

COUNTY OF VICTORIA, TEXAS

INVITATION FOR PROPOSAL, PROPOSAL SPECIFICATIONS AND PROPOSAL FORMS

FOR

**2021 Victoria County Jail Chiller and Pump Upgrade Project**



MANDATORY PRE-PROPOSAL CONFERENCE

**10:00 A.M. THURSDAY, AUGUST 19, 2021,**

VICTORIA COUNTY SHERIFF'S OFFICE

110 N GLASS ST., VICTORIA, TX 77901

PROPOSALS WILL BE RECEIVED UNTIL

**2:00 P.M. THURSDAY, AUGUST 26, 2021**

VICTORIA COUNTY ADMINISTRATIVE SERVICES

115 N BRIDGE ST, ROOM 127

VICTORIA, TEXAS 77901

PUBLIC PROPOSAL OPENING WILL BE CONDUCTED

**2:00 P.M. THURSDAY, AUGUST 26, 2021**

VICTORIA COUNTY COMMISSIONERS COURTROOM,

115 N. BRIDGE ST., ROOM 241,

VICTORIA, TEXAS 77901

## INVITATION FOR PROPOSAL

The Commissioners' Court of Victoria County, Texas is accepting sealed proposals for the following:

### **2021 Victoria County Jail Chiller and Pump Upgrade Project**

On May 3, 2021, the Victoria County Commissioners' Court passed a resolution under Section 2269.053(a) of the Texas Government Code, that the construction procurement method which provides the best value for Victoria County for a construction project titled "2021 Victoria County Jail Chiller and Pump Upgrade Project" is the Competitive Sealed Proposal Method specified under Subchapter D of Chapter 2269, Contracting and Delivery Procedures for Construction Projects of the Texas Government Code.

Proposal documents may be downloaded from the County of Victoria website at address <http://vctx.org> or obtained by emailing the Victoria County Facilities Manager, Kelly R. Hubert at [khubert@vctx.org](mailto:khubert@vctx.org). Documents in PDF format will be e-mailed to proposers on request.

The method of payment for this project shall be from current Victoria County Operating Funds and/or Reserve Funds.

All proposals equal to or greater than \$100,000.00 including any additive alternates, must be accompanied by proposal security in the form of a cashier's check, certified check or proposal bond made payable without recourse to Victoria County in an amount equal to or not less than 5% of the proposal amount including any additive alternates. Performance and labor and material payment bonds will be required equal to 100% of the contract amount, if equal to or more than \$100,000.00. Payment Bonds, only, are required if proposal is equal to or greater than \$25,000.00, but less than \$100,000.00. Prevailing wages adopted by the Victoria County and published in the proposal documents must be paid on this project.

Proposals shall include all materials, labor, permits, fees, bonds and insurance.

A mandatory pre-proposal conference will be held at 10:00 a.m., Thursday, August 19, 2021, at the site located at 110 N Glass St., Victoria, TX 77901. Proposals received after the stated time and date or from a proposer who did not attend the mandatory pre-proposal conference will be returned to the proposer unopened.

Proposals shall be received by:

John A. Johnston, PE, Victoria County Engineer,  
115 N. Bridge, Room 127,  
Victoria, Texas, 77901  
until 2:00P.M., Thursday, August 26, 2021.

The outside of the envelope shall be plainly marked:

**"2021 Victoria County Jail Chiller and Pump Upgrade Project"**  
Attn: John A. Johnston, PE, Victoria County Engineer

Late submissions will not be accepted under any circumstances. The Victoria County phone system in the Administrative Services Office and the Victoria County Commissioners' Courtroom shall be the official time of receipt. Responses received after the deadline will be returned unopened.

Proposals will be held unopened until August 26, 2021, when they will be opened and the Respondent's name read aloud during a public meeting beginning at 2:00 P.M. The public meeting will be held in the Victoria County Commissioners' Courtroom, located at 115 N. Bridge St., Room 241, Victoria, Texas 77901. Formal action on proposals will be considered at a future meeting at Victoria County Commissioners' Court. Proposals shall include all requirements to be considered.

Awards will be made during a succeeding Victoria County Commissioners' Court meeting.

No proposals may be withdrawn for a period of 60 days subsequent to the opening of the proposals without the consent of the County. The County reserves the right to reject any and/or all proposals and to accept any proposal deemed by the County as providing the best value for and being most beneficial to the County, and to waive all formalities in the proposal process.

Witness my hand this 2nd day of August, 2021,  
Michelle Samford, County Auditor, Victoria County, Texas

Publication Dates:

August 8, 2021

August 15, 2021

## RESPONDENT'S COMPLIANCE CERTIFICATION

THIS SECTION MUST BE COMPLETED, SIGNED, AND RETURNED WITH RESPONDENT'S PROPOSAL.  
FAILURE TO SIGN AND RETURN THIS SECTION MAY RESULT IN THE REJECTION OF YOUR PROPOSAL.

- 1 By signature hereon, Respondent offers and agrees to furnish all services as described in this RFP at the prices quoted and comply with all terms, conditions, and requirements set forth in the RFP documents and contained herein.
- 2 By signature hereon, Respondent affirms that it has not given, nor intends to give at any time hereafter, any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor or service to a public servant in connection with the submitted Proposal. Failure to sign hereon, or signing a false statement, may void the proposal or any resulting contracts at Victoria County's option, and the Respondent may be removed from all future proposal lists.
- 3 By signature hereon, a corporate Respondent certifies that it is not currently delinquent in the payment of any Franchise Taxes due under Chapter 171, Texas Tax Code, or that the corporation is exempt from the payment of such taxes, or that the corporation is an out-of-state corporation that is not subject to the Texas Franchise Tax, whichever is applicable. A false certification shall be deemed a material breach of contract and, at Victoria County's option, may result in cancellation of any resulting contract.
- 4 By signature hereon, the Respondent hereby certifies that neither the Respondent nor the firm, corporation, partnership or institution represented by the Respondent, or anyone acting for such firm, corporation, or institution has violated the antitrust laws of this state, codified in Section 15.01, et. seq., Texas Business and Commerce Code, or the Federal anti-trust laws, nor communicated directly or indirectly the proposal made to any competitor or any other person engaged in such line of business.
- 5 By signature hereon, Respondent certifies that all statements and information prepared and submitted in response to this RFP are current, complete and accurate.
- 6 By signature hereon, Respondent certifies that the individual signing this document and the documents made part of the RFP is authorized to sign such documents on behalf of the company and to bind the company under any contract which may result from the submission of this proposal.
- 7 By signature hereon, Respondent certifies as follows:

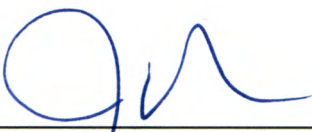
"Under Section 231.006, Texas Family Code, the vendor or applicant certifies that the individual or business entity named in this contract, is not ineligible to receive payment and acknowledges that this contract may be terminated, and payment may be withheld if this certification is inaccurate."

"Under Section 2155.004, Texas Government Code, the vendor or applicant certifies that the individual or business entity named in this bid or contract is not ineligible to receive the specified contract and acknowledges that this contract may be terminated, and payment withheld if this certification is inaccurate."

“Under Section 2254.004, Texas Government Code, the vendor or applicant certifies that each individual or business entity proposed by Respondent as a member of its team that will engage in the practice of engineering or architecture was selected based on demonstrated competence and qualifications only.”

- 9 By signature hereon, Respondent certifies that no relationship, whether as a relative, business associate, by capital funding agreement or by any other such kinship exists between Respondent and an employee of Victoria County, or Respondent has not been an employee of Victoria County within the immediate twelve (12) months prior to the RFP response. All such disclosures will be subject to administrative review and approval prior Victoria County entering into any contract with Respondent.
- 10 By signature hereon, Respondent affirms that no compensation has been received for participation in the preparation of the specifications for this RFP. (Ref. Section 3.102, Article 601b, V.T.C.S.)
- 11 Respondent represents and warrants that all services to be provided in response to this RFP will meet or exceed the safety standards established and promulgated under the Federal Occupational Safety and Health law (Public Law 91-596) and its regulations in effect as of the date of this solicitation.
- 12 By signature hereon, Respondent signifies its compliance with all federal laws and regulations pertaining to Equal Employment Opportunities and Affirmative Action.

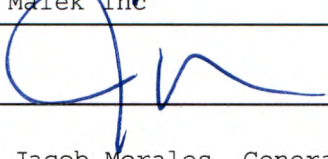
Compliance Certification Signature:

  
\_\_\_\_\_

Submitted By: Company Name

Malek Inc  
\_\_\_\_\_

Authorized Signature

  
\_\_\_\_\_

Printed Name/Title

Jacob Morales, General Manager  
\_\_\_\_\_

Date

08/26/2021  
\_\_\_\_\_

Email

jmorales@malekhvac.com  
\_\_\_\_\_

STATE OF TEXAS VIN No: -or- FEI No:

74-1656289  
\_\_\_\_\_

If Sole Owner:

\_\_\_\_\_

SS No:

\_\_\_\_\_

If a Corporation:

Yes  
\_\_\_\_\_

State of Incorporation:

Texas  
\_\_\_\_\_

Charter No:

271307  
\_\_\_\_\_

Street Address

2521 Antelope St, Corpus Christi TX 78408  
\_\_\_\_\_

Mailing Address

PO Box 679  
\_\_\_\_\_

City, State, Zip Code

Corpus Christi TX 78403  
\_\_\_\_\_

Telephone Number

361-888-8281  
\_\_\_\_\_

Facsimile Number

361-888-7257  
\_\_\_\_\_


**PROJECT RESOLUTION NO. 1  
CONSTRUCTION PROCUREMENT METHOD  
VICTORIA COUNTY JAIL  
CHILLER AND PUMP UPGRADE PROJECT  
MECHANICAL AND/OR ELECTRICAL**

**WHEREAS**, Section 2269.056(a), of the Texas Government Code states that the governing body of a governmental entity that considers a construction contact using a method authorized by this chapter other than competitive bidding must, before advertising, determine which method provides the best value for the governmental entity, and

**WHEREAS**, the Victoria County Commissioners' Court has determined that the construction procurement method specified under SUBCHAPTER D. COMPETITIVE SEALED PROPOSAL METHOD of CHAPTER 2269, CONTRACTING AND DELIVERY PROCEDURES FOR CONSTRUCTION PROJECTS of the Texas Government Code provides the best value for Victoria County for the construction project titled "Victoria County Jail Chiller and Pump Upgrade Project";

**THEREFORE, LET IT BE RESOLVED** by the Victoria County Commissioners' Court that the Court has decided to use the Competitive Sealed Proposal process as specified under SUBCHAPTER D. COMPETITIVE SEALED PROPOSAL METHOD of CHAPTER 2269, CONTRACTING AND DELIVERY PROCEDURES FOR CONSTRUCTION PROJECTS of the Texas Government Code for the construction project titled "Victoria County Jail Chiller and Pump Upgrade Project".

**PASSED AND ADOPTED** on this 3rd day of May 2021.

  
\_\_\_\_\_  
Honorable Ben Zeller, County Judge

  
\_\_\_\_\_  
Honorable Heidi Easley, County Clerk

ATTEST:





**PROJECT RESOLUTION NO. 2  
DELEGATION OF AUTHORITY  
VICTORIA COUNTY JAIL  
CHILLER AND PUMP UPGRADE PROJECT  
MECHANICAL AND/OR ELECTRICAL**


**WHEREAS**, Section 2269.053(a), of the Texas Government Code provides that the governing body of a governmental entity may delegate its authority under this chapter regarding an action authorized or required by this chapter to a designated representative, committee, or other person, and


**WHEREAS**, the Victoria County Commissioners' Court wishes to delegate its authority under SUBCHAPTER D. COMPETITIVE SEALED PROPOSAL METHOD of CHAPTER 2269, CONTRACTING AND DELIVERY PROCEDURES FOR CONSTRUCTION PROJECTS, of the Texas Government Code to the designated person of Ben Zeller, County Judge, as authorized by Section 2269.053(a), of the Texas Government Code as it relates to all aspects of the methods and processes in Subchapter D and all other relevant portions of Chapter 2269 of the Texas Government Code for the Victoria County construction project titled "Victoria County Jail Chiller and Pump Upgrade Project";

**NOW THEREFORE BE IT RESOLVED** that the Victoria County Commissioners' Court hereby delegates its authority under SUBCHAPTER D. COMPETITIVE SEALED PROPOSAL METHOD of CHAPTER 2269, CONTRACTING AND DELIVERY PROCEDURES FOR CONSTRUCTION PROJECTS, of the Texas Government Code to the designated person of Ben Zeller, County Judge, as authorized by Section 2269.053(a), of the Texas Government Code as it relates to all aspects of the methods and processes in Subchapter D and all other relevant portions of Chapter 2269 of the Texas Government Code for the Victoria County construction project titled "Victoria County Jail Chiller and Pump Upgrade Project", and

**THEREFORE LET IT BE FURTHER RESOLVED** by the Victoria County Commissioners' Court that it desires for Ben Zeller, County Judge, within the scope of the authority delegated to him as it relates to all aspects of the methods and processes in Subchapter D and all other relevant portions of Chapter 2269 of the Texas Government Code for the Victoria County construction project titled "Victoria County Jail Chiller and Pump Upgrade Project" to form a committee of his choosing which may, but not necessarily, include some members of the Commissioners' Court in numbers not establishing a quorum of the Court; Administration and Staff from the County as well as the Project Architects and Engineers to advise him in the selection process for Construction Services for the selection of an Offeror as prescribed under Subchapter D and all other relevant portions of Chapter 2269 of the Texas Government Code for said construction project and bring his recommendation of the Offeror who represents the best value to Victoria County to the Victoria County Commissioners' Court for final approval.

**PASSED AND ADOPTED** on this 3rd day of May 2021.

  
\_\_\_\_\_  
Honorable Ben Zeller, County Judge

  
\_\_\_\_\_  
Honorable Heidi Easley, County Clerk

ATTEST:




**PROJECT RESOLUTION NO. 3  
PREVAILING WAGE DETERMINATION  
VICTORIA COUNTY JAIL  
CHILLER AND PUMP UPGRADE PROJECT  
MECHANICAL AND/OR ELECTRICAL**

**WHEREAS**, Section 2258.022(a), of the Texas Government Code states: For a contract for a public work awarded by a political subdivision of the state, the public body shall determine the general prevailing rate of per diem wages in the locality in which the public work is to be performed for each craft or type of worker needed to execute the contract and the prevailing rate for legal holiday and overtime work, and

**WHEREAS**, Section 2258.022(a) of the Texas Government Code Subsections (1) and (2) go on to state the public body's options in fulfilling its statutory responsibility of determining prevailing wage rates as being: (1) conducting a survey of the wages received by classes of workers employed on projects of a character similar to the contract work in the political subdivision of the state in which the public work is to be performed; or (2) using the prevailing wage rate as determined by the United States Department of Labor in accordance with the Davis-Bacon Act (40 U.S.C. Section 276a et seq.), and its subsequent amendments;


**NOW THEREFORE BE IT RESOLVED** that the Victoria County Commissioners' Court hereby selects Section 2258.022(a), Subsection (2) of the Texas Government Code as its option in determining the general prevailing rate of per diem wages in the locality in which the public work is to be performed for each craft or type of worker needed to execute the contract and the prevailing rate for legal holiday and overtime work as determined by the United States Department of Labor in accordance with the Davis-Bacon Act (40 U.S.C. Section 276a et seq.), and its subsequent amendments as can be found on the following web site ([www.wdol.gov/dba.aspx#0](http://www.wdol.gov/dba.aspx#0)), for the construction project titled "Victoria County Jail Chiller and Pump Upgrade Project".

**PASSED AND ADOPTED** on this 3rd day of May 2021.

  
\_\_\_\_\_  
Honorable Ben Zeller, County Judge

ATTEST:



  
\_\_\_\_\_  
Honorable Heidi Easley, County Clerk



**PROJECT RESOLUTION NO. 4  
SELECTION CRITERIA  
VICTORIA COUNTY JAIL  
CHILLER AND PUMP UPGRADE PROJECT  
MECHANICAL AND/OR ELECTRICAL**

**WHEREAS**, Section 2269.053(a), of the Texas Government Code provides that the governing body of a governmental entity may delegate its authority under this chapter regarding an action authorized or required by this chapter to a designated representative, committee, or other person, and;

**WHEREAS**, the Victoria County Commissioners' Court by resolution adopted on April 29, 2019 did delegate its authority under SUBCHAPTER D. COMPETITIVE SEALED PROPOSAL METHOD of CHAPTER 2269, CONTRACTING AND DELIVERY PROCEDURES FOR CONSTRUCTION PROJECTS, SECTION 2269. 153, EVALUATION OF OFFERORS, and SECTION 2269. 154, SELECTION OF OFFEROR, of the Texas Government Code to the designated person of Ben Zeller, County Judge, as authorized by Section 2269.053(a), of the Texas Government Code as it relates to the evaluation process as prescribed under Section 2269.153 and selection of an Offeror as prescribed under Section 2269. 154 of the Texas Government Code as well as all other aspects of the methods and processes in Subchapter D and all other relevant portions of Chapter 2269 for the Victoria County construction project titled "Victoria County Jail Chiller and Pump Upgrade Project";

**AND WHEREAS** the Victoria County Commissioners' Court stated in that resolution that its desire was for Ben Zeller, County Judge, within the scope of the authority delegated to him under Section 2269.153 EVALUATION OF OFFERORS and 2269.154, SELECTION OF OFFEROR as well as all other aspects of the methods and processes in Subchapter D and all other relevant portions of Chapter 2269 of the Texas Government Code for the Victoria County construction project titled "Victoria County Jail Chiller and Pump Upgrade Project" to form a committee of his choosing which may, but not necessarily, include some members of the Victoria County Commissioners' Court in numbers not establishing a quorum of the Court; Administration and Staff from the County; as well as the Project Architects and Engineers to advise him in the evaluation and selection process for Construction Services for the selection of an Offeror as prescribed under Sections 2269.153 and 2269.154 of the Texas Government Code for said construction project and bring his recommendation of the Offeror who represents the best value to the Victoria County Commissioners' Court for final approval.

**NOW THEREFORE BE IT RESOLVED** by Ben Zeller, County Judge, that he hereby appoints the following committee to advise him in the selection of offeror process under Sections 2269.153 and 2269.154 for Construction Services as prescribed by the Texas Government Code and as directed by the Victoria County Commissioners' Court:

John Johnston  
Kelly Hubert  
Kevin Janak  
Clint Ives  
Will Franklin  
Charles Williamson  
Scott Stridde / Jared Merdes

County Engineer  
County Facilities Manager  
Commissioner, Precinct No. 2  
Commissioner, Precinct No. 4  
Chief Deputy  
Captain of Jail Operations  
Project Engineers

**NOW THEREFORE LET IT BE FURTHER RESOLVED** by Ben Zeller, County Judge, that he has chosen the following weighted criteria for the committee, as a corporate body, to consider in the selection of an Offeror submitting a proposal on this project. The proposal selection criteria for ranking respondents/offerors will be based on weighted criteria which may or shall be considered under Texas Government Code Sections 2269.155 and Section 2269.055:

- |    |                                  |             |
|----|----------------------------------|-------------|
| 1. | Price                            | 40%         |
| 2. | Offeror's Qualifications         | 40%         |
| 3. | Project Time                     | 20%         |
|    | <b>Total Ranking Percentages</b> | <b>100%</b> |

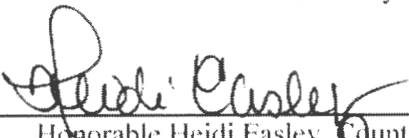
Further breakdowns and points awarded in these three main categories will be further defined in the final proposal documents.

**PRESENTED FOR THE RECORD** to the Victoria County Commissioners' Court by Ben Zeller, County Judge, on this **10th day of May 2021**.

  
\_\_\_\_\_  
Honorable Ben Zeller, County Judge

ATTEST:



  
\_\_\_\_\_  
Honorable Heidi Easley, County Clerk

**CONTRACTORS PROPOSAL FORM  
2021 VICTORIA COUNTY JAIL  
CHILLER AND PUMP UPGRADE PROJECT  
MECHANICAL AND/OR ELECTRICAL**

Project Location: 101 N. Glass St, Victoria TX 77901  
Project Owner: Victoria County, Texas  
Project Engineer: Stridde, Callins & Associates, Inc. Texas Firm Registration # 6328  
Proposal Deadline: Thursday, August 26, 2021, 2pm

Name of Proposer: Malek Inc  
Street or PO Box: PO Box 679  
City, State & Zip: Corpus Christi TX 78403

Mechanical Proposal\*: \$ 616,000.00

Maximum amount of time (days) building will be at reduced cooling capacity: 7

Maximum amount of time (hours) building will be at zero cooling capacity: 48

Insulation Proposal\*: With Mechanical Proposal

Electrical Proposal\*: With Mechanical Proposal

\*Proposer agrees to furnish all material, labor, equipment, services, permits, bonds, fees and insurance to complete the project in a timely manner.

Acknowledgement of Addendums: \_\_\_\_\_

Authorized Signature:  \_\_\_\_\_

Printed Name: Jacob Morales

Title: General Manager

Date: 08/26/2021

## RESIDENCE CERTIFICATION

Pursuant to Texas Government Code §2252.001 *et seq.*, as amended, Victoria County requests Residence Certification. §2252.001 *et seq.* of the Government Code provides some restrictions on the awarding of governmental contract; pertinent provisions of §2252.001 are stated below:

“Nonresident bidder” refers to a person who is not a resident

“Resident bidder” refers to a person whose principal place of business is in this state, including a contractor whose ultimate parent company or majority owner has its principal place of business in this state.

I certify that Malek Inc is a Resident Bidder of Texas as  
(Company Name)  
defined in Government Code §2252.001

I certify that \_\_\_\_\_ is a Nonresident Bidder of Texas  
(Company Name)  
as defined in Government Code §2252.001 and our principal place of business is

\_\_\_\_\_  
(City and State)

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

**FORM CIQ**

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.

**OFFICE USE ONLY**

Date Received

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

NONE

**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?

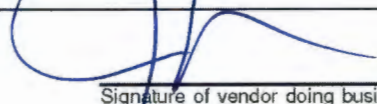
Yes       No

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.**

**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**  Jacob Morales, General Mgr  
Signature of vendor doing business with the governmental entity

08/26/2021  
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.



## **Implementation of House Bill 1295**

### **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 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 (with a few exceptions) only to a contract between a business entity and 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.

### **Changed or Amended Contracts:**

Form 1295 is only required for a change made to an existing contract in certain circumstances: (1) if a Form 1295 was not filed for the existing contract, then a filing is only required if the changed contract either requires an action or vote by the governing body or the value of the changed contract is at least \$1 million; or (2) if a Form 1295 was filed for the existing contract, then another filing is only required for the changed contract if there is a change to the information disclosed in the Form 1295, the changed contract requires an action or vote by the governing body, or the value of the changed contract increases by at least \$1 million.

As required by law, the Commission adopted the Certificate of Interested Parties form (Form 1295) on October 5, 2015. The Commission also adopted rules (Chapter 46) to implement the law. The Commission does not have any additional authority to enforce or interpret section 2252.908 of the Government Code.

### **Filing Process:**

A business entity must use the Form 1295 filing application the Commission created to enter the required information on Form 1295 and print a copy of the completed form. Once entered into the filing application, the completed form will include a unique certification number, called a "certification of filing."

An authorized agent of the business entity must sign the printed copy of the form affirming under the penalty of perjury that the completed form is true and correct.

The completed, printed, and signed Form 1295 bearing the unique certification of filing number must be filed with the governmental body or state agency with which the business entity is entering into the contract.

### **Acknowledgement by State Agency or Governmental Entity:**

The governmental entity or state agency must acknowledge receipt of the filed Form 1295 with the certification of filing, using the Commission's filing application, not later than the 30th day after the date the governing body or state agency receives the Form 1295. The Commission will post the completed Form 1295 to its website within seven business days after the governmental entity or state agency acknowledges receipt of the form.

## **Additional Information:**

Section 2252.908, Government Code.

Certificate of Interested Parties (Form 1295)\*\*

**\*\*This is a sample form for illustration purposes only. DO NOT FILL OUT THIS SAMPLE FORM. Form 1295 MUST BE FILED ELECTRONICALLY! Paper copies and PDF copies of this sample form are not accepted!**

Chapter 46, Ethics Commission Rules (includes new rule 46.4, regarding changes to contracts, which went into effect on January 1, 2017)

Frequently Asked Questions

*Last Revision: December 21, 2017*

# CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.  
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

### OFFICE USE ONLY CERTIFICATION OF FILING

Certificate Number:  
2021-795050

Date Filed:  
08/25/2021

Date Acknowledged:

**1 Name of business entity filing form, and the city, state and country of the business entity's place of business.**  
Malek Inc.  
Corpus Christi, TX United States

**2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.**  
County of Victoria

**3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.**  
2021 Victoria County Jail  
2101 Victoria County Jail Chiller and Pump Upgrade Project

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

**5 Check only if there is NO Interested Party.**

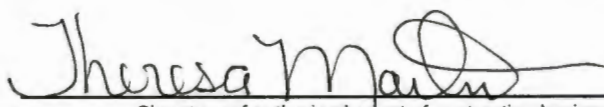
**6 UNSWORN DECLARATION**

My name is Theresa Martin, and my date of birth is 07/22/1953.

My address is 5209 Shasta Lane, Corpus Christi, TX, 78415, Nueces.  
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Nueces County, State of Texas, on the 25 day of August, 20 21.  
(month) (year)

  
\_\_\_\_\_  
Signature of authorized agent of contracting business entity  
(Declarant)

**AFFIRMATION**

This Contract shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors and assigns. The Contract Documents constitute the entire Contract between the Owner and the Contractor, and may only be altered, amended or repealed by a duly executed written instrument. The Contractor may not assign its obligations under this Contract without the prior written consent of the Owner.

IN WITNESS WHEREOF, the parties have caused this contract to be executed by their duly authorized officials in one original copy on the date first above written. Additional copies of the original contract will be distributed to all appropriate parties.

OWNER:

Victoria County, Texas

By: \_\_\_\_\_

Ben Zeller  
County Judge

Address: 115 N. Bridge Street  
Victoria, TX 77901

(SEAL)

ATTEST:

\_\_\_\_\_  
Heidi Easley  
Victoria County Clerk

CONTRACTOR:

Malek Inc  
\_\_\_\_\_  
(Company name)

By: \_\_\_\_\_

Name: Jacob Morales  
\_\_\_\_\_  
(Please type/print)

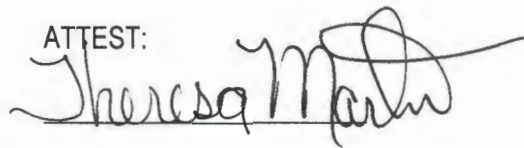
Title: General Manager  
\_\_\_\_\_  
(Please type/print)

Address: PO Box 679  
\_\_\_\_\_

Corpus Christi, TX 78403  
\_\_\_\_\_

(SEAL)

ATTEST:



Name: Theresa Martin  
\_\_\_\_\_  
(Please Type)



**BID BOND**

KNOW ALL MEN BY THESE PRESENTS:

That we,

Malek, Inc.

as Principal, (hereinafter called the "Principal"), and Fidelity & Deposit Company of Maryland & Colonial American Casualty & Surety Company, a corporation duly organized under the laws of the State of Texas, as Surety, (hereinafter called the "Surety"), are held and firmly bound unto Victoria County

as Obligee, (hereinafter called the "Obligee"), in the sum of Five Percent Greatest Amount Bid Dollars (\$ 5 GAB), for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for  
2021 Victoria County Jail Chiller and Pump Upgrade

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a contract with the Obligee in accordance with the terms of such bid and give such bond or bonds as may be specified in the bidding or contract documents with good and sufficient surety for the faithful performance of such contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter into such contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 24th day of August, A.D. 2021

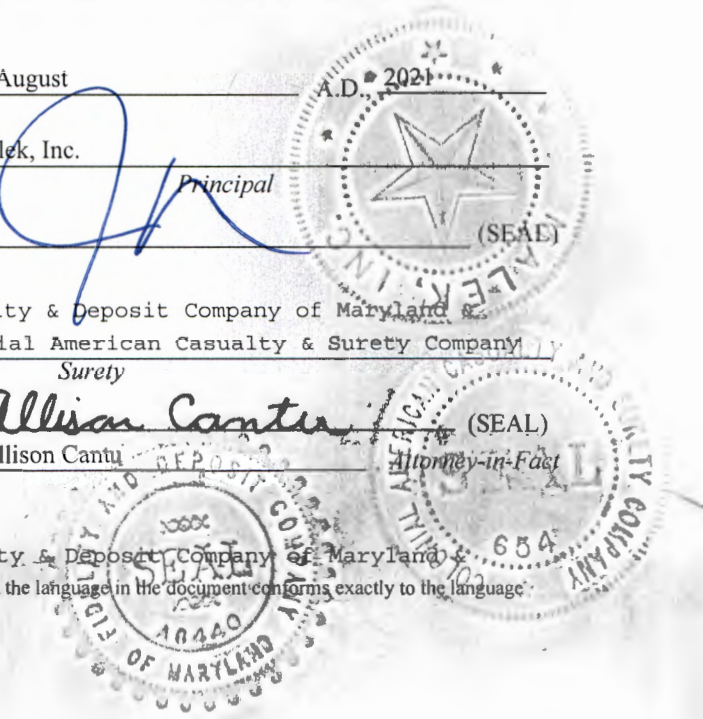
Theresa Martin  
Witness

Malek, Inc.  
Principal

Fidelity & Deposit Company of Maryland & Colonial American Casualty & Surety Company  
Surety

Dee Dale  
Witness

By Allison Cantu  
Allison Cantu  
Attorney-in-Fact





**ZURICH AMERICAN INSURANCE COMPANY  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Illinois, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Illinois (herein collectively called the "Companies"), by **ROBERT D. MURRAY, Vice President**, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint **Mark W. RAY, Michael J. SWANTNER and Allison CANTU, all of Corpus Christi, Texas, EACH** its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings, Electronic Power only EXCEPT bonds on behalf of Independent Executors, Community Survivors and Community Guardians.** and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

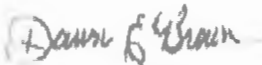
The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.


IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said **ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND**, this 14th day of October, A.D. 2020.

**ATTEST:**

**ZURICH AMERICAN INSURANCE COMPANY  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**



By:   
Assistant Secretary  
Dawn E. Brown

  
Vice President  
Robert D. Murray

State of Maryland  
County of Baltimore

On this 14th day of October, A.D. 2020, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **ROBERT D. MURRAY, Vice President, and DAWN E. BROWN, Assistant Secretary**, of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, depose and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.

Constance A. Dunn

Constance A. Dunn, Notary Public  
My Commission Expires: July 9, 2023





**EXTRACT FROM BY-LAWS OF THE COMPANIES**

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

**CERTIFICATE**

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 24<sup>th</sup> day of August, 2021.



*Brian M. Hodges*

\_\_\_\_\_  
Brian M. Hodges, Vice President

**TO REPORT A CLAIM WITH REGARD TO A SURETY BOND, PLEASE SUBMIT ALL REQUIRED INFORMATION TO:**

Zurich American Insurance Co.  
Attn: Surety Claims  
1299 Zurich Way  
Schaumburg, IL 60196-1056