

#### THE COUNTY OF GALVESTON

#### RUFUS CROWDER, CPPO CPPB PURCHASING AGENT

**ERIN QUIROGA, MBA, CPPB**ASSISTANT PURCHASING AGENT

COUNTY COURTHOUSE 722 Moody (21st Street) Fifth (5th) Floor Galveston, Texas 77550 (409) 770-5371

September 17, 2024

Honorable County Judge And Commissioners' Court County Courthouse Galveston, Texas

RE: ITB #B242006A, Galveston County MUD #12 Emergency Generator Contract #CM24100A

Gentlemen,

On May 2, 2024, bids were opened for ITB #B242006A, Galveston County MUD #12 Emergency Generator. Two (2) bids were received from the following companies:

• Texan Municipal & Industrial

Houston, TX

McDonald Municipal and Industrial

Houston, TX

It is requested that this bid be awarded to the lowest cost, best value, and qualified bidder that met the specifications, McDonald Municipal and Industrial in the amount of \$346,469.00.

Your consideration in this matter will be greatly appreciated.

Respectfully submitted,

Rufus G. Crowder, CPPO, CPPB

Purchasing Agent County of Galveston

### Dickey, Tammy

From:

Thomas, Elizabeth

Sent:

Tuesday, September 17, 2024 1:14 PM

To:

Dickey, Tammy; Crowder, Rufus

Cc:

Perez, Jacquelyn; Cruz, Sergio; Huallpa, Diana; Pitts, Mary; 'Carolina Castro'; Andrews,

Subject:

TDEM/HMGP - Generators - MUD12 Generator - Bid Award

**Attachments:** 

Re: Galveston County - ITB #B242006A, Galveston County MUD #12 Emergency

Generator

Good morning, Tammy.

Thank you for speaking to me this morning about my wage compliance questions. You are always so great!



Consideration of approval to award grant-funded construction contract to McDonald Municipal Industrial resultant from ITB Bid #B242006A under the Hazard Mitigation Grant Program grant #DR-4332-0236 from the Texas Division of **Emergency Management** 

This bid was opened on 5.2.2024 but the lowest bid came in over the grant award amount so I had to work to find the funding to cover the excess. On August 19th, Wayne Berkheimer from McDonald, Inc. agreed to hold the bid price for 60 days (10.15.2024). As of today, MUD12 has agreed to cover the additional funding needed to install the generator now and I will continue to with a grant adjustment to add funds to this project.



Grants Administration Manager Department of Professional Services

(409) 770-5355

elizabeth.thomas@co.galveston.txus

722 Moody Avenue, Galveston, Texas

### County of Galveston Bid Tab Report

Bid Header Bid Number: B242006A

Open:	05/02/2024							
the .					Vendor: 710	005	Vendor: 723662	
Itom	m Product Description		Qty	Units	C.F. MCDONALD ELECTRIC INC		TEXAN ELECTRIC CO	
	Code	Description	۵.,		Unit Price	Extended	Unit Price	Extended
0001	96100	GALVESTON COUNTY MU 12 GENERATOR	1	UN	346,469.00	346,469.00	496,468.00	496,468.00
Totiil						346,469.00		496,468.00

May 13, 2024 1 12:05:03 PM

### SPECIAL PROVISIONS

# INVITATION TO BID GALVESTON COUNTY MUD #12 EMERGENCY GENERATOR GALVESTON COUNTY, TEXAS

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#### SPECIAL PROVISIONS

## INVITATION TO BID GALVESTON COUNTY MUD #12 EMERGENCY GENERATOR GALVESTON COUNTY, TEXAS

The General Provisions and the Special Provisions of this Invitation to Bid and the Exhibits attached hereto are made a part of this agreement between the Parties. In the event of a conflict between the General Provisions and the Special Provisions, the terms of the Special Provisions shall control.

The Galveston County Purchasing Department utilizes Bonfire Interactive to distribute and receive bids and proposals in an electronic format via an online portal. Potential Bidders must register through the online portal to participate electronically. "Walk-in" or "mailed-in" proposal submittals are still allowed, however, <u>Bidders are strongly encouraged to submit their proposals online via Galveston County's e-Procurement Portal located at https://galvestoncountytx.bonfirehub.com/.</u>

Registration is currently open and free to the public. Once registered, suppliers will receive automatic email notifications of project opportunities based on the NIGP commodity codes selected by the vendor. Potential Bidders should visit the link below and click on the New Vendor Registration tab to register your business: https://galvestoncountytx.bonfirehub.com/portal/?tab=login

There is no cost to register as a vendor. For more detailed clarification and information on how to register and submit your bids and proposals through Bonfire, click on the video link below:

Submission Video: <a href="https://support.gobonfire.com/hc/en-us/articles/203903356-Vendor-Registration-and-Submission-und-Subm

#### A. PURPOSE

The purpose of this bid is to receive and award a construction contract to build and make operational an emergency generator for Galveston County Municipal District # 12 (MUD- 12) for its Emergency Operations Center (EOC) located at 2929 Hwy 6 Bayou Vista, Texas. Federal grant dollars will be used in this project.

Galveston County and the MUD -12 were awarded federal grant fund to engineer- design, purchase, and have installed a emergency generator at the MUD-12 EOC. The 100% engineer-design is complete and has been incorporated as part of this Invitation to Bid.

There are no known State Historical Preservation Office (SHPO) concerns on this project.

### B. EXCEPTIONS TO BID CONDITIONS

The Bidder will list on a separate sheet of paper any exceptions to the conditions of this Invitation to Bid. This sheet will be labeled, "Exceptions to Bid Conditions", and will be attached to the Bid submittal.

If no exceptions are stated, it will be understood that all general and special conditions will be complied with, without exception.

The Bidder must specify in its Bid any alternatives it wishes to propose for consideration by the County. Each alternative should be sufficiently described and labeled within the Bid and should indicate its possible or actual advantage to the program being offered.

The County reserves the right to offer these alternatives to other Bidders.

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#### C. PROCUREMENT TIMELINE

A timeline for this solicitation and initial process is included below. Galveston County reserves the right to change these dates and will notify Bidders of any changes:

Advertise Solicitation (first date of publication) Advertise Solicitation (second date of publication)

Non-Mandatory Pre-Bid Conference Non-Mandatory On-Site Visit Deadline for Questions & Inquiries Submission Deadline / Bid Opening Thursday, March 14, 2024 Thursday, March 21, 2024

Wednesday, March 27, 2024 at 10:00 AM CST Thursday, March 28, 2024 at 10:00 AM CST Thursday, April 4, 2024 by 5:00 PM CST Thursday, April 18, 2024, at 2:00 PM CST

#### Virtual Bid Opening:

Interested parties can attend the Thursday, April 18, 2024, 2:00 PM CST bid opening virtually. Instructions are listed below:

Join from the meeting link:

https://galvestoncountytx.webex.com/galvestoncountytx/j.php?MTID=m80d4b7382a83cb778c3e4d0ba910cb4f

Join by meeting number

Meeting number (access code): 2484 176 0794

Meeting password: B242006A (22420062 from video systems)

Tap to join from a mobile device (attendees only) +1-415-655-0001,,24841760794## US Toll

Join by phone +1-415-655-0001 US Toll Global call-in numbers

Join from a video system or application
Dial 24841760794@galvestoncountytx.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

#### D. NON-MANDATORY PRE-BID CONFERENCE

A non-mandatory pre-bid conference will be held on Wednesday, March 27, 2024, 10:00 AM CST.

Interested parties can attend the non-mandatory pre-bid conference virtually. Instructions are listed below.

Join from the meeting link:

Join by meeting number

Meeting number (access code): 2490 955 4882

Meeting password: B242006A (22420062 from video systems)

Tap to join from a mobile device (attendees only)

+1-415-655-0001,,24909554882## US Toll

Time: 2:00 PM CST

#### SPECIAL PROVISIONS

## INVITATION TO BID GALVESTON COUNTY MUD #12 EMERGENCY GENERATOR GALVESTON COUNTY, TEXAS

Join by phone +1-415-655-0001 US Toll Global call-in numbers

Join from a video system or application Dial 24909554882@galvestoncountytx.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

#### E. NON- MANDATORY ON-SITE VISIT

A non-mandatory on-site visit will be held on Thursday, March 28, 2024, 10:00 AM CST. Interested parties can attend the non-mandatory on-site visit by arriving at the following location:

Galveston County Municipal District #12 (MUD- 12) Emergency Operations Center (EOC)
2929 Hwy 6
Bayou Vista, TX 77563

#### F. SUBMISSION INSTRUCTIONS

One (1) unbound single-sided original Bid, and three (3) single-sided copies must be submitted no later than 2:00 PM CST, on Thursday, April 18, 2024:

Rufus G. Crowder, CPPO CPPB
Purchasing Agent
County of Galveston
722 Moody Avenue (21st Street), Fifth (5th) Floor
Galveston, TX 77550

The time stamp clock located in the Purchasing Agent's office shall serve as the official time keeping piece for this solicitation process. Any bids received after 2:00 PM CST on the specified date will be returned unopened.

Specifications can be obtained at the office of the Galveston County Purchasing Agent, located in the Galveston County Courthouse, 722 Moody, (21st Street), Floor 5, Purchasing, Galveston, Texas 77550, or by visiting the Galveston County website @ http://www.galvestoncountytx.gov/county-offies/purchasing

#### G. BID SURETY

Each Bidder shall be required to submit a Bid guarantee with its Bid as required within this Section.

Evidencing its firm commitment to engage in contract if Bidder is selected for award of contract, each Bidder is required to furnish with their bid a cashier's check or an acceptable Bidder's bond (generally, a bid bond) in the amount of five percent (5%) of the total contract price. If Bidder is using a bond, then the bond must be executed with a surety company authorized to do business in the State of Texas. Failure to furnish the Bid guarantee in the proper form and amount, by the time set for opening of Bids may be cause for rejection of the Bid.

The cashier's check or Bidder bond (as applicable) will be returned to each respective unsuccessful Bidder(s) after the Commissioners' Court award of contract and shall be returned to the successful Bidder upon the completion and submission of all contract documents. Provided however, that the cashier's check or Bidder bond will be forfeited to the County as liquidated damages should successful Bidder fail to execute the contract within thirty (30) days after

Time: 2:00 PM CST

#### SPECIAL PROVISIONS

## INVITATION TO BID GALVESTON COUNTY MUD #12 EMERGENCY GENERATOR GALVESTON COUNTY, TEXAS

receiving notice of the acceptance of its Bid.

### H. PERFORMANCE AND PAYMENT BONDS

Performance and Payment Bonds <u>are requirements</u> of this solicitation. Successful Bidder, before beginning work, shall execute a performance bond and a payment bond, each of which must be in the amount of the contract. The required payment and performance bonds must each be executed by a corporate surety authorized to write surety bonds in the State of Texas and in accordance with Chapter 3503 of the Insurance Code (codified in 2005 and originally within Section 1, Chapter 87, Acts of the 56<sup>th</sup> Leg., R.S., 1959, and in Article 7.19-1, Vernon's Texas Insurance Code).

The performance and payment bonds must each clearly and prominently display on the bond or on an attachment to the bond:

- a.) The name, mailing address, physical address, and telephone number, including the area code, of the surety company to which any notice of claim should be sent; or
- b.) The toll-free telephone number maintained by the Texas Department of Insurance under Subchapter B, Chapter 521, Insurance Code, and a statement that the address of the surety company to which any notice of claim should be sent may be obtained from the Texas Department of Insurance by calling the toll free-telephone number.

The performance bond shall be solely for the protection of Galveston County, in the full amount of the contract, and conditioned on the faithful performance of the work in accordance with the plans, specifications, and contract documents. The payment bond is solely for the protection and use of payment bond beneficiaries who have a direct contractual relationship with the prime contractor or a subcontractor to supply labor or material, and in the amount of the contract.

The payment and performance bonds required to be furnished herein must be furnished before the contractor begins work and are a requirement for issuance of a Notice to Proceed. Such bonds must be furnished to the Galveston County Purchasing Agent within thirty (30) calendar days after the date of the full execution of the contract or, if applicable, as required under Chapter 2253, Government Code, whichever is earlier. Contractor's failure to provide the required payment and performance bonds within such time period shall constitute an event of default under this contract. Contractor shall not commence work until all applicable certificates of insurance, performance bonds, and payment bonds have been received and approved by the County Purchasing Agent and the Contractor receives notice to proceed in writing that has been issued by the County Purchasing Agent.

Additionally, if this request for Bid is for the award of a public works contract, then compliance with Chapter 2253 of the Texas Government Code, which is known as the McGregor Act, is mandatory. Performance and payment bonds are required to be furnished in accordance with Chapter 2253 of the Texas Government Code. Bidder should familiarize itself with the entire provisions of Chapter 2253 of the Texas Government Code.

#### I. BEST AND FINAL OFFERS (BAFO)

The Best and Final Offer process is not applicable to this solicitation.

#### J. DAVIS-BACON WAGE RATES

Davis-Bacon Wage Rates are requirements of this solicitation.

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#### SPECIAL PROVISIONS

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Attention is called to the fact that not less than, the federally determined prevailing (Davis-Bacon and Related Acts) wage rates are required to be paid to laborers and mechanics. When required by Federal program legislation, all prime construction contracts in excess of \$2,000 must include a provision for compliance with the Davis-Bacon Act as supplemented by the Department of Labor regulations (29 C.F.R. Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractor must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. In addition, contractors must be required to pay wages not less than once a week. In addition, the successful bidder must ensure that employees and applicants for employment are not discriminated against because of race, color, religion, sex, age, or national origin. Please reference the General Provisions, item 69, Procurement Laws, sub-item 3, Davis-Bacon Act as amended (40 U.S.C. 3141-3148).

#### K. PERSONNEL TO CONTACT

Bidders desiring an explanation or interpretation relative to this solicitation must request it in writing. Oral explanations or instructions will not be binding. Any information given to a Bidder, which in the opinion of the County affects all Bidders or would be prejudicial to other Bidders if not communicated, shall be furnished to all Bidders as an addendum to the solicitation. Bidders must direct all inquiries to the following:

Rufus G. Crowder, CPPO CPPB
Purchasing Agent
722 21st Street (Moody)
Galveston, Texas 77550
e-mail: purchasing.bids@co.galveston.tx.us

Bidders must e-mail their requests (with the subject line "Galveston County MUD # 12 Emergency Generator—ITB #B242006A—Questions") for additional information and/or clarification to the address listed above. The request must include the Bidder's name and the solicitation number and title.

Any request for additional information or clarification must be received in writing no later than ten (10) calendar days prior to the solicitation due date. Late requests or those not delivered to the proper address may not receive a reply. Bidders shall not attempt to contact the County by any other means. The Purchasing Agent shall post the answers on the County website from the procurement web page and via addendum.

The County will issue responses to inquiries and any other corrections or amendments, it deems necessary, in the form of a written addendum, issued prior to the solicitation Submission Deadline / Solicitation Opening date. The County, at its sole discretion, may not issue a response to an RFI submittal. Bidders should not rely on any oral or written representations, statements, or explanations, other than those made in this solicitation or in any written addendum to this solicitation. Where there appears to be conflict between the solicitation and any issued addenda, the last addendum issued will prevail.

Addenda will be posted and made available on the County's procurement web page. It is the Bidder's sole responsibility to ensure receipt of all addenda prior to submitting its response. All Bidders should check the County's procurement web page for all addenda prior to submitting a response.

The County's procurement web page is located at <a href="http://www.galvestoncountytx.gov/county-offices/purchsing">http://www.galvestoncountytx.gov/county-offices/purchsing</a>

The Bidder must acknowledge the receipt of all addenda on the forms provided. In the event a Bidder fails to acknowledge receipt of such addenda, the County may, at its sole discretion, determines that such failure to acknowledge any or all addenda does not materially affect the solicitation and waive the acknowledgement of one or more addenda.

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#### SPECIAL PROVISIONS

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Bidders who submit inquiries *after* the deadline date for receipt of questions indicated on the Procurement Timeline, risk that its response in the procurement will not be responsive or competitive because the County is not able to respond before the solicitation receipt date or in sufficient time for the Bidder to prepare a responsive or competitive submittal.

All questions and responses as posted on the County website pertaining to this solicitation are considered an addendum to, and part of, this solicitation. Each Bidder shall be responsible to monitor the County website for new or revised solicitation information. The County shall not be bound by any verbal information, nor shall it be bound by any written information that is not either contained within the solicitation or formally issued as an addendum by the Purchasing Agent.

### L. PROGRAM ADMINISTRATION & CONTRACT MANAGEMENT

The Program Administrator/Contract Manager that will manage the work to be performed under the resultant contract for the purpose of this solicitation is:

Elizabeth Thomas Grants Administrator 722 Moody, (21st St.), 3rd Floor Galveston, TX 77550

The Galveston County Commissioners' Court, and/or authorized designees will be responsible for negotiating with the successful Vendor the scope of work, the standards of performance, the specific technology provided, and the support services required for the proposed projects. All contractual amendments will be processed in accordance with Galveston County Purchasing Policies. Amendments will also be brought to Galveston County Commissioners Court for approval as deemed necessary. The approval process serves to ensure the project technology and/or service is within the scope of the resultant contract, and that pricing meets the agreed upon pricing methodology as specified in the contract, and that funds are available.

#### M. INTENT TO BID

It is Galveston County's intent to award one contract to the lowest and best responsive bidder. As a part of this bid process, Galveston County has opted for a mandatory Pre-Bid Conference to be held at the 1986-constructed MUD-12 EOC to offer bidders a opportunity to view the interior of the facility an gain knowledge of the electrical infrastructure already in place at their location.

Please note: the MUD-12 Emergency Operations Center may be occupied by personnel during the construction indicating any electrical outages and other concerns may need to be coordinated with MUD-12 personnel.

### N. REQUIREMENTS OF INVITATION TO BID

Bidder shall provide one (1) unbound single-sided original and three (3) single-sided hard copies of its response, to the Purchasing Agent on or before the submission deadline specified herein. Font size is limited to no smaller than font size 11, except that organizational charts, other graphics, and footers may be as small as font size 9.

Bidders shall clearly indicate which project or projects are being submitted for consideration in their cover letter.

Time: 2:00 PM CST

#### SPECIAL PROVISIONS

## INVITATION TO BID GALVESTON COUNTY MUD #12 EMERGENCY GENERATOR GALVESTON COUNTY, TEXAS

#### M. INSURANCE

Bidder must submit, with its response, a current certificate of insurance evidencing coverage in the amounts specified below or greater. In lieu of submitting a certificate of insurance, Bidders may submit a notarized statement from an insurance company authorized to conduct business in the State of Texas guaranteeing that Bidder has such insurance. Provided however, that successful Bidder(s) shall be required to provide a current certificate of insurance to the Galveston County Purchasing Agent's Office before Bidder commences any work hereunder. Insurance shall be placed with insurers having an A.M. Best's rating of no less than A. Such insurance must be issued by a casualty company authorized to do business in the State of Texas, and in standard form approved by the Board of Insurance Commissioners of the State of Texas, with coverage provisions ensuring the public from loss or damage that may arise to any person or property by reason of services rendered by Contractor.

Galveston County shall be listed as an additional insured on each policy and all certificates of insurance and Contractor shall provide Galveston County with no less than thirty (30) calendar days prior notice of any changes to the policy during the contractual period.

Certificates of Insurance, fully executed by a licensed representative of the insurance company written or countersigned by an authorized Texas state agency, shall be filed with the County Purchasing Agent within ten (10) calendar days of the execution of this Agreement as written proof of such insurance and further provided that Contractor shall not commence work under this Agreement until Contractor has obtained all insurance required herein, provided written proof as required herein, and received written notice to proceed issued from the County Purchasing Agent. Failure to provide such evidence of insurance within the ten (10) calendar day period shall constitute an event of default.

Workers' Compensation Insurance. Bidder shall carry in full force Workers' Compensation Insurance Policy(ies), if there is more than one employee, for all its employees, including but not limited to full time, part time, and emergency employees employed by the Contractor.

Commercial General Liability. Bidder shall carry in full force commercial general liability insurance with a limit of not less than \$1,000,000 each occurrence and \$2,000,000 in the aggregate. The Policy shall, minimally, cover liability for bodily injury, personal injury, and property damage.

Business Automobile Liability. Bidder shall carry in full force business automobile liability coverage with a combined bodily injury/property damage limit of not less than \$1,000,000 each accident. The policy shall cover liability arising from the operation of licensed vehicles by policyholder.

Subrogation Waiver. Contractor and Contractor's insurance carrier shall waive any and all rights to subrogation against Galveston County in regard to any suit or claim arising out of personal injury or property damage resulting from Contractor's performance under this Agreement.

#### N. AWARDED PRICES

Any unit prices submitted by the Bidder shall include all costs to the County, including the material, delivery, current freight rate, state tax, or any other cost.

Award prices include all royalties and costs arising from patents, trademarks, and copyrights in any way involved in the work. Whenever the Awardee is required or desires to use any design, device, material or process covered by letters of patent or copyright, the Awardee shall indemnify and save harmless the County, its officers, agents and employees from any and all claims for infringement by reason of the use of any such patented design, tool, material, equipment, or process, to be performed under the contract, and shall indemnify the County its officers, agents, and employees for any costs, expenses and damages which may be incurred by reason of any infringement at any time during the prosecution or after the completion of the work.

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#### O. INVOICES:

Invoices must be itemized indicating all materials and supplies used. Invoices must be submitted to:

Galveston County Auditor's Office Attn: Accounts Payable P.O. Box 1418 Galveston, Texas 77553

Failure to submit invoices to the above address or failure to include the Purchase Order Number will result in delay in payment.

Contractor must accept purchase order numbers for specified supplies, equipment, and/or services. Contractor shall not perform any work or release any supplies and/or equipment to any authorized representative of the County of Galveston unless a valid purchase order number issued by the office of the Galveston County Purchasing Agent accompanies the order or if vendor can comply with the provision as stated in the General Provisions, page 8, item 13, Procurement Card Program.

Payment for any items issued without prior receipt of a valid purchase order number may become the sole responsibility of the successful contractor.

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#### **SPECIAL PROVISIONS**

# INVITATION TO BID GALVESTON COUNTY MUD #12 EMERGENCY GENERATOR GALVESTON COUNTY, TEXAS

### P. REQUIRED DOCUMENTS CHECKLIST

By signing here, the firm does hereby attest that it has fully read the instructions, conditions, and general and special provisions and understands them. Proposer shall return this checklist with completed submittal.

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THE COMPANY OF:											
ADDRESS:											
The following documents shall be retube ample cause for rejection of submit that Bidder has received all addenda.	rned or confirmed with an "X" wittal and deemed as non-responsive	ith solicitation subt . It is the responsib	nittals. F ility of tl	'ailure to he Biddo	o do so may er to ensure						
Items:		Confi									
1. Required Documents Checklist (th		114	410	щэ	44						
2. Addenda Acknowledgement (if any		#1	#4	#3	#4						
3. One (1) original, three (3) copies of											
4. ATTACHMENT A - Vendor Qual											
5. ATTACHMENT B - Certification	Reg. Debarment, Suspension, and	Other Ineligibility									
6. ATTACHMENT C - Certification	Regarding Lobbying Form										
7. ATTACHMENT D - Non-Collusio	n Affidavit										
8. ATTACHMENT E - Prohibition of	n Contracts with Companies Boyc	otting Israel									
9. ATTACHMENT F - Prohibition of	n Contracts with Certain Compan	ies									
8. ATTACHMENT G - Information	for Notice										
10. ATTACHMENT H - References											
11. Bid Bond											
12. Bid Sheet											
13. Line Item Detail											
Person to contact regarding this qualific	ation:										
Title:	Phone:	Fax:									
E-mail address:											
Name of person authorized to bid the Fi	rm:										
Signature:		Date:_									
Title:	Phone:	Fax:									
E-mail address:											