

**CITY OF LAREDO**

**8-IN WATER LINE REPLACEMENT ALONG SAN FRANCISCO WEST**

**Addendum No. 1**

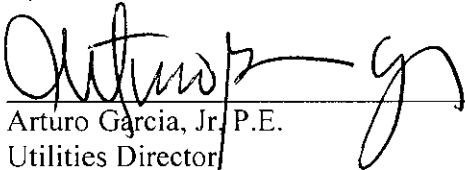
**July 13, 2021**

**Additional Information**

The purposes of this addendum are the addition of the following information as attached to the bid document for the subject project.

- i) "Manual Bid Drop-off Procedures" as implemented by the City due to Covid-19 pandemic, and,
- ii) Section A-13 "Texas Ethics Commission Rules" as required by the State.

By:

  
\_\_\_\_\_  
Arturo Garcia, Jr. P.E.  
Utilities Director  
City of Laredo Utilities

All interested parties to the referenced project are hereby notified of the following Addendum on the above referenced project.

The undersigned acknowledges receipt of this Addendum and the RFI submitted herewith is in accordance with the information and stipulations set forth.

Date: \_\_\_\_\_

Signature of Bidder \_\_\_\_\_

**END OF ADDENDUM NO. 1**

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# MANUAL BID DROP-OFF PROCEDURES

***NOTE: Manual Bids will be accepted up to the first 45 minutes of the hour before they are due. For example, if bid is due at 4:00, bids will be accepted up to 3:45 p.m. of the date due.***

1. Please make sure that the bid is in a sealed envelope marked with the following:
  - Name of Bid
  - Name of Company submitting Bid
  - Address of Company submitting Bid
2. Please notify security officer that you are there to drop off a bid with the City Secretary. The security officer will notify the City Secretary's Office and one of our staff members will go downstairs to receive the bid.
3. All vendors should wait outside until we pick the envelope up, go back up to the 3<sup>rd</sup> floor to time-stamp the envelope, make a copy of it and bring it back to you. ***(We highly recommend the vendor wait to receive a copy of the time-stamped envelope)***

Thank you for your understanding and help at this time of trying to stay healthy and safe.

***City Secretary's Office***

## **SECTION A-13**

### **TEXAS ETHICS COMMISSION RULES**

#### **OVERVIEW**

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 or state agency may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency. The law applies only to a contract of a governmental entity or state agency that either (1) requires an action or vote by the governing body of the entity or agency before the contract may be signed or (2) has a value of at least \$1 million. The disclosure requirement applies to a contract entered into on or after January 1, 2016.

The Texas Ethics Commission was required to adopt rules necessary to implement that law, prescribe the disclosure of interested parties form, and post a copy of the form on the Commission's website. (See attached Rules.) The Commission adopted the Certificate of Interested Parties form (Form 1295) on October 5, 2015. The Commission also adopted new rules (Chapter 46) on November 30, 2015, to implement the law.

#### **Filing Process:**

By January 1, 2016, the commission will make available on its website a new filing application that must be used to file Form 1295. A business entity must use the application to enter the required information on Form 1295 and print a copy of the completed form, which will include a certification of filing that will contain a unique certification number. An authorized agent of the business entity must sign the printed copy of the form and have the form notarized. The completed Form 1295 with the certification of filing must be filed with the governmental body or state agency with which the business entity is entering into the contract.

The governmental entity or state agency must notify the commission, using the commission's filing application, of the receipt of the filed Form 1295 with the certification of filing not later than the 30th day after the date the contract binds all parties to the contract. The commission will post the completed Form 1295 to its website within seven business days after receiving notice from the governmental entity or state agency.

Information regarding how to use the filing application will be available on this site by January 1, 2016.

#### **FREQUENTLY ASKED QUESTIONS FOR DISCLOSURE OF INTERESTED PARTIES (FORM 1295)**

##### **1. WHO IS REQUIRED TO FILE 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 or state agency may not enter into certain

contracts with a business entity unless the business entity submits a disclosure of interested parties (Form 1295) to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency. The Texas Ethics Commission has adopted rules requiring the business entity to file Form 1295 electronically with the Commission.

## **2. WHAT CONTRACTS DOES FORM 1295 APPLY TO?**

The law applies only to a contract of a governmental entity or state agency that either:

- (1) requires an action or vote by the governing body of the entity or agency before the contract may be signed; or
- (2) has a value of at least \$1 million.

Gov't Code § 2252.908. The disclosure requirement applies to a contract entered into on or after January 1, 2016.

A contract does not require an action or vote by the governing body of a governmental entity or state agency if:

- (1) the governing body has legal authority to delegate to its staff the authority to execute the contract;
- (2) the governing body has delegated to its staff the authority to execute the contract; and
- (3) the governing body does not participate in the selection of the business entity with which the contract is entered into.

1 T.A.C. § 46.1(c).

## **3. CAN I FILE FORM 1295 ON PAPER?**

No. A business entity must file Form 1295 electronically with the Texas Ethics Commission using the online filing application. See Question #4 for information about logging in to the online filing application.

## **4. HOW DO I LOGIN TO THE FILING APPLICATION?**

If this is your first time logging in, you will need to create an account in order to register and receive a password. Once you have registered, you will receive an email containing a password setup link. Click on the link to set your password. After you have established an account, you will use your email address, password, and user type (either "Business Entity" or "Governmental Entity/State Agency") to log in to the filing application. Watch our short videos on "Logging In The First Time" on the Form 1295 File Reports Electronically web page.

## **5. IS THERE A MOBILE VERSION?**

The mobile version is not complete at this time, but will be available soon.

## **6. HELP! I FORGOT MY PASSWORD.**

If you forgot your password, you can reset your password by clicking the "Forgot Password?" link on the filing application login screen. Once you enter your email address and filer type and successfully answer

the security questions, you will receive an email containing a password reset link. If you cannot successfully answer your security questions, you will need to call the Texas Ethics Commission at (512)463-5800.

#### **7. CAN I HAVE MULTIPLE ACCOUNTS?**

You can have a separate account associated with each unique email address. However, once an account is established, there is no way to combine it with another account. You can only view those certificates created under your own unique email address. If you want to view all your certificates together in one account, we highly encourage you to setup a specific email address to register your account and use that email address each time you login to the filing application.

#### **8. HOW MUCH TIME DO I HAVE TO ACKNOWLEDGE A FORM 1295?**

A state agency or other governmental entity must acknowledge the receipt of the filed Form 1295 not later than the 30th day after the date the contract binds all parties to the contract. Once a Form 1295 is acknowledged, it will be posted to the Texas Ethics Commission's website within seven business days.

#### **9. DO I SEND A COPY OF THE NOTARIZED FORM 1295 TO THE TEXAS ETHICS COMMISSION?**

No. Do not send a paper copy of the notarized Form 1295 to the Texas Ethics Commission. If you are with a state agency or other governmental entity, you will login to the filing application and acknowledge receipt of Form 1295 electronically. See Question #4 for more information about logging into the filing application.

#### **10. WHAT IF I ACCIDENTALLY ACKNOWLEDGE THE WRONG FORM 1295?**

Before you acknowledge a Form 1295, you should double check that you are acknowledging the correct one. If you acknowledge a Form 1295 in error, you cannot undo the certification. Contact the Texas Ethics Commission at 512-463-5800 and ask to speak with Technical Support.

#### **11. THE FILING APPLICATION SAYS THIS FORM 1295 HAS ALREADY BEEN ACKNOWLEDGED. WHAT DO I DO NOW?**

First, you should double check that you are entering the correct certification number. If you still receive an error, contact the Texas Ethics Commission at 512-463-5800 and ask to speak to technical support.

#### **12. I SUBMITTED A FORM 1295 AND REALIZED THERE IS AN ERROR. CAN I STILL EDIT IT?**

No. Once a Form 1295 has been submitted by the business entity, it can no longer be edited. If you found an error, you will need to start a new certificate and re-enter all the required information.

#### **13. WHAT IF THE CONTRACT ASSOCIATED WITH THE FORM 1295 IS NEVER FULFILLED?**

All certificates that are filed with the Texas Ethics Commission and acknowledged by a governmental entity will be posted to the Commission's website regardless of the eventual outcome of the contract associated with the certificate.

#### **14. WHY AM I NOT RECEIVING EMAIL MESSAGES FROM THE TEXAS ETHICS COMMISSION?**

All password reset links will be sent to the email address you provided when you registered. This should be an email address that is current and that you check often. You can verify and update your email address right after you log in. Also, be sure to “whitelist” or mark as “safe” emails that come from “do-not-reply@ethics.state.tx.us” and be sure to check your Spam or Junk folder for any missing messages.

**TEXAS ADMINISTRATIVE CODE**  
**Chapter 46. Disclosure of Interested Parties**  
**(effective December 24, 2015)**  
**Text of Adopted Rule**

**Chapter 46. DISCLOSURE OF INTERESTED PARTIES**

§46.1. Application

(a) This chapter applies to section 2252.908 of the Government Code.

(b) Section 2252.908 of the Government Code applies only to a contract of a governmental entity or state agency entered into after December 31, 2015, that meets either of the following conditions:

- (1) The contract requires an action or vote by the governing body of the entity or agency;  
or
- (2) The value of the contract is at least \$1 million.

(c) A contract does not require an action or vote by the governing body of a governmental entity or state agency if:

- (1) The governing body has legal authority to delegate to its staff the authority to execute the contract;
- (2) The governing body has delegated to its staff the authority to execute the contract;  
and
- (3) The governing body does not participate in the selection of the business entity with which the contract is entered into.

§46.3. Definitions

(a) “Contract” includes an amended, extended, or renewed contract.

(b) “Business entity” includes an entity through which business is conducted with a governmental entity or state agency, regardless of whether the entity is a for-profit or nonprofit entity. The term does not include a governmental entity or state agency.

(c) “Controlling interest” means: (1) an ownership interest or participating interest in a business entity by virtue of units, percentage, shares, stock, or otherwise that exceeds 10 percent; (2) membership on the board of directors or other governing body of a business entity of which the board or other governing body is composed of not more than 10 members; or (3) service as an officer of a business entity that has four or fewer officers, or service as one of the four officers most highly compensated by a business entity that has more than four officers.

(d)“Interested party” means: (1) a person who has a controlling interest in a business entity with whom a governmental entity or state agency contracts; or (2) a person who actively participates in facilitating a contract or negotiating the terms of a contract with a governmental entity or state agency, including a broker, intermediary, adviser, or attorney for the business entity.

(e)“Intermediary,” for purposes of this rule, means, a person who actively participates in the facilitation of the contract or negotiating the contract, including a broker, adviser, attorney, or representative of or agent for the business entity who:

- (1) receives compensation from the business entity for the person’s participation;
- (2) communicates directly with the governmental entity or state agency on behalf of the business entity regarding the contract; and
- (3) is not an employee of the business entity.

#### §46.5. Disclosure of Interested Parties Form

(a) A disclosure of interested parties form required by section 2252.908 of the Government Code must be filed on an electronic form prescribed by the commission that contains the following:

- (1) The name of the business entity filing the form and the city, state, and country of the business entity’s place of business;
- (2) The name of the governmental entity or state agency that is a party to the contract for which the form is being filed;
- (3) The name of each interested party and the city, state, and country of the place of business of each interested party;
- (4) The identification number used by the governmental entity or state agency to track or identify the contract for which the form is being filed and a short description of the goods or services used by the governmental entity or state agency provided under the contract; and
- (5) An indication of whether each interested party has a controlling interest in the business entity, is an intermediary in the contract for which the disclosure is being filed, or both.

**(b) The certification of filing and the completed disclosure of interested parties form generated by the commission’s electronic filing application must be printed, signed by an authorized agent of the contracting business entity, and submitted to the governmental entity or state agency that is the party to the contract for which the form is being filed.**



(c) A governmental entity or state agency that receives a completed disclosure of interested parties form and certification of filing shall notify the commission, in an electronic format prescribed by the commission, of the receipt of those documents not later than the 30th day after the date the contract for which the form was filed binds all parties to the contract.

(d) The commission shall make each disclosure of interested parties form filed with the commission under section 2252.908(f) of the Government Code available to the public on the commission's Internet website not later than the seventh business day after the date the commission receives the notice required under subsection (c) of this section.