudan, or any known terrorist organization. The Texas State Comptroller maintains a list of companies known to have contracts with or provide supplies or services to a foreign terrorist organization. Inclusion on this list will prevent the City of Ferris from entering into a contract with the contractor. Below is a link to the list.

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

28. **QUALIFICATIONS OF PROPOSER:** The City may make such investigations as it deems necessary to determine the ability of the proposer to perform the work, and the proposer shall furnish to the City all such information and data for this purpose as the City may request. The City reserves the right to reject any proposal if the evidence submitted by, or investigation of, such proposer fails to satisfy the City that such proposer is properly qualified to carry out the obligations of the contract and to complete the work contemplated herein. The following list is not exclusive:

Five (5) Prior Projects: Proposer participants, whether general contractor, prime contractor, joint venture contractor or subcontractor, shall provide documented evidence of having completed at least five (5) projects for the construction of facilities similar in nature to the proposed project and having 5 years experience. Proposers shall be required to submit references of previous projects to enable the City to verify references. This experience documentation shall be submitted prior to, and as a special requirement for, being considered for award of the contract for the subject project. Any proposal may be rejected if the City determines that the proposer has not provided documented evidence of having successfully and timely completed at least five (5) projects that are similar in nature, scope and size as that contemplated herein. The City may make inquiry with the owners of any other projects. Conditional proposals will not be accepted. This information should include the following information at a minimum:

a) Names and addresses of similar projects

b) Owner's Name

c) Owner's representative, telephone number & email address

d) Architect/Engineer Name

e) Architect/Engineer representative, telephone number & email address

Financial Statements: A proposal may be rejected if the City determines that the proposer lacks sufficient financial resources or soundness to commence, operate and complete the Project. Proposers shall, in addition to other documents required herein, provide recent financial statements covering the two immediately preceding calendar years. Financial statements should be marked or stamped "CONFIDENTIAL" by the Proposer and, to the fullest extent allowed by law, will be kept and maintained as confidential by the City. Financial statements must demonstrate sufficient assets, resources and income, based on the nature, scope and size of the Project, to demonstrate to the City's sole satisfaction, that the Proposer has the financial capacity to fully perform the Project. The City's review and evaluation of the financial soundness of the Proposer is solely and exclusively within the City's sole discretion.

PROPOSAL SECURITY: Each proposal must be accompanied by a certified check of the proposer, or a bid bond, duly executed by the proposer as principal and having as surety thereon a surety company approved by the City, in the amount of 5% of the proposal amount. Such checks, will be returned thirty days after the award of the contract, or, if no award has been made within 90 days after the date of the opening of proposals, upon demand of the proposer at any time thereafter, so long as he has not been notified of the acceptance of his proposal.

The successful proposer, upon his failure or refusal to execute and deliver the contract and bonds required within 10 days after he has received notice of the acceptance of his proposal, shall forfeit to the City the security deposited with his proposal.

29. **TIME OF COMPLETION, EARLY COMPLETION BONUS AND LIQUIDATED DAMAGES:** Proposers must agree to commence work on or before a date to be specified in a written "Notice To Proceed" of the City and to fully complete the project within the specified time as stated in the proposal.

30. **SECURITY FOR FAITHFUL PERFORMANCE:** Simultaneously with his delivery of the executed contract, the Contractor shall furnish a surety bond or bonds as security for faithful performance of this contract and for the payment of all persons performing labor on the project under this contract and furnishing materials in connection with this contract. The surety on such bond or bonds shall be a duly authorized surety company satisfactory to the City.

31. **MAINTENANCE BOND:** Maintenance Bonds to cover defective workmanship of materials are required for all projects in the amounts and time periods as discussed in the Special Conditions.

32. **POWER OF ATTORNEY:** Attorneys-in-fact who sign bid bonds or contract bonds must file with each bond a certified and effectively dated copy of their power of attorney.

33. **CONDITIONS OF WORK:** Each proposer must inform himself fully of the conditions relating to the construction of the project and the employment of labor thereon. Failure to do so will not relieve a successful proposer of his obligation to furnish all material and labor necessary to carry out the provisions of his contract. Insofar as possible, the Contractor, in carrying out his work, must employ such methods or means as will not cause any interruption of or interference with the work of any other contractor and will be responsible for coordination with utilities on site.

34. **ADDENDA AND INTERPRETATIONS:** Proposers are responsible for a thorough review of the contract documents, plans and specifications. Proposers shall assume all risk of any ambiguities. Thus, it is imperative that proposers be familiar with the contract documents as well as the job site.

    No interpretation of the meaning of plans, specifications, or other pre-proposal documents will be made to any proposer orally. Every request for such interpretation should be in writing addressed to the Program Manager, Gallagher Construction Services, Attn: Jeff Fisher at jeff@gallaghertx.com. To be given

consideration requests must be received at least two days prior to the date fixed for the opening of proposals. Any and all such interpretations and any supplemental instructions will be in the form of written addenda to the specifications which, if issued, will be posted to our website at https://www.ferristexas.gov/bids-and-proposals. Proposers are expected to check the website for all addenda not later than two days prior to the date fixed for opening of proposals. Failure of any proposer to receive any such addendum or interpretation shall not relieve such proposer from any obligation under his proposal as submitted. All addenda so issued shall become part of the contract documents.

35. **NOTICE OF SPECIAL CONDITIONS:** Attention is particularly called to those parts of the contract documents and specifications which deal with the following:

a. Inspection and testing of materials
b. Insurance requirements
c. Prevailing Wage rates
d. Stated allowances
e. 100% maintenance bond (Construction projects exceeding $25,000)
f. 100% payment bond (Construction projects exceeding $25,000)
g. 100% performance bond (Construction projects exceeding $100,000)

The testing of material shall be performed by the City of Ferris approved testing laboratory and will be paid by the City of Ferris. Contractor will be responsible for any retest and retest will be paid by the contractor. The failure of the City of Ferris to make tests shall in no way relieve the Contractor of his responsibility of furnishing materials conforming to the specifications.

- Concrete testing will be required daily and one test will be taken for every 50 cubic yards of concrete poured. Daily concrete pours regardless of the quantities will require at least one test unless otherwise directed by the city.

- Density tests will be taken on all native soil and flex base where concrete is poured, unless otherwise directed by the City.

- The contractor shall coordinate the testing with the City's lab and they shall notify the City's inspector when testing will occur.

36. **LAWS AND REGULATIONS:** The proposer's attention is directed to the fact that all applicable State laws, municipal ordinances, and rules and regulations of all authorities having jurisdiction over construction of the project shall apply to the contract throughout, and they will be deemed to be included in the contract the same as though herein written out in full.

37. **SALES TAX:** The City of Ferris is exempt from sales tax. Sales tax exemption forms will be provided to the general contractor for 1) all materials that are physically incorporated in the realty that is being improved, 2) consumable items used to improve the realty, and/or 3) nontaxable services provided for the project.

38. **OBLIGATION OF PROPOSERS:** At the time of the opening of proposals each proposer will be presumed to have inspected the site and to have read and to be thoroughly familiar with the plans and contract documents (including all addenda). The failure or omission of any proposer to examine any form, instrument or document shall in no way relieve the proposer from any obligation in respect to his proposal.

39. **WORK ORDER CHANGES:** The City reserves the right to reject the Contractor's proposal on change order work and secure such work to be done other than by said Contractor.

    The time for performance set forth in the contract documents contemplates normal bad weather days and typical construction delays. Extensions in the time for performance may be given or allowed for if, and only if, the extension is approved by the City and the approval is evidenced by a written and signed Change Order.

    Any and all change orders must be approved by the City prior to work being started on said change.

40. **MINIMUM WAGE RATES:** Each proposer, contractor or subcontractor shall comply with the Texas Minimum Wage Act, Texas Labor Code in regards to prevailing minimum wages.

41. **RETAINAGE:** Retainage in the amount of 5% will be withheld on this project.

The following information applies ONLY to an awarded Respondent

Certificate of Interested Parties (Form 1295)

In 2015, the Texas Legislature adopted House Bill 1295, which added section 2252.908 of the Government Code. The law states that a governmental entity may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties to the governmental entity. The disclosure of interested parties will be submitted online via Form 1295 and must be submitted to the governmental entity prior to any signed contract and/or vote by the governing authority.

The Filing Process:

1. Prior to award by the City of Ferris Council, your firm will be required to log in to the Texas Ethics Commission https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm and fill out the Electronic Filing Application.
2. Once submitted, the system will generate an electronic Form 1295 displaying a "Certificate number". Your firm must print, sign and notarize Form 1295.
3. Within **ten (10) business days** from notification of pending award by the City of Ferris, the completed Form 1295 **must** be submitted.
4. Your firm will need to repeat this process and obtain a separate Form 1295 each time you enter into a new contract, renew a contract or make modifications and/or amendments to a City of Ferris contract.

Instructions and information are available at https://www.ethics.state.tx.us/tec/1295-Info.htm or you may call The Texas Ethics Commission at 512-463-5800.

BY SIGNING ON "COMPLIANCE PAGE" YOUR FIRM AGREES TO ADHERE TO HB 1295 REFERENCED ABOVE.

COMPLIANCE WITH FEDERAL AND STATE LAWS

CERTIFICATION OF ELIGIBILITY

By submitting a proposal in response to this request for competitive sealed proposal, the proposer certifies that at the time of submission, he/she is not on the Federal Government's list of suspended, ineligible, or debarred contractors.

In the event of placement on the list between the time of proposal submission and time of award, the proposer will notify the City of Ferris Director of Finance. Failure to do may result in terminating this contract for default.

DISCLOSURE OF INTERESTED PARTIES

By submitting a proposal in response to this request for competitive sealed proposal, the proposer agrees to comply with H.B. 1295, Government Code 2252.908. Proposer agrees to provide the City of Ferris, the "Certificate of Interested Parties," FORM 1295 as required, with in **ten (10)** business days from notification of award, renewal, amended or extended contract.

Visit https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm for more information.

HB 89 & SB 252

By submitting a proposal in response to this request for competitive sealed proposal, the proposer verifies that the company represented does not boycott Israel or conduct business with Iran, Sudan, or any known terrorist organization. The State of Texas Comptroller's "Divestment Statute Lists" will be reviewed by the City of Ferris prior to award.

_____

Authorized Signature

CITY OF FERRIS

SUPPLEMENTAL GENERAL PROVISIONS

1. PUBLIC SAFETY AND CONVENIENCE

The safety of the public and the convenience of traffic shall be regarded as of prime importance. The CONTRACTOR shall at all times exercise reasonable precautions for the safety of employees and others on or near the work and shall comply with all applicable provisions of Federal, State and Municipal safety laws and building and construction codes. The safety precautions actually taken and their adequacy shall be the sole responsibility of the CONTRACTOR, acting at his discretion as an independent contractor.

The CONTRACTOR shall plan and execute his operations in a manner that will cause the minimum interference with traffic. The CONTRACTOR shall secure the CITY'S approval for the proposed plan of operation and sequence of work prior to beginning construction. If at any time during construction, the approved plan does not accomplish the intended purpose due to weather or other conditions affecting the safe handling of traffic, the CONTRACTOR shall immediately make necessary changes therein to correct the unsatisfactory conditions.

THE CONTRACTOR SHALL PREPARE A TRAFFIC CONTROL PLAN FOR ANY PROPOSED CONSTRUCTION THAT IMPACTS ANY STREET OR ALLEY AND SUBMIT IT TO THE CITY WITH THE CONSTRUCTION SCHEDULE. PRIOR TO STARTING CONSTRUCTION, THE CONTRACTOR SHALL OBTAIN CITY APPROVAL FOR THE TRAFFIC CONTROL PLAN.

When the work is carried on, in or adjacent to any street, alley or public place, the CONTRACTOR shall, at his own cost and expense, furnish and erect such barricades, fences, lights and danger signals; shall provide such flagmen and watchmen; and shall take such other precautionary measures for the protection of persons or property and of the work as are necessary. All barricades, signs, lights, etc., shall be placed, maintained and operated in accordance with the Texas Manual on Uniform Traffic Control Devices. From sunset to sunrise, the CONTRACTOR shall furnish and maintain adequate warning lights. A sufficient number of barricades shall be erected to keep vehicles from being driven onto or into any work that might be a hazard to the public.

The CONTRACTOR will be held responsible for all damage to the work due to failure of barricades, signs, lights and watchmen to protect it, and when damage is incurred, the damaged portion shall be immediately removed and replaced by the CONTRACTOR at his own cost and expense. The CONTRACTOR'S responsibility for the maintenance of barricades, signs, and lights and for providing watchmen shall not cease until the project has been accepted by the OWNER.

WHERE THE CITY APPROVED TRAFFIC CONTROL PLAN INCLUDES THE CLOSURE OF ANY STREET OR ALLEY DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, THE CONTRACTOR SHALL KEEP THE FIRE DEPARTMENT INFORMED AT ALL TIMES OF THE LIMITS OF SUCH CLOSURES AND SUCH STREET OR ALLEY

REOPENINGS. BEFORE CLOSING ANY STREET OR ALLEY, THE CONTRACTOR SHALL NOTIFY CITY, FIRE/POLICE, FERRIS ISD, US POSTAL SERVICE, AND SANITATION CONTRACTOR.

The CONTRACTOR shall provide and maintain flagmen at such points and for such periods of time as may be required to provide for the safety and convenience of public travel and the

CONTRACTOR'S personnel and as directed by the CITY. Flagmen shall be English speaking, courteous, well-informed, physically and mentally able to effectually perform their duties, and shall be neatly attired and groomed at all times when on duty.

It shall be the entire responsibility of the CONTRACTOR to provide for ingress and egress to private property, all as specified herein or as directed by the CITY. Unless more restrictive conditions are specified on the plans, at no time during the period of construction will driveways with street access be left impassable for more than a 24-hour period. The CONTRACTOR shall be required to knock down base material, to fill subgrade, and otherwise adjust driveways so as to maintain ingress and egress for all businesses and residents.

Except as otherwise provided above or elsewhere in the contract, these provisions for providing access, detouring traffic, flagmen, etc., will not be paid for directly but shall be considered as incidental to the overall project.

2. RIGHT OF ENTRY

The OWNER reserves the right to enter the property or location on which the work herein contracted for is to be performed, constructed, or installed, by such agent or agents as it may elect, for the purpose of inspecting the work, or for the purpose of performing or constructing such collateral work as said OWNER may desire.

3. SUBSURFACE INFORMATION, EXISTING UTILITIES

Subsurface information, including the existence and location of underground utilities, borings and other data shown is for the general information of the bidders, and is not guaranteed. The OWNER will make every effort to have underground utilities and services lowered below subgrade ahead of street excavation. Street structures shall be adjusted by the CONTRACTOR. The CONTRACTOR shall notify all public utilities and request field location and verification of all utilities and lines prior to excavation. Excavation in the vicinity of existing structures and utilities shall be carefully done by hand. The CONTRACTOR shall be liable for maintenance and protection of existing utilities and street structures and for repair of any damage thereto.

In case it is necessary to change or move the property of any owner or of a public utility, such property shall not be moved or interfered with until so ordered by the CITY. The right is reserved to all public utilities to enter upon the limits of the contract for the purpose of making such changes or repairs of their property as may be necessary for performance under this contract. The OWNER reserves the right to enter upon the limits of the contract for the purpose of repairing or relaying sewer and water lines and appurtenances, repairing structures, etc., and for making other repairs, changes or extensions to any property of the OWNER.

Service lines from utility mains which interfere with machine trenching methods shall be "jumped" and the resulting "plug" excavated by hand methods; or at the option and expense of the CONTRACTOR, these services may be cut to allow machine excavation and then immediately restored to service. Services that are cut and replaced must be approved by the Inspector before they are covered with backfill. Where existing sewers are to be temporarily taken up or removed, the CONTRACTOR shall, at his own cost and expense, provide and maintain temporary outlets and connections for all private or public drains and sewers. The CONTRACTOR shall take care of all sewage and drainage which will be received from these drains and sewers, and shall provide and maintain at his own expense adequate pumping facilities, troughs, pipes, channels, temporary outlets, diversions, or other structures until the permanent connections and lines are completed and in service. The CONTRACTOR shall satisfactorily dispose of any water, drainage, sewer, nuisance or unsanitary conditions.

Where existing sewer or drains are damaged or broken by the CONTRACTOR, the CONTRACTOR shall repair the broken line immediately with approved sewer pipe and shall disinfect any contaminated ditch or surrounding ground with disinfecting agent. No new material shall be installed until all contaminated ground, ditch and/or material have been properly disinfected. No pay will be allowed for this disinfection.

All utility poles, guy wires and meters that interfere with the construction of this project will be removed by others without cost to the CONTRACTOR.

The removal and/or replacement of signs, fences, trees, and other minor items shall be the responsibility of the CONTRACTOR and will not be measured for payment, but shall be considered as subsidiary items to the work.

4. WATER FOR CONSTRUCTION

Water for mixing and curing concrete and mortar shall be obtained from the City of Ferris Water Department at regular established rates or from any other suitable source approved by the CITY.

On water and sewer line contracts, water required for mixing, etc., may be obtained from the City of Ferris Water Department at regular established rates. The City of Ferris shall furnish only water used for testing or flushing of water lines. On other types of construction, the CONTRACTOR shall pay for City water at regular established rates. The CONTRACTOR shall make all necessary arrangements with the City Water Department for taps, metering, etc.

5. SALVAGED MATERIALS

Any usable materials which are salvaged, recovered, or discovered during the progress of the work, and which are not intended or designated for reuse in the work, shall be placed in storage at the City yard or at such other place within the City of Ferris as is designated.

6. PROTECTION OF ADJOINING PROPERTY

The said CONTRACTOR shall take proper means to protect the adjacent or adjoining property or properties, in any way encountered or which might be injured or seriously affected by any

process of construction to be undertaken under this agreement; for any damage or injury by reason of said progress of construction; and he shall be liable for any and all claims for such damage on account of his failure to fully protect all adjoining property.

The CONTRACTOR agrees that he will indemnify and save the OWNER harmless from all claims growing out of the lawful demands for claims for said damage.

When so desired by the OWNER, the CONTRACTOR shall furnish satisfactory evidence that all obligations of the nature hereinabove designated have been paid, discharged or waived. If the CONTRACTOR fails to do so, then the OWNER may, at the option of the CONTRACTOR, either pay unpaid bills of which the OWNER has written notice, or direct or withhold from the

CONTRACTOR'S unpaid compensation a sum of money deemed reasonably sufficient to liquidate any and all such lawful claims until satisfactory evidence is furnished that all liabilities have been fully discharged, whereupon payments to the CONTRACTOR shall be resumed in full in accordance with the terms of this contract, but in no event shall the provisions of this sentence by construed to impose any obligation upon the OWNER, to either the CONTRACTOR or his Surety.

7. CONTROL OF MATERIAL

The source of supply of materials shall be approved by the CITY. Representative samples of the materials proposed to be used, in quantities required, will be submitted for examination and testing in accordance with the methods prescribed by the applicable specifications, and by the agency designated by the CITY. Only materials conforming to the requirements of the specifications and approved by the ARCHITECT/ENGINEER shall be used in the work. The materials proposed to be used may be inspected or tested at any time during their preparation or use. If the sources of supply which have been approved do not furnish a uniform product or if the product from any source proves unacceptable at any time, the CONTRACTOR shall furnish approved material from other approved sources. No material, which after approval has in any way become unfit for use shall be used in the work.

8. NCTCOG GENERAL PROVISIONS

References in the Specifications and Contract Documents to NCTCOG items refers to the Standard Specifications for Public Works Construction North Central Texas as prepared by the North Central Texas Council of Governments dated 1983, including all amendments. The City of Ferris' standard specifications and details shall govern whenever there is a conflict between them and NCTCOG; however, whenever the City's Provisions are silent with regard to an item, NCTCOG shall govern.

9. CONTRACTOR'S BUILDINGS

The building structures for housing laborers, or the erection of tents or other forms of protection, will be permitted only at such places as the PROJECT MANAGER shall direct, and the sanitary conditions of the grounds in or about such structures shall at all times be maintained in a manner satisfactory to the PROJECT MANAGER, in accordance with state and local laws.

10. SANITATION

Necessary sanitary conveniences for the use of laborers on the work, properly secured from public observation, shall be constructed and maintained by the CONTRACTOR in such manner and at such points as shall be approved by the PROJECT MANAGER, and their use shall be strictly enforced.

11. LINES AND GRADES

All lines and grades shall be furnished by the CONTRACTOR or his representative. The CONTRACTOR shall be responsible for furnishing all necessary equipment and survey personnel to establish all elevations and alignment necessary for construction. The Contractor shall string line the paving edges and must receive approval from the City Engineer or his representative before the placement of concrete pavement. If the line and grade are not approved, the Contractor will reset a new line and grade at no additional cost. Special care should be taken to insure no water is trapped in backyards and that no ponding or standing water exists in the finished street.

ATTACHMENT B

Eyncon
ENGINEERING

Structural, Geotechnical, Forensic, Civil and MEP

PROJECT NO. 0619079

GEOTECHNICAL INVESTIGATION FOR PROPOSED BUILDING AT S. HENRIETTA STREET & E. 9TH STREET FERRIS, ELLIS COUNTY, TEXAS

REPORTED TO

MR. STEVEN WILSON
KEMAH, TX

PREPARED BY

Eyncon, LLC

117 N Dallas St., Ennis TX ♦ 469-478-3033 ♦ 6401 Eldorado Pkwy, McKinney TX

www.eyncon.com

AUGUST 02, 2019

Eyncon
ENGINEERING

Structural, Geotechnical, Forensic, Civil and MEP

Project No: 0619079
Report No: 01
August 02, 2019

Mr. Steven Wilson
P.O. Box 1070
Kemah, TX 77565

GEOTECHNICAL INVESTIGATION
FOR
PROPOSED BUILDING AT
S. HENRIETTA STREET & E. 9TH STREET
FERRIS, ELLIS COUNTY, TEXAS

Eyncon, LLC (EL) has completed a geotechnical exploration for the above referenced project. This study was conducted per your authorization on June 25, 2019.

This report describes the field exploration and laboratory testing followed by our engineering analysis. The results were used to develop recommendations to aid in design and construction of the building foundation and parking lots.

We appreciate and wish to thank you for this opportunity to assist you on this project. If we can be of further assistance, please contact our office.

Yours very truly,

EYNCON, LLC
STATE OF TEXAS
CHARLES C. MAGBO
132815
LICENSED
PROFESSIONAL ENGINEER
F-16663

Charles Magbo, M.Eng., P.E.
Senior Engineer

Copy Submitted: (1) Mr. Steven Wilson

117 N Dallas Street, Ennis, Texas, 75119 • Tel.: 469.478.3033, Email; info@Eyncon.com
Website: www.Eyncon.com

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Eyncon ENGINEERING

Project No. 0619079

1.0 EXECUTIVE SUMMARY

It is planned to construct a building at S. Henrietta Street & E. 9th Street, Ferris, Ellis County, Texas. The building will include parking lots. Eyncon, LLC (EL) has completed the geotechnical exploration for this project. Our investigation and recommendations are summarized below:

- Three (3) boreholes to depths of 6-ft, 15-ft and 20-ft were drilled for this project. Based on the information obtained from the field exploration and laboratory testing, the subsoils at the subject site can be summarized as follows:

Depth, ft.	Soil Description
0 – 20	FAT CLAY (CH), firm to very stiff, dark brown, olive gray, dark gray, brownish yellow, with root fibers to 8', ferrous and calcareous nodules, tiny white rock fragments, carbonate masses, gravels, moist.

- Groundwater was not encountered during our field exploration.

- The effective Plasticity Index (PI) of subsoils is 57. A potential vertical rise (PVR) of 6.5 inches is estimated with the existing site conditions. The PVR will be more than 6.5 inches, if deep seated swelling occurs.

- **Considering the presence of expansive soils and potential for deep seated swelling at the site, drilled shafts and structurally suspended grade beam and floor slab is the most suitable foundation system for the proposed building.** Slab-on-grade foundation system can be considered, only if potential movement can be tolerated by the structure.

- We understand that post-tensioned slab type foundation will be used to support the structural loading from the proposed building. The design parameters for the post-tensioned slab are recommended in Section 5.2 of this report.

- Recommendation on subgrade modification is provided in Section 4.3 of this report in order to reduce the PVR.

- We understand that parking lots will be paved with concrete. Pavement recommendations for light weight and heavy weight traffic are provided in Chapter 6.0 of this report. **Pavement design is not within the scope of this study.**

This executive summary should be read in conjunction with the details given in the following report sections.

2.0 INTRODUCTION

2.1 Project Description

It is planned to construct a building at S. Henrietta Street & E. 9th Street, Ferris, Ellis County, Texas. The building will include parking lots. The parking lots will be paved with concrete. The concrete paving will subject to light/auto loading and heavy truck loading. Traffic information is not available at this time. We understand that post-tensioned slab type foundation will be used to support the structural loading. Information regarding structural loads was not available at the time of this investigation.
Our investigation and recommendations are summarized below.

Due to the presence of expansive soils and potential for deep seated swelling at the site, drilled shafts and structurally suspended grade beam and floor slab is the most suitable foundation system for the proposed building. Slab-on-grade foundation system can be considered, only if potential movement can be tolerated by the structure.

2.2 Scope of Work

The scope of this study are as follows:

- Subsurface soil, rock and groundwater conditions on site based on three (3) soil boreholes to depths of 6-ft, 15-ft and 20-ft from the existing ground elevation.
- Engineering characterization of the subsurface materials encountered.
- Design criteria for post-tensioned slab foundation systems.
- Pavement recommendations for light and heavy weight traffic.
- Recommendations regarding site preparation and earthwork.

The scope of this study excludes any environmental assessment studies of soil, surface water or groundwater. Also, any slope stability analysis (natural or constructed), global and local stability analysis of retaining wall are not within the scope of this study.

3.0 SITE GEOLOGY, FIELD EXPLORATION AND SUBSURFACE CONDITIONS

3.1 Site Geology

Information regarding depth and magnitude as well as anticipated features of the soil in this area is provided by the major soil formations. This information provides data for this area. Information provided is general information and should not be used to replace site specific engineering analysis.

The site is located in the Ozan Formation ("lower Taylor marl") of the Gulfian Age in the Cretaceous Era as indicated on the Geologic Atlas of Texas, Dallas Sheet as published by the University of Texas at Austin. This Formation is composed of clay, calcareous, silt and sand content increase upward, montmorillonitic, blocky, conchoidal fracture, medium gray in color, some glauconite, phosphate pellets, hematitie nodules, pyrite nodules, some very thin limestone lenses locally in the lower parts. It weathers light brownish gray with poor fissility, grades upward to Wolfie City Formation and contains marine megafossils. This formation has a thickness of 500 plus or minus feet.

3.2 Site Description

At the time of the field exploration, the project site was covered with grass and trees. Streets are concrete paved. The project site is generally level with elevation difference of less than 3-ft. In general, there is residential and commercial development in the vicinity of the project site. Project site pictures were taken during field exploration. These pictures are presented on PLATE 1.

3.3 Soil Boreholes

The soil conditions were explored by conducting three (3) soil boreholes. The borehole schedule is as follows:

Borehole Nos.	Depth, ft.	Facility
BH1	20	Building
BH2	15	Building
BH3	6	Parking Lots

The approximate borehole locations are shown on PLATE 2. Boreholes were drilled using standard truck mounted rigs and equipment. The number of boreholes, depths and locations were specified by the client.

Soil samples were obtained continuously at each borehole location from the ground surface to 10-ft and at five-ft intervals thereafter to the completion depth of the boreholes. Shelby tubes were used for fine grained materials according to ASTM D 1587.

Soil samples obtained were visually classified and logged during retrieval. Information on field observation, classification of the soils encountered and strata limits are presented on the borehole logs shown on PLATES 3 through 5. Lines delineating subsurface strata on the borehole logs are approximate and the actual transition between strata may be gradual. A key to the classification and symbols is presented on PLATE 6.

3.4 Groundwater Measurements

Boreholes were drilled without the aid of drilling water or fluid, to estimate the depth to perched or free-water conditions more accurately. Groundwater was not encountered during our field exploration.

Fluctuations in groundwater generally occur as a function of seasonal moisture variation, temperature, groundwater withdrawal, atmospheric conditions and future construction activities that may alter the surface and sub drainage characteristics of this site.

The pressure and/or level of groundwater that might occur cannot be predicted accurately based upon short-term site investigation work. Most of the materials encountered in the boreholes are considered relatively impermeable and are anticipated to have a slow response to water movement.

The accurate evaluation of the hydrostatic water table requires long term observation of monitoring wells and/or piezometers. The installation of piezometers/monitoring wells was beyond the scope of our study. We recommend that EL be immediately notified if a noticeable change in groundwater occurs from that mentioned in this report. We would be pleased to evaluate the effect of any groundwater changes on the design and construction sections of this report.

3.5 Laboratory Tests

Laboratory tests were conducted on selected representative samples of the major strata obtained from boreholes to further classify the soils and to evaluate the engineering properties of soil. ASTM D-2487 was used for classification of soils for engineering purposes. The laboratory tests were performed in general accordance with relevant ASTM standards as follows:

Laboratory Test	ASTM Standard
Visual Soil Classifications	ASTM D 2488
Atterberg Limits	ASTM D 4318
Natural Moisture Content	ASTM D 4643
% Passing No. 200 Sieve	ASTM D 1140

Based on the test results, soils samples were classified according to ASTM D 2487. In addition, undrained shear strengths of the cohesive soils were verified by hand penetrometer tests. The test results are presented on the borehole logs at representative sample depth.

All soil samples in the laboratory are stored for a period of 7 days following the submission of this report. The samples will be discarded after this period, unless EL is instructed to retain samples.

3.6 Soil Stratigraphy and Properties

Based on the field exploration and laboratory testing for this investigation, the subsurface stratigraphy encountered at the borehole locations is uniform and consist of one (1) major stratum: fat clay (CH) soils. Details of subsurface conditions at each borehole location are presented on the respective borehole logs. In general, the subsoils can be summarized as follows:

Depth, ft.	Soil Description	Plasticity Index	Shear Strength, tsf
0 – 20	FAT CLAY (CH), firm to very stiff, dark brown, olive gray, dark gray, brownish yellow, with root fibers to 8', ferrous and calcareous nodules, tiny white rock fragments, carbonate masses, gravels, moist.	40 – 62	0.39 – 1.50

Soil Stratigraphy may vary between boring locations. **We recommend that EL be immediately notified, if a noticeable change in soil stratigraphy from that summarized above or presented in the borehole logs are encountered during construction.** We will evaluate the effect of any soil type and depth changes on the design and construction recommendations presented in this report. We may revise the recommendations based on the significance of the changed conditions.

4.0 FOUNDATIONS ON EXPANSIVE SOILS

4.1 Expansive Soils

Soil boreholes and laboratory tests indicates the presence of expansive soils at the subject site. The subsoil has an effective Plasticity Index (PI) of 57. Expansive soils shrink when water is removed and swell when water is added. Foundations constructed on expansive soils are subject to uplifting forces caused by the swelling, if environmental or man-made conditions cause a change in the moisture level of the soil. The potential heave is influenced by the soil properties, overburden pressures, and to a great extent by soil moisture levels at the time of construction.

4.2 Potential Vertical Rise (PVR)

Shrink and swell of foundation soils causes the foundation to move vertically. The potential vertical movement due to shrink/swell potential of the foundation soil is determined by the Texas Department of Transportation (TxDOT) Method 124-E in conjunction with engineering judgment and experience. The estimated movements were calculated assuming the moisture content of the in-situ soils, within the normal zone of seasonal moisture content change, varies between a 'dry' condition and a 'wet' condition as defined by TEX 124-E. The zone which has the potential for moisture variation due to seasonal changes is called as the active zone.

There is potential for deep seated swelling at the subject site. Considerably more movement will occur in areas where positive drainage of surface water is not maintained or if soils are subject to an outside water source, such as leakage from a utility line or subsurface migration from off-site locations.

Based on our calculations, the subsoils at the subject site has the Potential Vertical Rise (PVR) of about 6.5 inches. The PVR is calculated based on an active zone of 15-ft. The potential movement will be higher than 6.5 inches, if deep seated swelling occurs. Surcharge load of 1 psi from the slab is assumed for PVR calculations. Swell tests of onsite soils were not conducted. Swell tests are not within the scope of this study.

The PVR is estimated based on the current site grades and subsoil conditions. If cut and/or fill operations in excess of 6 inches are performed, the PVR value could change significantly.

4.3 Subgrade Modification

The expansive soils present at this site can cause foundation movement of floating slab type foundations. The anticipated soil movements should be reduced by removal of several feet of on-site expansive soils and replacement with select fill or by chemical injection.

4.3.1 Alternative 1 – Removal and Replacement

We recommend to remove onsite expansive soils and replace with select fill to reduce the PVR. The amount of reduction in the PVR for various replacement thickness are tabulated below:

Thickness of Select Fill, ft	*PVR, in*
0	*6.5*
2	*4.5*
4	*4.0*
6	*3.0*
8	*2.5*

The select fill should extend 5-ft beyond the building footprint and all areas sensitive to soil movement. After the excavation of onsite soils is completed, scarify the bottom of the excavation to a minimum depth of 8-inch and add moisture (if required), and recompact to 95% of the maximum dry density as determined by ASTM D 698 (Standard Proctor). The moisture content at the time of compaction of soils should be minimum of +3% of the Proctor optimum value. The specifications for select structural fill and procedure for compaction is provided in Section 7.1 of this report.

The degree of compaction and moisture in the fill soils shall be verified by field density tests at the time of construction. We recommend a minimum of four field density tests per lift or one every 2,500 square feet of floor slab areas, whichever is greater. The fill moisture content and density must be maintained until floor slabs are completed.

Care should be taken to avoid the collection of water in the excavated area. Positive drainage should be provided in order to avoid any ponding water in and around removal and replacement area. Due to high permeability of cohesionless soils (sands), cohesionless soils should not be used as select fill material. Lack of positive drainage, improper fill material and insufficient compaction can cause bathtub effect in removal and replacement area.

4.3.2 Alternative 2 – Chemical Injection

Another option to reduce the PVR is chemical injection. The recommended chemical injection or soil stabilizers are Earthlok and ESSL (EcSS 3000®). After the chemical injection, the area should be covered with 1-ft of select fill to retain the moisture. The fill should be compacted according to the procedure outlined in Section 7.1 of this report. Moisture loss should not be allowed after the chemical injection. Construction of the foundation slab should start immediately after the completion of the chemical injection. The chemical injection area should be covered during the waiting period. We recommend to extend the chemical injection area to at least 5 feet beyond the building pad area and should cover all areas that are sensitive to soil movement such as canopy, sidewalk, etc.

The chemical injection shall be conducted by an experienced contractor. Equipment shall be suitable for the intended work. Injection equipment shall be self-propelled and constructed to provide straight pipe injection under pressure to the specific depth. Injection equipment shall be equipped with flow meter and pressure meter and control valve for monitoring and controlling the amount of chemical injected. The pump units shall have centrifugal pumps installed and shall be capable of injecting at least 7,500 gallons/hour at 200 to 250 pounds per square inch constant pressure. Injection rods shall be forced downward (not jetted or washed) in approximately 12-inch vertical intervals, to a specified depth. Spacing of the chemical injection holes shall not exceed 3 feet on center, each way.

The efficiency of the chemical injection should be tested through swell tests after the chemical injection. Undisturbed samples should be obtained at every one-foot interval to the total injected depth from two test holes per building pad or 1 test hole per 2,500 square foot, whichever is greater. The effect of chemical injection in reducing the PVR is tabulated below:

Chemical Injection Depth, ft	*PVR, in*
10	*3.0*

The PVR after the chemical injection is calculated based on the existing soil condition below the chemical injection depth and assuming that the chemical injection will reduce the swell potential of subsoils to less than 1%. The swell potential of soils after the chemical injection should be verified by swell test. If cut and/or fill operations in excess of 24 inches are performed, the chemical injection should be performed after the cut or placement of the fill to ensure uniform depth of chemical injection. The subgrade modification using chemical injection should include minimum 1-ft of select fill cap.

4.4 Foundation Maintenance

Long term performance of a structure depends not only on the proper design and construction, but also on the proper foundation maintenance program. A properly designed and constructed foundation may still experience distress from vegetation, trees, poor drainage or incorrectly controlled water sources, such as surface water, plumbing/sewer leaks, and excessive irrigation, water ponding near the foundation. Our general recommendations on foundation maintenance are presented in following sections of this report.

4.4.1 Site Drainage

It is recommended that positive site drainage is maintained throughout the life of the structure. The landscape and any sidewalk areas should be sloped away from the building (minimum of 10-ft) to direct surface water to suitable catch basins for disposal. A minimum of 6" for a distance of 10 ft away from the edge of foundation is recommended. If slope cannot be achieved when the exterior grade is above the floor grade or slopes toward the building, perimeter drains are required. The drains should be installed at a minimum of 12 inches below the bottom of the slab.

Excessive drying or excessive moisture should be avoided around the perimeter beams. The homeowners should be educated about the necessity of maintaining moist subgrade conditions throughout the year. For dryer months, a drip system can be added specifically for the foundation in order to maintain moisture around the foundation within 5-ft of foundation perimeter. The system should be on a timer and water uniformly around the foundation perimeter. If a drip system is cost prohibitive, soaker hoses can be used 12 inches-18 inches from the foundation. In the event that sprinkler systems are used, we recommend that the sprinkler system be placed all around the house to provide a uniform moisture condition throughout the year.

No ponding of surface water should be allowed near the structure and no area should allow entry of water under the slab.

Gutters are recommended to minimize water distributed near the foundation. Downspouts should either be extended a minimum of 5-ft from the foundation or connected to an underground drainage system away from the foundations. Due to mowing and aesthetics, running a drain pipe below grade to an exit grate or popup emitter is the best solution. This should be applied to all downspouts. If additional flower bed drains are added as part of a complete drainage plan, the downspouts could also connect to such drains.

Drains should be checked periodically to ensure that they remain functional and, if necessary, maintenance should be performed to improve drainage.

4.4.2 Vegetation Control

We recommend trees not be planted or existing trees left in place closer than the full height of the mature trees from the grade beams. Root barriers must be placed near the exterior grade beams to minimize tree root movements under the floor slab. Tree stumps should not be left under the slabs during site preparation. This may result in future settlement and termite infestation.

5.0 FOUNDATION DESIGN RECOMMENDATIONS

5.1 Foundations Type

Generally, lightly loaded foundations are designed and constructed on the basis of economics, risks, soil type, foundation shape and structural loading. The foundation systems are subdivided into two groups: deep support systems and shallow support systems. Each of these systems has an associated level of risk of damage that can occur to the building superstructure and architectural components due to differential foundation movements. The foundations typically used in the north central Texas, and their associated risks are generally described in Appendix A.

Building owners and/or developers need to be involved in the selection process of the foundation system. Most of the time, the foundation types are selected by the owner/builder, etc. Each of these systems also has an associated relative cost of construction. When comparing the various foundation systems, the level of risk is typically found to be inversely proportional to the level of cost. Many times, due to economic considerations, higher risks are accepted in foundation design. For example, shallow support systems typically have a relatively higher level of risk than deep support systems, but are often selected due to economics and affordability. All of these foundations must be stiffened in the areas where expansive soils are present and trees have been removed prior to construction. It should be noted that these foundations are not designed to resist soil and foundation movements as a result of sewer/plumbing leaks, excessive irrigation, poor drainage and water ponding near the foundation system.

All of these foundations must be stiffened in the areas where expansive soils are present and trees have been removed prior to construction. It should be noted that these foundations are not designed to resist soil and foundation movements as a result of sewer/plumbing leaks, excessive irrigation, poor drainage and water ponding near the foundation system.

The above recommendations, with respect to the best foundation types and risks, are general. The best type of foundation may vary as a function of structural loading and soil types. We understand that the proposed structural loads will be supported on post-tensioned slab type foundation. Our recommendations for this foundation type are presented in the following report sections.

Foundations for the proposed building should satisfy two independent design criteria. First, the maximum design pressure exerted at the foundation level should not exceed allowable net bearing pressure based on an adequate factor of safety with respect to soil shear strength. Secondly, the magnitude of total and differential settlements or heave under sustained foundation loads must be such that the structure is not damaged or its intended use impaired.

5.2 Post-Tensioned Slab Foundation

We understand that the structural loads may be supported on a post-tensioned or concrete reinforced slab foundation. **The subgrade should be modified in accordance with Section 4.3 of this report in order to reduce the PVR. Drainage, landscaping and vegetation shall be maintained as recommended in Section 4.4 of this report**. If proper drainage, landscape or vegetation control is not maintained, foundation movement will occur due to presence of expansive soils.

Our recommendations for slab design parameters are based on the conditions encountered in the boreholes. Our recommendations for the design of post-tensioned slab or reinforced concrete slab-on-grade slabs are in general accordance with the PTI DC10.1-08, 3rd Edition with 2008 supplement. Our recommendations for post-tensioned slab or reinforced concrete slab-on-grade slabs are as follows:

Design Condition	Bearing Capacity
Effective Plasticity Index (PI) = 57 Thornthwaite Moisture Index = 0 Depth of Active Zone = 15-ft Climatic Rating = 22 Soil Support Index = 0.66 Design Suction Envelope = Post-Construction Required Subgrade Soil Shear Strength = 1,000 psf Subgrade Preparation according to Chapter 7.0 of this report.	Allowable Net Bearing Capacity: Dead Loads Only = 1,000 psf (FS = 3.0) Total Loads = 1,500 psf (FS = 2.0) Minimum Grade Beam Depth Below the Final Grade = 1.5-ft, Minimum Grade Beam Width = 10-inches

Slab Subgrade Friction Coefficient:

Slab-on-Vapor Sheeting over Sand = 0.75; Slab without Vapor Sheeting = 1.0

PTI Parameters

Subgrade Condition	PVR inch	y_m, inch		e_m, ft	
		Center Lift	Edge Lift	Center Lift	Edge Lift
2-ft of Select Fill	4.5	2.0	2.8	7.0	3.6
4-ft of Select Fill	4.0	1.6	2.0	7.5	3.8
6-ft of Select Fill	3.0	1.4	1.8	7.8	4.0
8-ft of Select Fill	2.5	1.2	1.6	8.0	4.2
10-ft of Chemical Injection	3.0	1.6	2.2	7.8	3.9

It should be understood by all parties that in the areas where expansive soils are present and trees have been removed prior to construction, lightly loaded floating slabs can still experience heave causing foundation distresses. However, the replacement of onsite expansive soils will reduce the anticipated differential movements to tolerable limit. If no movement can be tolerated by the client, a structural slab with drilled shafts is recommended.

It should also be noted that these foundations are not designed to resist soil and foundation movements as a result of non-climatic factors such as continued utility leaks, trees, slope, cut and fill sections, excessive irrigation, lack of maintenance, poor drainage and water ponding near the foundation system. Due to the presence of expansive soils on the site, we recommend the post-tensioned slab be stiffened such that minimum differential movements occur once a portion of the slab is lifted by the expansive soils.

The depth of perimeter beams can be increased to 3-ft below the final grade to further reduce the foundation movement.

A bedding layer of leveling sand, one- to two-inch in thickness, may be placed beneath the floor slab. A layer of vapor retardant should be used above the sands to prevent moisture migration through the slab. The excavations for the grade beams should be free of loose materials prior to concrete placement.

Adjacent flatwork such as sidewalks and pavements should be designed in such a way as to allow for differential movements between flatwork and the exterior perimeter of the building foundation.

Information was not available on whether fill will be used to raise site grade prior to slab construction. In the event that fill is placed on site, specifications should require placement in accordance with our recommendations given in the "Site Preparation" section. Lack of proper site preparation may result in additional stress and inferior slab performance. The on-site soils, free of root organics, are suitable for use as structural fill under a post-tensioned slab foundation. Sands should not be used as structural fill materials at this site (with the exception of top two-inch of leveling sand under the slab).

5.3 Foundation Settlement

A detailed settlement analysis was not within the scope of this study. It is anticipated that grade beams and slabs designed using the recommended allowable bearing pressures will experience small settlements that will be within the tolerable limit for the proposed building.

6.0 PAVEMENT SECTIONS

6.1 General

We understand that concrete paving is planned for parking areas subject to light/auto loading and heavy truck loading. Traffic information is not available at this time. **Pavement design is not within the scope of this study**. Recommendations on pavement structures are provided in the following sections.

6.2 Parking Areas

The results of our field and laboratory test data indicate that the surficial soils in the parking areas generally consist of fat clay (CH) soils. These soils have subgrade moduli, k, ranging from 100 to 140 pci and CBR values ranging from 3 to 5. Based on the subgrade soil properties, the recommended minimum concrete and asphalt pavement thicknesses for parking areas subject to auto/light traffic and heavy truck traffic loading are as follows:

Layers	Auto/Light Truck Traffic, in	Service Drive or Heavy Truck Traffic, in
Surface: Concrete Pavement	5	7
Subgrade: Lime-Stabilized	6	8

The subgrade should be stabilized with 7% of lime by dry weight TxDOT Specification Item 260 and 263. This results in application rates of 32 and 43 pounds of lime per square yard per six-inch and eight-inch of compacted thickness, respectively. The lime stabilized subgrade should be compact to 95% of Maximum Standard Proctor Density (ASTM D 698) at a moisture content between optimum and +3% of optimum.

Concrete compressive strength should be of 3500 psi at 28 days. The paving for the auto traffic should be reinforced with #4 bars at 20-inches on center-to-center each way. The paving for the heavy truck traffic should be reinforced with #4 bars at 18-inches center-to-center each way. Minimum Lab length shall be 22-inch. Suggested longitudinal and transverse joint spacing for concrete paving is 15-feet. The expansion joint spacing is approximately 80-feet. Steel used for reinforcements should be grade 60.

It should also be noted that these pavement recommendations are not designed to resist soil and pavement movements due to the presence of expansive soils. There is a potential for pavement movements and subsequent pavement cracks due to the expansive soils. If no movement is preferred, then soil remediation should be performed in accordance to the recommendations presented in Section 4.3 of this report. In addition, the pavement should be maintained in accordance to the recommendations presented in Section 4.4 of this report.

7.0 CONSTRUCTION GUIDELINES

Some construction problems, particularly their extent and magnitude, and including the depth of overburden across the site cannot be anticipated until the construction is in progress. The construction and maintenance of the proposed PTI slab, if used, should be in general accordance with the procedures presented in PTI Manual.

Information was not available on whether a fill will be used to raise site grade prior to slab construction. In the event that fill is placed on the site, specifications and placement should be in accordance with our recommendations given below. Lack of proper site preparation may result in additional stress and poor slab performance.

7.1 Select Structural Fill

The select fill materials beneath the building area may consist of inorganic sandy clay soils with a liquid limit of less than 40 and a plasticity index between 12 and 18. Other types of fill available locally, and acceptable to the geotechnical engineer, can also be used. Cohesionless soils should not be used as select structural fill. The select fill should extend 5-ft beyond the building footprint. The select fill thickness should be uniform over the entire building footprint. Bank sand should not be used for this purpose. Samples of the fill material should be submitted to the testing laboratory a minimum of 72 hours prior to commencing earthwork operations to allow for the materials evaluation, including the optimum moisture of the fill soils.

The select fill should be placed in loose lifts and uniformly compacted to 95% of the maximum dry density as determined by ASTM D 698 (Standard Proctor). The moisture content at the time of compaction of subgrade soils should be between optimum and +3% of the Proctor optimum value. The lift thickness should not be more than eight inches in loose condition. The subgrade and fill moisture content and density must be maintained until floor slabs are completed. We recommend that these parameters be verified by field moisture and density tests at the time of construction.

7.2 Site Preparation

Our general recommendations for site preparations in the floor slab areas, based on our understanding of the subsurface conditions encountered in the boreholes, are summarized below or as otherwise required by the geotechnical engineer during construction site visits.

7.2.1 General

- Positive site drainage must be established at the beginning of the project to minimize ponding of surface water and limit construction difficulties with wet surface soils, or ingress into the foundation excavations. Standard sump pits and pumping may be adequate to control potential seepage into excavations.

- After completion of the necessary stripping, excavating and cleaning and prior to placing the required fill, the undesirable materials (organic wet, soft or loose materials) still in place should be removed. In general, remove all vegetation, tree roots, organic topsoil, existing foundations, paved areas and any undesirable materials from the construction area. Tree trunks and tree roots under the floor slabs should be removed to a root size of less than 0.5-inch. We recommend that the stripping depth be evaluated at the time of construction by a soil technician.

- The backfill soils in the trench/underground utility, pavement and tree root excavation areas should consist of select fill materials, compacted to a minimum of 95% of standard proctor density (ASTM D 698). In the event of compaction difficulties, the trenches should be backfilled with cement-stabilized sand or other materials approved by the geotechnical engineer. Sand and gravel should not be used for utility line bedding in expansive soils. If possible, all utility trenches should be sloped to drain away from the foundation. As a minimum, a four-foot long clay plug or a concrete plug should be installed below the exterior grade beam where utility lines transition below the foundation.

- We recommend to follow quality control procedures during site preparation by a qualified engineer or engineer's representative during the construction of the foundations. This quality control procedures should include, observation of the site stripping and the extent of excavation, verification of the type, depth and amount of stabilizer, if used, evaluation of the quality of fill and monitor the fill placement for all lifts.

7.2.2 Slab on Grade and Pavement Area

- Any on-site fill soils encountered during construction, must have records of successful compaction tests signed by a licensed professional engineer that confirms the use of the fill and record of construction and earthwork testing. These tests must have been performed on all the lifts for the entire thickness of the fill. In the event that no compaction test results are available, the fill soils must be removed, processed and recompacted in accordance with our site preparation recommendations. Excavation should extend at least two-feet beyond the structure and pavement area. Alternatively, the existing fill soils should be tested comprehensively to evaluate the degree of compaction in the fill soils.

- The subgrade areas should then be proof rolled with a loaded dump truck or similar pneumatic-tired equipment with loads ranging from 25- to 50-ton. The proof rolling serves to compact surficial soils and to detect any soft or loose zones. The proof rolling should be conducted in accordance with TxDOT Standard Specification Item 216. Any soils deflecting excessively under moving loads should be undercut to firm soils and recompacted. Any subgrade stabilization should be conducted after site proof rolling is completed and approved by the geotechnical engineer. The proof rolling operations should be observed by an experienced geotechnician.

- After the proof rolling is completed and passed, scarify the subgrade, add moisture, or dry if necessary, and recompact to 95% of the maximum dry density as determined by ASTM D 698 (Standard Proctor). The moisture content at the time of compaction of subgrade soils should be between optimum and +3% of the Proctor optimum value. We recommend that the degree of compaction and moisture in the subgrade soils be verified by field density tests at the time of construction. We recommend a minimum of four field density tests per lift or one every 2,500 square feet of floor slab areas, whichever is greater.

7.3 Construction Considerations

The construction and maintenance of the post-tensioned slab foundations should be in accordance with the procedures presented in the publication "Construction and Maintenance Procedures Manual for Post-Tensioned Slabs-on-Ground, 3rd Edition, Post-Tensioning Institute, 2006".

- Paving areas (parking lots and streets) and surface drainage should be sloped away from the building on all sides. Water should not be allowed to pond near the building, pavement or landscape areas.

- Sand bedding in pavement/landscape area should be avoided since sand is more porous soils and sand can allow water inflow that can cause strength loss in the subgrade soils.

- It is recommended to extend the paving to the perimeter of the structural walls to limit moisture content change in floor slab areas.

- Cut or fill slopes should not be steeper than 4(H):1(V). If the height of cut or fill is more than 5-ft, then slope stability analysis may be required. The crest or toe of cut/fill slopes should be no closer than height of the slope or 10 feet, whichever is greater, from any foundation and no closer than 5 feet from the edge of any pavement.

- Properly detailed and constructed moisture/vapor retardant should be placed between the slab and subgrade soils to retard moisture migration through the slab. If a bedding layer of leveling sand one- to two-inches in thickness is placed beneath the floor slab, the vapor sheeting consisting of minimum six- (6) mil Polyethylene should be used above the sands. The moisture barrier should be properly stretched to maximize soil-slab interaction.

- EL recommends that, prior to the concrete placement, the site and soil conditions used in the structural design of the foundation be verified during the engineer's site visit after all of the earthwork and site preparation have been completed.

- Stockpiles should be placed well away from the edge of the excavation and their heights should be controlled so they do not surcharge the sides of the excavation.

- Construction slopes should be closely observed for signs of mass movement, including tension cracks near the crest or bulges at the toe. Any potential stability problems should be reported to a geotechnical engineer promptly.

- Grade beams excavations should be free of all loose materials. The bottom of the excavations should be dry and hard.

- The exterior grade beams shall be extended about six-inches above the top soil (final grade).

- Minimum concrete strength should be 1,750 and 3,000 psi at 7 and 28 days, respectively, with a maximum slump of 5-inches. Concrete workability and durability can be improved by adding air to the concrete mix. The slump and strength values of the concrete should be verified by slump tests and compressive strength of concrete cylinder tests, respectively. We recommend four concrete cylinders be made for each slab. These cylinders should be tested after 7 and 28 days from placement date. Furthermore, these tests should be performed in accordance with the applicable ASTM test procedures.

- Construction site safety including means, methods and sequencing of construction operations are the sole responsibility of the contractor. The contractor is responsible for designing any excavation slopes, temporary sheeting or shoring. The slope height, inclination or excavation depths should in no case exceed those specified in the local, state and/or federal safety regulations, e.g. OSHA Health and Safety Standard for Excavations, 29, CFR Part 1926, or successor regulations.

- Construction surveillance and quality control tests should be planned to verify materials and placement in accordance with the specifications and recommendations in this geotechnical report. We recommend the following quality control procedures be followed by a qualified engineer or engineer's representative during the construction of the foundations: Monitor the grade beam foundation cleanness, depth, size, etc., Observe the foundation make-up after all of the earthwork and site preparation have been completed and prior to the concrete placement, verify placement of the reinforcing steel/tendons, monitor concrete placement, conduct slump tests and make concrete cylinders, conduct post-pour observations, including post-tensioned slab cable stress monitoring, and conduct a post-construction site visit to evaluate the site grading, drainage and the presence of trees/vegetation near the structure. It is the responsibility of the Client to notify EL when each phase of construction is taking place so that proper quality control and procedures are implemented.

8.0 LIMITATIONS

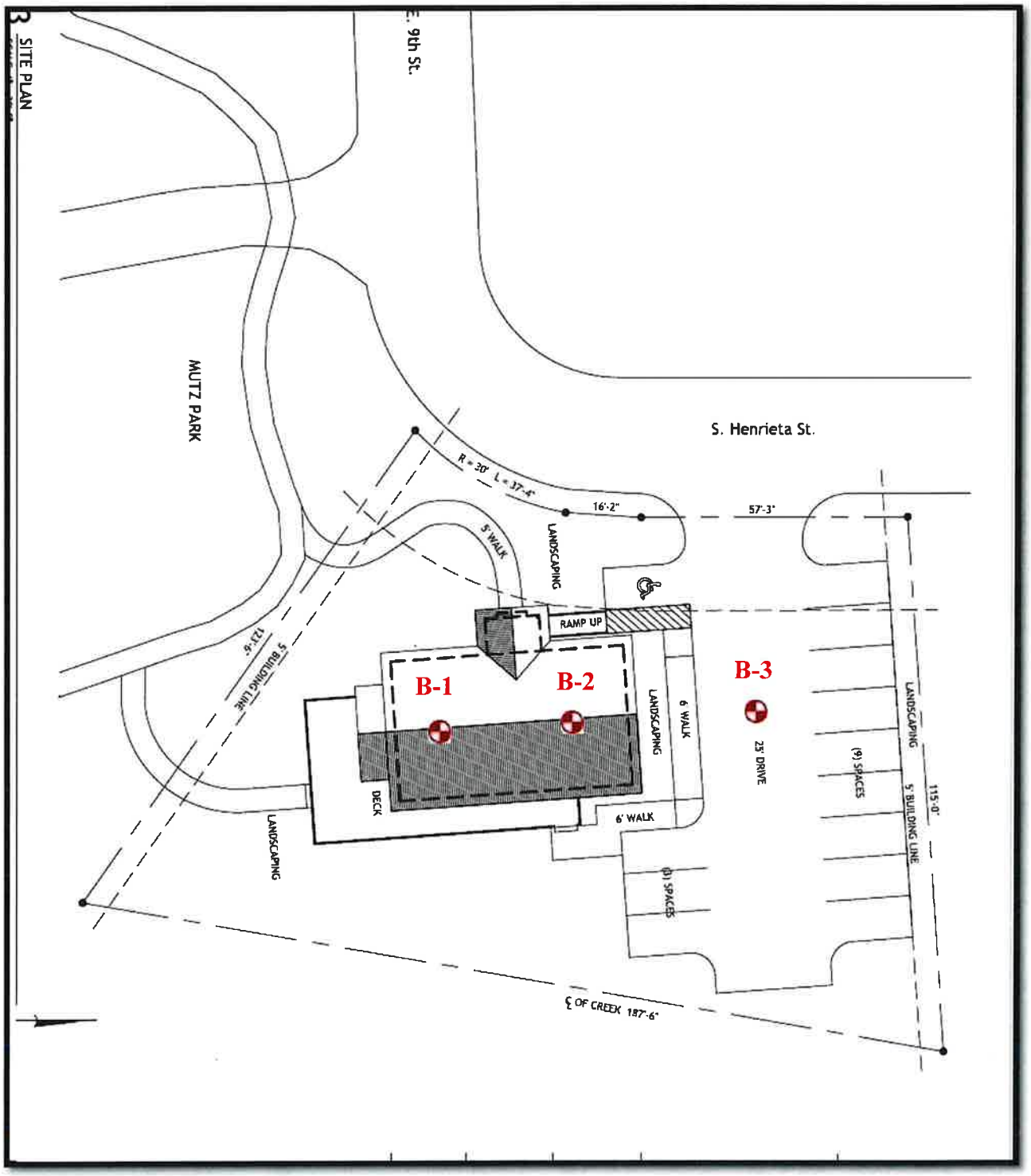
The recommendations described herein were conducted in a manner consistent with the generally accepted geotechnical engineering principles practiced contemporaneously under similar conditions in the locality of the project. Geotechnical engineering formulas and judgments are far from an exact science because of the multitude of unknown influential possibilities and the limitations of site investigation within an economical range. All recommendations in this report are interrelated and must be followed integrally. Any addendum to this report is valid only if in writing form and re-certified by EL. No other expressed or implied warranty and guarantee are made other than that the work was performed in a proper and workmanlike manner. EL is not responsible for damages resulting from workmanship of designers or contractors.

The recommendations presented in this report were developed from referenced samples obtained from a discrete number of soil test boreholes with limited cross sections. Soil type and properties across the site may vary at different times and may also differ from those observed at the borehole locations. The nature and extent of soil variations between the boreholes may not become evident until the time of construction. If these variations are noted during the construction, EL should be contacted to evaluate and revise the design and construction recommendations in order to minimize construction delays and cost overruns. Due to changes in technology, the project site conditions, seasonal moisture variations, etc., this report and its recommendations may need to be revised 5 months from the issuance date. We recommend that the Client contact EL to find out whether or not this report is applicable to the project after the above-mentioned time period.

This report was prepared for the sole and exclusive use by our Client for the property, specified on cover page and Plate 2, for which the investigation was conducted, based on the limited objectives and our understanding of information provided by the Client about the characteristics of the project. The data and recommendations provided in this report are applicable only for the design of the types of structure(s) described in the introduction section of this report and should not be used for any other structures, locations or for any other purposes. All reports, borehole logs, field data, laboratory test results, maps and other documents prepared by EL as instruments of service shall remain the property of EL. Reuse of these documents is not permitted without written approval by EL. Any such third party using this report after obtaining EL's written acceptance shall be bound by the limitations of this study including EL liability being limited to the fee paid to it for this report. EL assumes no responsibility for conclusions, opinions or recommendations made by others based on the data in this report or for the unauthorized use of this report by other parties and for purposes beyond the stated project objectives and work limitations.

Eyncon

ATTACHMENT B



Eyncon ENGINEERING	PLAN OF BOREHOLES Locations are approximate	N NOT TO SCALE
OFFICE: 117 N. DALLAS ST. ENNIS, TX 75119 TELE: (469) 478-3033 EMAIL: info@eyncon.com www.eyncon.com	Project: Proposed Building at S. Henrietta Street & E. 9th Street, Ferris Ellis County, Texas	Approximate Site Location: 32° 31' 52.6", -96° 39' 36.6"
	Job No: 0619079 — Date: August 02, 2019	PLATE 2

Eyncon ENGINEERING

EYNCON, LLC
117 N DALLAS ST., ENNIS, TX
75119
Telephone: 469.478.3033

ATTACHMENT B

LIENT: Steven Wilson
ROJECT NUMBER: 0619079
ATE STARTED: 7/8/2019 COMPLETED: 7/8/2019
RILLING CONTRACTOR: Eyncon
RILLING METHOD: Shelby
OGGED BY: Scott CHECKED BY: Charles
OTES:

PROJECT NAME: Proposed Building at S. Henrietta Str. & E. 9th Str.
PROJECT LOCATION: Ferris, Ellis County, TX
GROUND ELEVATION: HOLE SIZE: 3 inches
GROUND WATER LEVEL:
AT TIME OF DRILLING:
AT END OF DRILLING:
AFTER DRILLING:

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRITION	SAMPLE TYPE	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN (tsf)	DRY UNIT WT. (pcf)	MOISTURE CONTENT (%)	ATTERBERG LIMITS: LIQUID LIMIT (%)	ATTERBERG LIMITS: PLASTIC LIMIT (%)	ATTERBERG LIMITS: PLASTICITY INDEX (%)	FINE CONTENT (%)
		FAT CLAY (CH), very stiff, dark brown, olive gray, with root fibers, ferrous nodules, moist	ST			3.25		20	60	20	40	97
		- stiff 2' to 6'	ST			3.00						
5			ST			2.50						
		FAT CLAY (CH), very stiff, olive gray, dark gray, brownish yellow, with root fibers to 8', calcareous nodules, gravels, moist	ST			3.50		28	73	22	51	
		- with carbonate masses 8' to 10'	ST			3.25						
10												
15												
		FAT CLAY (CH), stiff, olive gray, brownish yellow, with carbonate masses, moist										
20			ST			3.00		25	86	24	62	

Bottom of borehole at 20. feet

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75119
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AFTER DRILLING:

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRITION	SAMPLE TYPE	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN (tsf)	DRY UNIT WT. (pcf)	MOISTURE CONTENT (%)	ATTERBERG LIMITS: LIQUID LIMIT (%)	ATTERBERG LIMITS: PLASTIC LIMIT (%)	ATTERBERG LIMITS: PLASTICITY INDEX (%)	FINE CONTENT (%)
		FAT CLAY (CH), very stiff, olive gray, dark gray, with root fibers, tiny white rock fragments, gravels, moist	ST			4.00						
		- firm 2' to 4', dark brown, with carbonate masses 2' to 6'	ST			1.25		33	84	25	59	99
5		- stiff 4' to 6'	ST			2.00						
		FAT CLAY (CH), very stiff, olive gray, dark gray, brownish yellow, with root fibers to 8', calcareous nodules, moist	ST			4.50						
10		- stiff 8' to 10', with carbonate masses 8' to 15'	ST			2.50		24	78	24	54	
15			ST			4.50						

Bottom of borehole at 15. feet

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GROUND WATER LEVEL:
AT TIME OF DRILLING:
AT END OF DRILLING:
AFTER DRILLING:

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRITION	SAMPLE TYPE	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN (tsf)	DRY UNIT WT. (pcf)	MOISTURE CONTENT (%)	ATTERBERG LIMITS: LIQUID LIMIT (%)	ATTERBERG LIMITS: PLASTIC LIMIT (%)	ATTERBERG LIMITS: PLASTICITY INDEX (%)	FINE CONTENT (%)
		FAT CLAY (CH), very stiff, dark brown, olive gray, with root fibers to 6', carbonate masses, moist	ST			4.50		24	76	27	49	94
		- stiff, dark gray 2' to 6'	ST			1.75						
6		- brownish yellow, with calcareous nodules 4' to 6'	ST			2.25						

Bottom of borehole at 6. feet

PLATE

ATTACHMENT B

KEY TO LOG TERMS AND SYMBOLS

UNIFIED SOIL CLASSIFICATIONS

Symbol	Material Descriptions
GW	WELL GRADED-GRAVELS, GRAVEL-SAND MIXTURES, LITTLE OR NO FINES
GP	POORLY GRADED GRAVELS, GRAVEL-SAND MIXTURES, LITTLE OR NO FINES
GM	SILTY GRAVELS, GRAVEL-SAND SILT MIXTURES
GC	CLAY GRAVELS, GRAVEL-SAND CLAY MIXTURES
SW	WELL GRADED SANDS, GRAVELLY SANDS, LITTLE OR NO FINES
SP	POORLY GRADED SANDS, OR GRAVELLY SANDS, LITTLE OR NO FINES
SM	SILTY SANDS, SAND-SILT MIXTURES a
SC	CLAYEY SANDS, SAND-SILT MIXTURES b
ML	INORGANIC SILTS AND VERY FINE SANDS, ROCK FLOUR, SILTY OR CLAYEY FINE SANDS OR CLAYEY SILTS WITH SLIGHT PLASTICITY
CL	INORGANIC CLAYS OF LOW TO MEDIUM PLASTICITY, GRAVELLY CLAYS, SANDY CLAYS, LEAN CLAYS
OL	ORGANIC SILTS AND ORGANIC SILTY CLAYS OF LOW PLASTICITY
MH	INORGANIC SILTS, MICACEOUS OR DIATOMACEOUS FINE SANDY OR SILTY SOILS, ELASTIC SILTS
CH	INORGANIC CLAYS OF HIGH PLASTICITY, FAT CLAYS
SHALE	FINE GRAINED, SEDIMENTARY ROCK OF MUD OR FLAKES OF CLAY MINERALS AND OTHER MINERALS
LIMESTONE	INORGANIC, SEDIMENTARY ROCK COMPOSED MAINLY OF CALCIUM CARBONATE
FILL	FILL SOILS

TERMS CHARACTERIZING SOIL STRUCTURE

Slickensided	-	Having incline planes of weakness that are slick and glossy in appearance.
Fissured	-	Containing shrinkage cracks frequently filled with fine sand or silt: usually vertical.
Laminated	-	Composed of thin layers of varying colors and soil sample texture.
Interbedded	-	Composed of alternate layers of different soil types.
Calcareous	-	Containing appreciable quantities of calcium carbonate.
Well Graded	-	Having wide range in grain sizes and substantial amounts of all intermediate particle sizes.
Poorly Graded	-	Predominantly of one grain size, or having a range of sizes with some intermediate sizes missing.
Pocket	-	Inclusion of material of different texture that is smaller than the diameter of the sample.
Parting	-	Inclusion less than 1/8-inch thick extending through the sample.
Seam	-	Inclusion 1/8- to 3-inch thick extending through the sample.
Layer	-	Inclusion greater than 3-inch thick extending through the sample.
Interlayered	-	Soils sample composed of alternating layers of different soil types.
Intermixed	-	Soil samples composed of pockets of different soil type and layered or laminated structure is not evident.

COARSE GRAINED SOILS (major portion retained on No. 200 Sieve): Includes (1) clean gravels and sands, and (2) silty or clayey gravels and sands. Conditions rated according to standard penetration test (SPT)* as performed in the field.

Relative Density	SPT, N-Value, blows/ft*
Very Loose	0 – 4
Loose	5 – 10
Medium Dense	11 – 30
Dense	31 – 50
Very Dense	over 50

* 140 pound weight having a free fall of 30-inch

FINE GRAINED SOILS (major portion passing No. 200 Sieve): Include (1) inorganic or organic silts and clays, (2) gravelly, sandy, or silty clays, and (3) clayey silts. Consistency is rated according to shearing strength as indicated by hand penetrometer readings or by unconfined compression tests.

Consistency	Standard Penetration, N-Value, blows/ft	Pocket Penetrometer Reading	Undrained Shear Strength tons/sf.
Very Soft	0-2	0-0.25	Less than 0.13
Soft	2-4	0.25-0.75	0.13 to 0.25
Firm	5-9	0.75-1.50	0.25 to 0.50
Stiff	10-19	1.50-3.00	0.50 to 1.00
Very Stiff	20-29	3.00-4.50	1.00 to 2.00
Hard	30 and higher	>4.50	2.00 and higher

NOTE: Slickensided and fissured clays may have lower unconfined compressive strengths than shown above because of weakness or cracks in the soil. The consistency ratings of such soils are based on hand penetrometer readings.

SOIL SAMPLERS

- SHELBY TUBE
- SPLIT SPOON
- AUGER

TERMS CHARACTERIZING ROCK PROPERTIES

POORLY CEMENTED OR FRIABLE	Easily crumbled.
CEMENTED	Bounded Together by chemically precipitated materials.
UNWEATHERED	Rock in its natural state before being exposed to atmospheric agents.
SLIGHTLY WEATHERED	Noted predominantly by color change with no disintegrated zones.
WEATHERED	Complete color change with zones of slightly decomposed rock.
EXTREMELY WEATHERED	Complete color change with consistency, texture, and general appearance or soil.

BEDROCK HARDNESS

Hardness	Approximate SPT Values
Soft	<50
Moderately Hard	51 to 100
Hard	5" to 11" per 100 blows
Very Hard	less than 5" per 100 blows)

ATTACHMENT B

APPENDIX A

Foundation Types and Risks

Foundation Types and Risks

The various types of foundation systems that are commonly used for residential and other low-rise buildings in the area are generally listed in the order of increasing levels of associated risk and decreasing levels of construction cost as described below:

	FOUNDATION TYPE	REMARKS
Deep Support Systems[1]	Structural Floor with Crawl Space and Piers aka: Post-and-Beam, Block and Beam, Suspended Floor Slab or Pier and Beam Foundation System (Structural slab designed per ACI 318)	This type of foundations is considered to be a low risk foundation in areas with expansive soils and the most positive floor system, provided a minimum space of 4" to 10" (or more than 18 inches for crawl space) is maintained under the slab and the piers are founded below the active zone. Using this foundation system, the floor slabs are not in contact with the subgrade soils. Usually no voids below grade beams. (In case of a crawl space, all grade beams can be raised completely above grade with nearly 100% void). The grade beams are designed to span between piers and the slabs to span between grade beams. Reduced maintenance requirements than other types of foundations. Fill can be comprised of expansive or non-expansive soil; however, termites can be attracted to moist cardboards. This type of foundation is particularly suited for the areas where expansive soils are present and where trees have been removed prior to construction. Depending on slab elevation, the water may be collected below slab and exposed below-grade plumbing in the crawl space can freeze. Crawl space requires ventilation. Grade beams that are in contact with soil can heave due to swelling of the expansive soil. The design and construction costs are usually higher than other systems below. In the areas where non-expansive soils are present, spread footings can be used instead of drilled footings.
	Structural Slab with Void Space and Piers aka: Structurally Suspended Slab (Structural slab designed per ACI 318)	
	Floating (Stiffened) Structural Slab Supported on Piers. (Stiffened slabs designed per BRAB 33, WRI, ACI or PTI)	Due to presence of piers, the slab cannot move down reducing settlement. However, if expansive soils are present, the slab may move up, behaving like a floating slab. In this case, the steel from the drilled piers should not be dowelled into the grade beams. The fill need only be compacted to a density sufficient to support slab during concrete set up. The grade beams are designed to span between piers and the slabs to span between grade beams. The slab is more heavily reinforced that non-structural slab. Requires more design efforts and higher construction costs than other types of footings explained below. The structural loads can also be supported on spread footings if expansive soils are not present. The risk on this type of foundation system can be reduced sizably if it is built and maintained with positive drainage and vegetation control.
	Stiffened Slab-On-Fill Foundation Supported on Piers	This foundation system is also suited for the area where expansive soils are present. The system exhibits less settlement than the shallow support systems. The slab thickness and reinforcing is usually less and the system would be less expensive than the structurally isolated types explained above. The grade beams are laid out in a continuous grid-like pattern with sufficient stiffness to reduce the bending deflection due to soil volume changes. To resist potential uplift forces, grade beams may need to be deeper than those of a structurally isolated system. This system has some risks with respect to foundation distress and movements, where expansive soils are present. However, the non-expansive select structural fill thickness is evaluated such that once it is combined with environmental conditions (positive drainage, vegetation control) the potential vertical rise will be reduced. The structural loads can also be supported on spread footings if expansive soils are not present.

	FOUNDATION TYPE	REMARKS
Shallow Support Systems *(No piers are used)*	Stiffened Structural Slab-on-Grade aka: Ribbed Mat or Super Slab Foundation	The grade beams should be supported directly by competent underlying soils. The foundation is designed utilizing continuous stiffening beams that form a grid like pattern. Many of the lightly loaded structures in the north central Texas region are built on this type of foundations and are performing satisfactorily. They rely on the builder and owner to follow soil moisture maintenance guidelines during and after construction. The advantage of this foundation system is that as long as the grade beams penetrate a minimum of 12 inches into the competent natural soils or properly compacted structural fill, no compaction of subgrade soils is required. Fill placed between the grade beams is only required to be compacted enough to support the concrete during placement. The subsoils within which the grade beams are placed must have a minimum shear strength of 1000 psf and a minimum degree of compaction of 95 percent standard proctor density (ASTM D 698) at a moisture content between optimum and +3% of optimum moisture content. May experience more vertical movement than those supported on piers. The structural engineer should design the slabs (typically 4 to 6 inches) such that they can span in between the grade beams. More design efforts and more expensive than the following two types of foundations as it requires concrete and reinforcement. In the areas where trees have been removed prior to construction and where expansive clays exist, these foundations must be significantly stiffened to minimize the potential differential movements as a result of subsoil heave due to tree removal. The risk on this type of foundation system can be reduced significantly if it is built and maintained with positive drainage and vegetation control.
	Stiffened Slab-on-Fill aka: Floating or Waffle Slab (Grade supported stiffened slabs designed per WRI, ACI or PTI procedures)	The grade beams should be supported directly by competent underlying soils. The foundation is designed utilizing continuous stiffening beams that form a grid like pattern. Most economical system used where expansive soils are present. Faster to construct than slabs on piers but may experience more vertical movement. Many of the lightly loaded structures in the north central Texas are built on this type of foundations and are performing satisfactorily. They rely on the builder and owner to follow soil moisture maintenance guidelines during and after construction. In the areas where trees have been removed prior to construction and where expansive clays exist, these foundations must be significantly stiffened to minimize the potential differential movements as a result of subsoil heave due to tree removal. Foundation tilt can still occur. The risk on this type of foundation can be reduced significantly if it is built and maintained with positive drainage and vegetation control.
	Non-Stiffened Slab-on-Grade of uniform thickness aka: California Slab (Conventionally- Reinforced or Post-Tensioned Slab designed per BRAB 33, WRI, ACI or PTI)	Behaves similar to a mat foundation. Fast to construct. Eliminates digging of grade beams and easier to jack against if underpinning is required in a later stage. Potentially has more (differential) vertical movement than the above types of foundations. Risk of erosion and root penetration below the slab foundation unless they are bounded by perimeter grade beams. Flat slab can be supported on in-situ soils or compacted fill. Suitable for deep sandy soils. Can also be used for foundations having consistent subsoil formations with low propensity for heave. Foundation tilt can still occur even if the foundation system is designed rigid. The risk on this type of foundation can be reduced significantly if it is built and maintained with positive drainage and vegetation control.

[1] Deep support systems are defined as foundations having deep components such as drilled footings, piers or piles that extend well below the moisture active zone of the soils. They function to limit the vertical movements of the building by providing vertical support in a soil stratum that is not susceptible to downward movements caused by moisture fluctuations.

The above recommendations, with respect to the best foundation types and risks, are very general. The best type of foundation may vary as a function of structural loading and soil types. For example, in some cases, a floating slab foundation may perform better than a drilled footing type foundation. More information regarding foundations and risks can be found at the **Foundation Performance Association Document #FPA-SC-01-0** (Ref. 1).

ATTACHMENT C

PROPOSAL FORM
SENIOR CENTER
CITY OF FERRIS

Pursuant to the foregoing Instructions to Proposers, the undersigned proposer hereby proposes to do all the work and furnish all necessary superintendence, labor, machinery, equipment, tools and materials, and whatever else may be necessary to complete all the work under which he proposes, and he binds himself on acceptance of this proposal to execute a contract and bonds (where required), according to the accompanying forms, for performing and completing the said work within the time stated.

The undersigned proposer agrees to commence work within ten (10) days after the date written notice to do so shall have been given to him, or within fifteen (15) days after the award of the contracts, whichever occurs the earliest, and shall achieve final completion with the work on which he has proposed within the time stated below.

Respectfully submitted by

Authorized Signature: _____

Print Name: _____

Title: _____

Company Name: _____

Street Address: _____

City, State, Zip: _____

County: _____

Contact Person: _____

Telephone: _____

Email: _____

PROPOSAL FORM
PAGE 2

Enclosed with this proposal is a Cashier's Certified check or Bid Bond in the amount of 5% of the total proposal. The Proposer agrees that this check or bond will be held by the City as security until all proposals are rejected. The City will be allowed thirty (30) days from the date of proposal opening to make this decision. In case award is not made on this proposal, the security check or bid bond will be returned to the undersigned proposer. If successful, the undersigned proposer will be allowed ten (10) days from the date of Notice of Award to furnish a Performance Bond, Payment Bond (where required), Maintenance Bond, and execute a contract. If and when the Bonds are furnished and the Contract is executed, within the time allowed, the attacked check or bid bond shall be returned to the undersigned proposer. In case of failure to furnish the required Bonds or execute the Contract within the time allowed, the City will be allowed to cash this check or make demand on this bond and retain the proceeds as liquidated damages.

AMOUNT OF CASHIER'S OR BID BOND: **$**_____

TOTAL AMOUNT OF PROPOSAL: **$**_____

CONTRACT TIME FOR FINAL COMPLETION _____

NOTE: Do not detach bid forms from other papers. Fill in with ink and submit this completed document with any attached documents such as bid bond.

ATTACHMENT D

SUBCONTRACTOR LIST

The City reserves the right to approve all sub-contractors. Sub-contractor information must be submitted with the proposal for evaluation.

Proposed percentage of project to be performed by a subcontractor: _____%

List proposed subcontractors including the company name, address, contact person, telephone number, email address, type of construction to be performed, and years of experience. (attach additional sheets as necessary)

1. **Company Name**: _____

Address: _____

_____

Contact Person: _____

Telephone / Email: _____

Type of construction provided: _____

Experience: _____

2. **Company Name**: _____

Address: _____

_____

Contact Person: _____

Telephone / Email: _____

Type of construction provided: _____

Experience: _____

3. **Company Name**: _____

Address: _____

_____

Contact Person: _____

Telephone / Email: _____

Type of construction provided: _____

Experience: _____

ATTACHMENT E

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor doing business with local governmental entity

OFFICE USE ONLY

Date Received

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. *See* Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

1 **Name of vendor who has a business relationship with local governmental entity.**

2 ☐ **Check this box if you are filing an update to a previously filed questionnaire.** (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 **Name of local government officer about whom the information is being disclosed.**

_____
Name of Officer

4 **Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.**

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

☐ Yes ☐ No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

☐ Yes ☐ No

5 **Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.**

6 ☐ Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7

_____ Signature of vendor doing business with the governmental entity

_____ Date

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

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

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

(A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;

(B) a transaction conducted at a price and subject to terms available to the public; or

(C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

***

(2) the vendor:

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

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

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

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

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

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

Local Government Code § 176.006(a) and (a-1)

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

(1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);

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

(3) has a family relationship with a local government officer of that local governmental entity.

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

(1) the date that the vendor:

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

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

(2) the date the vendor becomes aware:

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

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

(C) of a family relationship with a local government officer.