

NOTICE TO BIDDERS

The Commissioner's Court of Wheeler County has authorized procurement for road material for general maintenance of Wheeler County roads from multiple vendors. The County will receive sealed bids for gyprock (commonly referred to as gravel), caliche, and mill rock road material until 9:00 a.m. on Thursday, December 7, 2023 at the County Auditor's Office at 401 S. Main St., Wheeler, TX 79096.

The bids will be publicly opened and read aloud at 9:00 a.m. on Thursday, December 7, 2023 at 401 S. Main St., Wheeler, TX 79096. Bid(s) will be awarded during Commissioners Court general meeting 9:00 a.m. on Monday, December 11, 2023 after the bids have been evaluated.

Prices will be proposed for materials only and will be paid for by the ton.

Wheeler County will select material based on price per ton, quality of material, bidder's loading equipment availability, and proximity to ongoing and future Wheeler County road work. In determining the lowest and best bid for a contract for the purchase of road construction material, the County may consider the pickup locations of the bidders and the cost to the county of hauling the material to be purchased.

The Commissioners Court may award contracts for the purchase of road construction material to more than one bidder if each of the selected bidders submits the lowest and best bid for a particular location or type of material (Local Government Code Sec 262.027). Bids must be submitted on the bid form in price per ton.

Please contact County Commissioner Jackie Don May at (806) 826-3186, County Commissioner Phillip Gaines at (806) 826-9010, County Commissioner David Simpson at (806) 256-2852, or County Commissioner John Walker at (806) 334-5252, with any questions. Wheeler County reserves the right to reject any or all bids or to waive any informalities in the bidding.

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

Bids may be held for a period not to exceed 30 days from the date of the bid opening for the purpose of reviewing the bids and investigating the bidders' qualifications prior to the contract award. HUBs are encouraged to submit.

To be published once a week for two consecutive weeks in a newspaper that is of general circulation in the area of the issuer with the date of the first publication to be before the 14th day before the date set for the public opening of the bids and the reading of the bids aloud.

Ad 1 Thursday, November 16, 2023

Ad 2 Thursday, November 23, 2023

Open Thursday, December 7, 2023

Wheeler County
Road Material Bid
Contract #RB_2024_1

Wheeler County is seeking bids for the following material(s):
Base Material: Gyprock, Caliche, and/or Mill Rock. Bids must be approved by the appropriate Commissioner.

Complete all forms and return SEALED bid to:

Wheeler County Commissioner's Court
c/o Wheeler County Auditor
401 S. Main St., Wheeler, TX 79096

Name of company and reference to Wheeler County Road Material 2024 Bid must be listed on outside of bid envelope.

Sealed bids will be accepted until 9:00 a.m. on December 7, 2023 at which time they will be publicly opened and read. Bid(s) will be awarded during Commissioners Court general meeting at 9:00 a.m. on Monday, December 11, 2023 after the bids have been evaluated.

Please contact County Commissioner Jackie Don May at (806) 826-3186, County Commissioner Phillip Gaines at (806) 826-9010, County Commissioner David Simpson at (806) 256-2852, or County Commissioner John Walker at (806) 334-5252, with any questions.

*** Wheeler County reserves the right to accept or reject any and all bids. ***

By submitting this bid I agree that, if awarded, this material bid form will serve as a true and binding contract beginning on January 1, 2024 and ending on December 31, 2024.

Either party may terminate this agreement upon thirty (30) days written notice to the other party.

Attested by: _____
Company Representative

Attested by: _____
(After bid award) Wheeler County Representative

Company Name

Address

Address

E-mail

E-mail

Phone #

Phone #

Fax#

Fax #

Company Signature

County Signature

Wheeler County
Road Material Bid
Contract #RB_2024_1
Material Bid Form

Company: _____

Contact Name: _____

Material: Price proposed is for material-only. Material will be paid for by the ton. Wheeler County will select material based on price per ton, quality of material, bidder's loading equipment availability, and proximity to ongoing and future Wheeler County Road work.

In determining the lowest and best bid for a contract for the purchase of road construction material, the County may consider the pickup and delivery locations of the bidders and the cost to the county of hauling the material to be purchased.

The Commissioners Court may award contracts for the purchase of road construction material to more than one bidder if each of the selected bidders submits the lowest and best bid for a particular location or type of material (Local Government Code Sec 262.027). Bids must be submitted on the bid form in price per ton.

Company Plant Locations:

Material	Cost (\$/ ton) for pick-up at plant(s) listed above
Crushed Rock 2.5"	
Crushed Rock 1.5"	
Mill Rock	
Caliche	
County Special (rock with dirt/clay mix)	
Other _____	

Will you provide equipment capable of loading hauling trucks (e.g. 24-ton capacity belly-dump trailers)?

_____ Yes _____ No

INSTRUCTIONS FOR CONFLICTS OF INTEREST QUESTIONNAIRE [Form CIQ]

H.B. 914, passed during the 2005 Texas legislative session, as amended by H.B. 1491 passed in 2007, requires certain persons who wish to conduct business or be considered for business with a local governmental entity to file a “conflict of interest questionnaire.” The Texas Ethics Commission (TEC) created the conflict of interest questionnaire (FORM CIQ). These laws are codified in Chap. 176 of the Texas Local Government Code.

What vendors/persons are subject to Chapter 176?

The word “person” includes a partnership, corporation or other corporate body, including those performing professional services. Such partnerships or corporations act through individuals, but it is the partnership or corporation that would be seeking to do business with the local governmental entity.

Any “person” who contracts or seeks to contract for the sale or purchase of property, goods, or services with a local governmental entity

An agent of a person who contracts or seeks to contract for the sale or purchase of property, goods, or services with a local governmental entity.

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

- (1) has an employment or other business relationship with an officer of that local governmental entity, or a family member of the officer that results in taxable income exceeding \$2,500 during the 12 month period preceding the date a contract is executed or a contract is being considered; or
- (2) has given an officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value of more than \$250 in the 12 month period preceding the date a contract is executed or a contract is being considered

What triggers the requirement to file a “conflict of interest questionnaire”?

When a person begins (1) contract discussions or negotiations with the local governmental entity or (2) submits an application, response to request for proposals or bids, correspondence, or another writing related to a potential agreement, Form CIQ must be completed. Whether the person initiates the discussion or the local governmental entity initiates the discussions, Form CIQ must be completed. Even if the vendor has no affiliation or business relationship with an officer or employee of the local governmental entity, Form CIQ must be completed and submitted

To what type of contracts does the bill apply?

Any written contract and any implied contract, such as purchase orders, procurement card purchases, utility purchases, or any exchange of money or other consideration for some service or property. The monetary amount or value of the contract/purchase does not matter.

When must a vendor file the conflict of interest questionnaire?

No later than seven days after the date the person: (a) begins contract discussions or negotiations with the local governmental entity, or (b) submits an application or response to a request for proposals or bids, correspondence, or another writing related to a potential agreement with a local governmental entity, or (c) becomes aware of an employment relationship with a local government officer or family member of the officer, or (d) becomes aware of a qualifying gift..

What has to be revealed?

Section 176.006 requires disclosure of a person’s employment or business relationships. This includes each employment or business relationship with a corporation or other business entity with respect to which a local government officer services as an officer or director or holds an ownership interest of 10% or more.

How do I go about filling out the Conflict of Interest Questionnaire form?

Each number below corresponds with the number on FORM CIQ 2:

1. Fill in the full name of the person who is trying to do business with the local governmental entity. If the person is a corporation, partnership, etc., then it is the name of that corporation, partnership, etc., that is required on Form CIQ.
2. Check box if the form is an update to a form previously completed. Updates are required by the 7th business day after an event that makes a statement in a previously filed questionnaire incomplete or inaccurate. Updates are also required by September 1 of each year in which the person submits a proposal, bid or response to the local governmental entity or begins contract discussions or negotiations with the local governmental entity.
3. Complete this Section by listing the name of the local government officer with whom there is an affiliation to or business relationship and you checked the "Yes" box in Section 3 A, B, or C.
If there is more than one local government officer with whom there is an affiliation or business relationship, more than one page two may be needed to provide information on each local government officer.
 - A. State whether the local government officer named on the form receives or is likely to receive taxable income, other than investment income, from the vendor filing the questionnaire.
 - B. State whether the filer receives or is likely to receive taxable income, other than investment income, from or at the direction of the local government officer named on the form AND the taxable income is not received from the local governmental entity.
 - C. State whether the filer is employed by a corporation or other business entity with which the local government officer serves as an officer or director or holds an ownership interest of 10% or more.
 - D. Describe each employment or business relationship with the local government officer named on the form.
4. Signature box. Person completing form must date and sign the form. If the form is being completed for a corporation, partnerships, etc., the person signing should be someone who is authorized to act on behalf of the corporation, partnership, etc.

A signature is required in box #4 regardless of any other entry on the form.

A copy of Chapter 176 of the Texas Local Government Code can be found at:

<http://www.statutes.legis.state.tx.us/SOTWDocs/LG/htm/LG.176.htm>

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor or other person doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 1491, 80th Leg., Regular Session. This questionnaire is being filed in accordance with Chapter 176, Local Government Code by a person who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the person 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 person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code.
A person commits an offense if the person knowingly violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.

OFFICE USE ONLY

Date Received

1. Name of person doing business with local governmental entity.

RFB / RFP / Contract #

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 the originally filed questionnaire becomes incomplete or inaccurate.)

3. Name of local government officer with whom filer has employment or business relationship.

Name of Officer

This section (item 3 including subparts A, B, C & D) must be completed for each officer with whom the filer has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the filer of the questionnaire?

Yes No

B. Is the filer of the questionnaire receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section AND the taxable income is not received from the local governmental entity?

Yes No

C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?

Yes No

D. Describe each employment or business relationship with the local government officer named in this section.

4.

Signature of person doing business with governmental entity

Date Signed

ADDITIONAL CONDITION OF AWARD —

DISCLOSURE OF INTERESTED PARTY FORM:

NEW OBLIGATION OF THE COUNTY TO RECEIVE INFORMATION FROM WINNING BIDDER

Effective January 1, 2016, pursuant to Texas Government Code, Section 2252.908 (the “Interested Party Disclosure Act”), the County may not award a contract to a bidder unless the bidder submits a Certificate of Interested Parties Form 1295 (the “Disclosure Form”) to the County as prescribed by the Texas Ethics Commission (“TEC”). In the event that the bidder’s bid for is the best bid received, the County or its consultant, will promptly notify the bidder. That notification will serve as the conditional verbal acceptance of the bid. Upon this acceptance, the winning bidder must promptly, not later than 12:00 pm (CST) on the Friday, December 29, 2024, file the materials described below.

PROCESS FOR COMPLETING THE DISCLOSURE FORM

The Disclosure Form can be found at <https://www.ethics.state.tx.us/filinginfo/1295/>, and reference should be made to the following information in order to complete it:

- (a) item 2 – Name of County (“Wheeler County, Texas”)
- (b) item 3 – the identification number (“RB_2024_1”), and
- (c) item 3 – description of the goods or services assigned to this contract by the County (“Road Material for Wheeler County)

You must:

- 1) complete the Disclosure Form electronically at the TEC’s “electronic portal”, and
- 2) print, sign and deliver a NOTARIZED copy (scanned and emailed is fine) of the Disclosure Form and Certification of Filing that is generated by the TEC’s “electronic portal.”

The following link will take you to the electronic portal for filing:

<https://prd.tecprd.ethicsefile.com/TECCertInt/pages/login/certLogin.jsf>

Also, a detailed instruction video may be found here:

Logging In the First Time:

<https://www.ethics.state.tx.us/filinginfo/videos/Form1295/FirstLogin-Business/Form1295Login-Business.html>

How To Create a Certificate:

<https://www.ethics.state.tx.us/filinginfo/videos/Form1295/CreateCertificate/CreateCertificate.html>

Neither the County nor its consultants have the ability to verify the information included in a Disclosure Form, and neither have an obligation nor undertake responsibility for advising any business entity with respect to the proper completion of the Disclosure Form.

NONCOLLUSION AFFIDAVIT OF PRIME BIDDER

State of _____)

County of _____)

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

(1) He is _____ (Title) of _____ (Company Name), the Bidder that has submitted the attached Bid;

(2) He is fully informed respecting the preparation and contents of the attached Bid and of all pertinent circumstances respecting such Bid;

(3) Such Bid is genuine and is not a collusive or sham Bid;

(4) Neither the said Bidder nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, has in any way colluded, conspired, connived or agreed, directly or indirectly with another Bidder, firm or person to submit a collusive or sham Bid in connection with the Contract for which the attached Bid has been submitted or to refrain from bidding in connection with such Contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other Bidder, firm or person to fix the price or prices in the attached Bid or of any other Bidder, or to fix an overhead, profit or cost element of the Bid price or the Bid price of any other Bidder, or to secure through any collusion, conspiracy, connivance or unlawful agreement any advantage against the _____ (Local Public Agency) or any person interested in the proposed Contract; and

(5) The price or prices quoted in the attached Bid are fair and proper and are not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the Bidder or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

(Signed) _____

Title

Subscribed and sworn to me this _____ day of _____.

By: _____
Notary Public

My commission expires _____