



SUBMITTAL – Offer and Acceptance

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OFFER BY THE OFFEROR

Offeror Statement. By signing below, I represent and certify that I am submitting a binding offer and am authorized to bind the offeror to fully comply with the solicitation to which I submit this offer. I acknowledge that I have received, read, and understood the entire solicitation document packet sections, including any addenda issued, and agree to be bound by its terms. I understand and agree that offers submitted with incomplete and/or unsigned offer and acceptance may not be considered and may be rejected as nonresponsive.

Company Name: _____

Company Address: _____

City, State, Zip: _____

City Vendor Registration No.: _____

Printed Name of Officer or Authorized Representative: _____

Title: _____

Signature of Officer or Authorized Representative: **X** _____

Date: _____

Email Address: _____ Phone Number: _____

ACCEPTANCE BY THE CITY

City Staff Only. By signing below, the City's representative affirms they are duly authorized and that they accept this offer as clarified herein. Contractor is now bound to sell the materials or services specified in the Contract.

Contract Number: _____ Effective Date: _____

Printed Name of City's Authorized Procurement Staff: _____

Title of City's Authorized Procurement Staff: _____

Signature: _____ Date: _____

Email: _____ Phone: _____



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OFFER CERTIFICATIONS

Instructions. By submitting this offer, I, my firm and its principals (collectively “Offeror”) certify the following statements are true now and will be for the term of any resulting contract.

OFFEROR HEREBY CERTIFIES

1. *Debarment.*

Offeror is not currently suspended or debarred from offering on any federal, state, or City of Austin contracts.

2. *Collusion.*

Offeror has not in any way directly or indirectly (1) colluded, conspired, or agreed with any other person, firm, corporation, offeror, or potential offeror to the amount of this offer or the terms or conditions of this offer; or (2) paid or agreed to pay any other person, firm, corporation Offeror or potential Offeror any money or anything of value in return for assistance in procuring or attempting to procure a contract or in return for establishing the prices in the attached Bid or the Bid of any other Offeror.

3. *Conflicts of Interest.*

Offeror has not (1) received any compensation or a promise of compensation for participating in the preparation or development of the underlying Solicitation or Contract documents; (2) have not otherwise participated in the preparation or development of the underlying Solicitation or Contract documents, except to the extent of any comments or questions and responses in the solicitation process, which are available to all Offerors, so as to have an unfair advantage over other Offerors, provided that we may have provided relevant product or process information to a consultant in the normal course of its business; or (3) have not participated in the evaluation of Offers or other decision making process for this Solicitation and, if we are awarded a Contract, no individual, agent, representative, consultant, subcontractor, or sub-consultant associated with us, who may have been involved in the evaluation or other decision making process for this Solicitation, will have any direct or indirect financial interest in the Contract, provided that we may have provided relevant product or process information to a consultant in the normal course of its business.

4. *Texas Local Government Code, Ch. 176.*

In accordance with Chapter 176 of the Texas Local Government Code, Offeror has not (1) had an employment or other business relationship with any local government officer of the City or a family member of that officer that results in the officer or family member receiving taxable income; (2) given a local government officer of the City one or more gifts, other than gifts of food, lodging, transportation, or entertainment accepted as a guest, that have an aggregate value of more than \$100 in the twelve-month period preceding the date the officer becomes aware of the execution of the Contract or that City is considering doing business with the Offeror; and (3) had a family relationship with a local government officer of the City in the third degree of consanguinity or the second degree of affinity.



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5. *Texas Local Government Code, Ch. 2271.022, Boycotting Israel.*

Pursuant to Texas Government Code §2271.002, Offeror verifies that we do not boycott Israel and will not boycott Israel during the term of the resulting contract.

6. *Texas Government Code, Ch. 2275, Specified Business with Specified Countries.*

Pursuant to Texas Government Code Chapter 2275, Offeror verifies that if we have remote or direct access to communication infrastructure systems, cybersecurity systems, the electric grid, hazardous waste treatment systems, or water treatment facilities as a result of any City contract, that we are not owned by or the majority of stock or other ownership interest of our firm is not held or controlled by (1) individuals who are citizens of China, Iran, North Korea, Russia, or a Governor-designated country; or (2) a company or other entity, including a governmental entity, that is owned or controlled by citizens of or is directly controlled by the government of China, Iran, North Korea, Russia, or a Governor-designated country; or (3) headquartered in China, Iran, North Korea, Russia, or a Governor-designated country.

7. *ERCOT Protocols Sec. 16.1.4(1)(b), Lone Star Infrastructure Protection Act.*

Pursuant to ERCOT Protocols Section 16.1.4(1)(b), we verify that if we provide Critical Electrical Grid Equipment (CEGE) or Critical Electric Grid Services (CEGS), any CEGE or CEGS we provide were not manufactured, produced, created, or otherwise provided by a Lone Star Infrastructure Protection Act (LSIPA) Designated Company.

Critical Electric Grid Equipment (CEGE). (1) Equipment accessible by means of routable connectivity that, as installed, can be used to gain remote access to or control of ERCOT System Infrastructure, the ERCOT Wide Area Network (WAN), or Market Information System (MIS), if such equipment, if destroyed, degraded, misused, or otherwise rendered unavailable would, within 15 minutes or less of its misoperation, non-operation, or required operation, adversely impact the reliable operation of ERCOT System Infrastructure. Redundancy of affected facilities, systems, and equipment shall not be considered when determining adverse impact. (2) For Load Resources, this definition only applies to equipment used to send and receive ERCOT telemetry and ERCOT Dispatch Instructions. (3) For purposes of this definition, “reliable operation of ERCOT System Infrastructure” means operating elements of ERCOT System Infrastructure within equipment and electric system thermal, voltage, and stability limits so that instability, uncontrolled separation, or cascading failures of ERCOT System Infrastructure will not occur as a result of a sudden disturbance, including a cybersecurity incident, or unanticipated failure of system elements.

Critical Electric Grid Services (CEGS). Services and software provided by a vendor for the operation, control, monitoring, maintenance, or use of Critical Electric Grid Equipment (CEGE), excluding access specifically allowed by the purchaser for product warranty or support purposes.

ERCOT System Infrastructure. The Transmission Facilities, distribution facilities, Resources, Settlement Only Generators (SOGs), and Emergency Response Service (ERS) Resources that comprise the ERCOT System and the physical and virtual cyber assets used to control the ERCOT System.

Lone Star Infrastructure Protection Act (LSIPA) Designated Company. An Entity (including an LSIPA Affiliate) that meets any of the company ownership or headquarters criteria listed in Texas Business and



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Commerce Code, Section 117.002(a)(2)(A)-(b)(2)(B) or Texas Government Code Section 2275.0102(a)(2)(A)-(b)(2)(B).

Lone Star Infrastructure Protection Act (LSIPA) Designated Country. China, Iran, North Korea, Russia, or a country designated by the Governor as a threat to critical infrastructure pursuant to Texas Business and Commerce Code, Section 117.003 or Texas Government Code, Section 2275.0103.

Lone Star Infrastructure Protection Act (LSIPA) Affiliate. An Entity that, directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the LSIPA Designated Company. For purposes of this definition, “controls,” “controlled by,” or “under common control with” shall mean (1) the ownership of 20 percent or more of the outstanding securities of an Entity or (2) the power of an Entity, directly or indirectly, through one or more intermediaries, to direct the management and/or policies and procedures of another Entity. Ownership by an Entity of equity securities (whether publicly traded or not) of another Entity shall not result in control for purposes of this definition if the holder owns (in its name or via intermediaries) 20 percent or more of the outstanding securities of the Entity, and: (a) the securities are held as a passive investment; (b) the holder does not have representation on the Entity’s board of directors (or equivalent governing body) or vice versa; and (c) the holder does not in fact exercise influence over day-to-day management decisions.

8. *Texas Government Code, Ch. 2274, Boycotting Firearms Entities.*

Pursuant to Texas Government Code Chapter 2274, Offeror verifies that, if we have 10 or more full-time employees: (1) we do not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and (2) will not discriminate during the term of the resulting contract against a firearm entity or firearm trade association.

9. *Texas Government Code, Ch. 2276, Boycotting Energy Companies.*

Pursuant to Texas Government Code Chapter 2276, Offeror verifies that, if we have 10 or more full-time employees: (1) we do not boycott energy companies; and (2) will not boycott energy companies during the term of the contract.

10. *Austin City Code, Ch. 4-22, Wage Theft.*

Pursuant to Austin City Code, Chapter 4-22, Offeror verifies that we has not been adjudicated for wage theft related incidents as defined in Austin City Code Chapter 4, § 4-22-1 (G) & (H) within five (5) years prior to the solicitation date of this agreement. Furthermore, this firm agrees to abide by the items outlined in Section 4-22-5 (B) and Section 4-22-6 (A) of the Austin City Code.

11. *Austin City Council Resolution No 20191114-056, LGBTQ+ Conversion Therapy.*

Pursuant to City Council Resolution No. 20191114-056, Offeror is not currently and will not during the term of the Contract engage in practicing LGBTQ+ conversion therapy; referring persons to a healthcare provider or other person or organization for LGBTQ+ conversion therapy; or Contracting with another entity to conduct LGBTQ+ conversion therapy. If the City determines in its sole discretion that we have, during the term of the resulting Contract, engaged in any such practices, the City may terminate this Contract without penalty to the City.



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12. *Texas Government Code, Ch. 2252.002, Nonresident Bidders.*

In accordance with Texas Government Code Ch. 2252.002, the City is required apply a reciprocal (counter) preference to offers submitted by Nonresident Bidders, consistent with any preference granted by the state of the Nonresident Bidder's principal place of business. The City is also required to apply a reciprocal preference to a Resident Bidder or Nonresident Bidder's offer, consistent with any preference granted by the state where the majority of the equipment, supplies, and/or materials were manufactured. As defined in the statute, a Resident Bidder is an offeror whose principal place of business is in Texas, including a contractor whose ultimate parent company or majority owner has its principal place of business in Texas. A Nonresident Bidder therefore is an offeror that is not a Resident Bidder.

Instruction. Offerors shall read and check the applicable boxes in response to both certifications below.

OFFEROR HEREBY CERTIFIES

(Check One)

☐ YES ☐ NO

Offeror **IS (YES)** or **IS NOT (NO)** a Nonresident Bidder in accordance with Texas Government Code Ch. 2252.002.

If **"YES"** is checked, provide the name of the State where Nonresident Bidder's Principal Place of Business is located.

(State)

OFFEROR HEREBY CERTIFIES

(Check One)

☐ YES ☐ NO

Offer **INCLUDES (YES)** or **DOES NOT INCLUDE (NO)** Equipment, Supplies, and/or Materials in accordance with Texas Government Code Ch. 2252.002.

If **"YES"** is checked, provide the name of the State where majority of the Equipment, Supplies, and/or Materials were manufactured.

(State)



SUBMITTAL – Small Business Preference

SMALL BUSINESS PREFERENCE – OPTIONAL

To encourage Small Businesses to participate in City solicitations and to increase the opportunities to do business with the City, the City of Austin maintains a Small Business Preference Procurement or “Small Business” Program.

- 1 Instructions.** Offerors meeting the following criteria are encouraged to complete this form and include it with their Offer. Participation in this program or completion of this form is not required to respond to this solicitation.
 - A. Small Business.** The City defines Small Businesses as any person or corporate entity holding a recognized Certification that, among the Certification’s requirements, includes compliance with the US Small Business Administration’s Small Business Size Standard.
 - B. Certifications Recognized.** At this time, the City recognizes the following Certifications in determining a Small Business for purposes of this program. (see Small Business Program on AustinTexas.gov here: <https://www.austintexas.gov/page/small-business-program>).
- 2 Confirmation.** The City may request additional information to confirm the Offeror’s Certification and status, including contacting the certifying entity.
- 3 Misrepresentation.** If the City determines any of the Offeror’s information regarding their Certification is incorrect, the City may withhold any available preference. If the City determines the error was intentional, the City may disqualify the Offeror from any resulting contract as being non-responsible. If the Offeror is awarded the contract, and the misrepresentation is discovered after contract award, the City reserves the right to void the contract.

OFFEROR HEREBY CERTIFIES

Recognized Certification, including Small Business Size Standard

Certifying Entity:

Certification Name (ACRONYM):

Certification Number:

Certification Expiration Date:



SUBMITTAL – Employer Certification Wage Theft Ordinance – Responsibility Criteria

EMPLOYER CERTIFICATION WAGE THEFT ORDINANCE – RESPONSIBILITY CRITERIA CITY OF AUSTIN

Any Employer that submits an offer to the City seeking award of a city contract prior to awarding a contract are required to certify that they have not been adjudicated for certain offenses related to wage theft. See City of Austin Ordinance No. 20221201-031. "Wage theft" and "adjudicated" are to be understood per the definitions set forth in Austin City Code Chapter 4, § 4-22-1 (G) and (H).

Solicitation or Agreement Title: _____IFB 9100 AAM1023_____

Solicitation Posting Date or Agreement Start Date: _____

***All Employers are required to complete the City of Austin Wage Theft Training within 30 days of being awarded a contract with the City.
Contact the Wage Compliance Team to register for a class.***

I hereby certify, under penalty of perjury under the laws of the State of Texas, that the below certification is true and correct and that I am authorized to make the following certification on behalf of the firm listed herein.

CERTIFICATION:

This firm has NOT been adjudicated for wage theft related incidents as defined in Austin City Code Chapter 4, § 4-22-1 (G) & (H) within five (5) years prior to the above-stated date. Furthermore, this firm agrees to abide by the items outlined in Section 4-22-5 (B) and Section 4-22-6 (A) of the Austin City Code.

**Firm
Name:**

Name of Employer - Print Full Legal Entity Name of Firm

Signed:

Signature of Authorized Person

Print Name of Person Making Certification for Firm

Title:

Title of Person Making Certificate

Place:

Print City and State Where Signed

Date:



SUBMITTAL – Subcontracting Plan, No Goals

SUBCONTRACTING FORM

In accordance with the City of Austin’s Minority and Women-Owned Business Enterprises (M/WBE) Procurement Program (Program), Chapters 2-9A/B of the City Code and M/WBE Program Rules, this Solicitation was reviewed by the Small and Minority Business Resources Department (SMBR) to determine if M/WBE Subcontractor Goals could be applied. Due to insufficient subcontracting opportunities and/or insufficient availability of M/WBE certified firms, SMBR has assigned no M/WBE subcontracting goals for this Solicitation. However, Offerors who choose to use Subcontractors must comply with the procedures of City’s M/WBE Procurement Program as described below. Additionally, if the Contractor seeks to add Subcontractors after the Contract is awarded, the Program requirements shall apply to any Contract(s) resulting from this Solicitation.

Instructions:

- A. Offerors who DO NOT intend to use Subcontractors shall check the applicable “NO” box and complete this Subcontract Form and include it with their sealed Offer.
- B. Offerors who DO intend to use Subcontractors shall check the applicable “YES” box and complete this Subcontract Form and the Subcontract Plan and include all with their sealed Offer.

OFFEROR CERTIFICATION	
Company Name	
City Vendor ID Code	
Is the Offeror City of Austin M/WBE certified?	<input type="checkbox"/> NO <input type="checkbox"/> YES Indicate one: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> MBE/WBE Joint Venture
Using Subcontractors?	<input type="checkbox"/> NO, I DO NOT intend to use Subcontractors. <input type="checkbox"/> YES, I DO intend to use Subcontractors.
<p>If I am awarded a Contract and I am not using Subcontractor(s) but later intend to add Subcontractor(s), before the Subcontractor(s) is hired or begins work, I will comply with the City’s M/WBE Procurement Program and submit the Request For Change form to add any Subcontractor(s) to the Project Manager or the Contract Manager for prior authorization by the City and perform Good Faith Efforts (GFE), if applicable. I understand that, if a Subcontractor is not listed in my Subcontracting Plan, it is a violation of the City’s M/WBE Procurement Program for me to hire the Subcontractor or allow the Subcontractor to begin work, unless I first obtain City approval of my Request for Change form. I understand that, if a Subcontractor is not listed in my Subcontracting Plan, it is a violation of the City’s M/WBE Procurement Program for me to hire the Subcontractor or allow the Subcontractor to begin work, unless I first obtain City approval of my Request for Change form.</p>	
<div><div>_____ Name and Title of Authorized Representative (Print or Type)</div><div>_____ Signature/Date</div></div>	



SUBMITTAL – Subcontracting Plan, No Goals

SUBCONTRACTING PLAN

Instructions. Offerors who DO intend to use Subcontractors may use M/WBE Subcontractor(s) or perform Good Faith efforts when retaining Non-certified Subcontractor(s). Offerors must determine which type of Subcontractor(s) they anticipate using (CERTIFIED OR NON-CERTIFIED), check the box of their applicable decision, and comply with the additional instructions associated with that selection.

☐ **I intend to use City of Austin CERTIFIED M/WBE Subcontractor(s).**

Instructions. Offerors may use Subcontractor(s) that ARE City of Austin certified M/WBE firms. Offerors shall contact SMBR (512-974-7600 or SMBRComplianceDocuments@austintexas.gov) to confirm if the Offeror's intended Subcontractor(s) are City of Austin certified M/WBE and if these firm(s) are certified to provide the goods and services the Offeror intends to subcontract. If the Offeror's Subcontractor(s) are currently valid certified City of Austin M/WBE firms, the Offeror shall insert the name(s) of their Subcontractor(s) into the table below and must include the following documents in their sealed Offer:

- Subcontracting Form (completed and signed)
- Subcontracting Plan (completed)

☐ **I intend to use NON-CERTIFIED Subcontractor(s) after performing Good Faith Efforts.**

Instructions. Offerors may use Subcontractors that ARE NOT City of Austin certified M/WBE firms ONLY after Offerors have first demonstrated Good Faith Efforts to provide subcontracting opportunities to City of Austin M/WBE firms.

STEP ONE: Contact SMBR for an availability list for the scope(s) of work you wish to subcontract;

STEP TWO: Perform Good Faith Efforts (Check List provided below);

STEP THREE: Offerors shall insert the name(s) of their certified or non-certified Subcontractor(s) into the table below and must include the following documents in their sealed Offer:

- Subcontracting Form (completed)
- Subcontracting Plan (completed)
- All required documentation demonstrating the Offeror's performance of Good Faith Efforts (see Check List below)



SUBMITTAL – Subcontracting Plan, No Goals

(Offerors may duplicate this page to add additional Subcontractors as needed)

SUBCONTRACTOR	
City of Austin Certified	<input type="checkbox"/> MBE <input type="checkbox"/> WBE Ethnic/Gender Code: <input type="checkbox"/> NON-CERTIFIED
Company Name	
Vendor ID Code	
Contact Person	Phone Number:
Additional Contact Info	Fax Number: Email:
Amount of Subcontract	\$
List commodity codes & description of services	
Justification for not using a certified MBE/WBE	

SUBCONTRACTOR	
City of Austin Certified	<input type="checkbox"/> MBE <input type="checkbox"/> WBE Ethnic/Gender Code: <input type="checkbox"/> NON-CERTIFIED
Company Name	
Vendor ID Code	
Contact Person	Phone Number:
Additional Contact Info	Fax Number: Email:
Amount of Subcontract	\$
List commodity codes & description of services	
Justification for not using a certified MBE/WBE	

SMBR Contact Information			
SMBR Contact Name	Contact Date	Means of Contact	Reason for Contact
		<input type="checkbox"/> Phone OR <input type="checkbox"/> Email	

FOR SMALL AND MINORITY BUSINESS RESOURCES DEPARTMENT USE ONLY:

Having reviewed this plan, I acknowledge that the Offeror ☐ HAS or ☐ HAS NOT complied with these instructions and City Code Chapters 2-9A/B/C/D, as amended.

Reviewing Counselor

Date

I have reviewed the complete Subcontracting Plan and ☐ CONCUR or ☐ DO NOT CONCUR with the Reviewing Counselor's recommendation.

Director/Assistant Director or Designee

Date



SUBMITTAL – Subcontracting Plan, No Goals

Good Faith Efforts – Check List

- ☐ **Contact SMBR.** Offerors shall contact SMBR (512-974-7600 or SMBRComplianceDocuments@austintexas.gov) to obtain a list of City of Austin certified M/WBE firms that are certified to provide the goods and services the Offeror intends to subcontract out. (Availability List). Offerors shall document their contact(s) with SMBR in the “SMBR Contact Information” table on the following page.
- ☐ **Contact M/WBE firms.** Offerors shall contact all the M/WBE firms on the Availability List with a Significant Local Business Presence which is the Austin Metropolitan Statistical Area, to provide information on the proposed goods and services proposed to be subcontracted and give the Subcontractor the opportunity to respond to their interest to bid on the proposed scope of work. When making contact, Offerors shall use at least two (2) of the following communication methods: email, fax, US mail or phone. Offerors shall give the contacted M/WBE firms at least seven days to respond with their interest. Offerors shall document all evidence of their contact(s) including: emails, fax confirmations, proof of mail delivery, and/or phone logs. These documents shall show the date(s) of contact, company contacted, phone number, and contact person.
- ☐ **Follow up with responding M/WBE firms.** Offeror shall follow up with all M/WBE firms that respond to the Offeror’s request. Offerors shall provide written evidence of their contact(s): emails, fax confirmations, proof of mail delivery, and/or phone logs. These documents shall show the date(s) of contact, company contacted, phone number, and contact person.
- ☐ **Advertise.** Offerors shall place an advertisement of the subcontracting opportunity in a local publication (i.e. newspaper, minority or women organizations, or electronic/social media). Offerors shall include a copy of their advertisement, including the name of the local publication and the date the advertisement was published.
- ☐ **Use a Community Organization.** Offerors shall solicit the services of a community organization(s); minority persons/women contractors’/trade group(s); local, state, and federal minority persons/women business assistance office(s); and other organizations to help solicit M/WBE firms. Offerors shall provide written evidence of their Proof of contact(s) include: emails, fax confirmations, proof of mail delivery, and/or phone logs. These documents shall show the date(s) of contact, organization contacted, phone number, email address and contact person.