

REQUEST FOR PROPOSALS

MRA/CCPPI

MULTI-FAMILY AFFORDABLE
RENTAL HOUSING PROGRAM

PHASE II

5510 CALHOUN ROAD SITE

ISSUED BY:



midtown
HOUSTON

Midtown Redevelopment Authority

ccppi

Center for Civic and Public Policy Improvement

2021-002

REQUEST FOR PROPOSALS

MRA/CCPPI MULTI-FAMILY AFFORDABLE RENTAL HOUSING PROGRAM/PHASE II 5510 CALHOUN ROAD SITE 2021-002

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1.0 INTRODUCTION

1.1 Background and Context

For more than a decade, the Midtown Redevelopment Authority (“MRA”) has invested the majority of its tax increment reinvestment zone (“TIRZ”) affordable housing funds to acquire property in the Third Ward and OST/South Union neighborhoods. These neighborhoods are in the southeastern sector of Houston, Texas. By making land that it has purchased available to affordable housing developers, MRA has incentivized the development of 436 units of affordable housing, with another 634 units in the pipeline.

SOUTHEAST HOUSTON AFFORDABLE HOUSING INITIATIVE

The *Southeast Houston Affordable Housing Initiative* is a Partnership between the Center for Civic and Public Policy Improvement (CCPPI) and the Midtown Redevelopment Authority (MRA). This initiative was embodied in the **Midtown Affordable Housing Plan**, which was adopted by the MRA board of directors in 2017. The intent is to incentivize the production of thousands of units of affordable housing in Southeast Houston.

MIDTOWN REDEVELOPMENT AUTHORITY

Midtown Redevelopment Authority (MRA) administers Tax Increment Reinvestment Zone Number Two. Tax increment reinvestment zones help finance costs of redevelopment and encourage development in areas that would otherwise not attract sufficient market development in a timely manner.

MRA has acquired approximately 450 of land in Southeast Houston. Some of this land has already been conveyed to developers who have constructed affordable housing; the remainder will be made available for the same purpose.

CCPPI

The nonprofit Center for Civic and Public Policy Improvement (CCPPI) was established in 2012 to promote the advancement of economic opportunities by helping needy households to secure sound and affordable housing and human services. CCPPI has teamed with the Midtown Redevelopment Authority (MRA) to achieve these ends.

In this document, when referred to collectively, MRA and CCPPI are referred to as “the Partners.”



1.2. Multi-Family Housing Program, Phase II

The **Midtown Affordable Housing Plan** calls for a pivot in MRA’s affordable housing focus—away from land acquisition and towards the acceleration of housing development and related services. Consequently, the partners are releasing solicitations for developers of multi-family rental housing. This is one of two solicitations that the partners are releasing for the second phase of the ***MRA/CCPPI Multi-Family Affordable Rental Housing Program***.

To facilitate and expand the experience and capacity of Community Development Corporations (CDCs), especially those that are working in the study area delineated in the Midtown Affordable Housing Plan, MRA encourages experienced for-profit developers that are not CDCs to team with CDCs that may be unable to meet the criteria set forth herein on a stand-alone basis.

A 1.83-acre tract of land in the OST/South Union Super Neighborhood has been identified as a suitable site for affordable multi-family rental housing. The location is 5510 Calhoun Road. (Please see **Exhibit A.**) **Exhibit B** is a copy of the survey for the site.

Multi-family housing is defined for purposes of this RFP as more than twelve units. It should be noted that it is the goal of the Partners to make the maximum feasible number of units available to the low-moderate income families that the *Southeast Houston Affordable Housing Initiative* is targeting. Therefore, Respondents to this Request for Proposals (RFP) are encouraged to maximize the number of units that are proposed to be built on the site.

In addition, Respondents are expected to maximize the number of rental units that can be made available to households with incomes between 30% and 80% of Area Median Income. The median income figure is published annually by the U. S. Department of Housing and Urban Development, at www.huduser.gov.

1.3 Role of MRA

As the owner of the tract of land that is the subject of this RFP, MRA will ultimately enter into a Development Agreement with the selected Respondent. MRA will convey the tract on terms as necessary to ensure financial feasibility and long-term affordability.

1.4 Role of CCPPI

This RFP is being issued jointly by MRA and CCPPI, pursuant to a planning grant agreement between the Partners. Thusly, CCPPI will collaborate with MRA in all aspects of the reviews of responses that are submitted pursuant to this RFP. CCPPI will manage all communications with Respondents.

2.0 SCHEDULE OF EVENTS

The following Schedule of Events represents the Partners' estimate of the timetable that will be followed in connection with this RFP:

| EVENT | DATE & TIME | OTHER INFORMATION |
|------------------------------------|------------------------------------|---|
| RFP Release Date | March 10, 2021 | N/A |
| Virtual RFP Pre-Bid Conference | March 17, 2021 2:00 P.M. | The virtual pre-bid conference will be held utilizing Zoom. Please provide notification of intent to participate by emailing info@ccppi.org by 4:00 p.m., March 15, 2021. Please provide your name, entity name, and email address and we will transmit Zoom credentials via email. |
| Deadline for Questions or Comments | March 24, 2021 2:00 P.M. | All questions and comments must be submitted via email to info@ccppi.org, copy to joy@jwfitzgerald.com. |
| RFP Response Due | April 23, 2021 4:00 P.M. | Responses shall be submitted to info@ccppi.org, copy to joy@jwfitzgerald.com. Responses received after the due date and time will not be accepted. No exceptions. |

Responses received after the due date and time will not be accepted. No exceptions.

The Partners reserve the right, at their sole discretion, to adjust this Schedule of Events as it deems necessary. In the event of a re-adjustment, CCPPI will communicate such adjustment in the form of an amendment to this RFP.

3.0 REQUIRED QUALIFICATIONS

Respondents must have experience and expertise in the following:

- Developing operating financial proformas
- Developing project development budgets
- Developing conceptual building layouts and elevations
- Developing conceptual site plans
- Constructing and operating multi-family housing developments
- MBE, M/WBE, and Section 3 planning and compliance
- Permitting and adherence to building codes

4.0 ROLE OF SUCCESSFUL RESPONDENT

The successful Respondent to this RFP will perform the duties that follow.

- 4.1.1 Engage in pre-development activities including environmental and geotechnical testing, architectural and engineering work, analysis of the condition of existing utilities at the site, site analysis, rezoning (if necessary), market analysis, land acquisition opportunities and financial feasibility
- 4.1.2 Develop architectural plans consistent with MRA design guidelines
- 4.1.3 Obtain all necessary approvals and permits
- 4.1.4 Develop and manage a project budget and implementation timetable
- 4.1.5 Secure any additional funds for the project
- 4.1.6 Coordinate all development activities
- 4.1.7 Coordinate with providers of renter training, if any
- 4.1.8 Determine a general management structure
- 4.1.9 Provide property management services or engage a property manager subject to approval of the Partners
- 4.1.10 Prepare and implement a "Section 3" plan
- 4.1.11 Oversee construction and ensure completion in a timely manner

5.0 GUARANTEES

The successful Respondent shall be required to provide all necessary financial guarantees and assurances to assemble a financing package. Moreover, the successful Respondent shall be solely responsible for all guarantees – including, without limitation, those with regards to completion, working capital, and operating deficits required by tax credit investors or lenders. No guarantees will be made by CCPPI or MRA.

6.0 SUBMISSION REQUIREMENTS AND EVALUATION PROCESS

Responses to this RFP will be scored by an Evaluation Committee that consists of MRA and CCPPI representatives, as well as any affordable housing contractors engaged by the Partners. This committee will review submissions for the purpose of assessing the proposed project based solely on the evaluation criteria specified in this RFP.

All information provided in response to this RFP must be included in full within the submitted proposal.

6.1 Submission Requirements

Each Respondent to this RFP is requested to provide a proposal that addresses the criteria outlined below. The respective maximum total points for each criterion are listed. Proposals must follow the same order as outlined in this section. Respondent is defined as the entity that will be responsible for planning, implementing, securing financing, making guarantees, and implementing the project.

A: Introductory Letter with Statement of Interest (5 points)

Please include a cover letter that introduces the Respondent and highlights key components of the submission, signed by the authorized representative(s) for the Respondent.

Provide specific information that may distinguish or differentiate the Respondent, with emphasis on the team that will develop the site and the manner in which the multi-family property or properties that are proposed to be constructed on the site will be managed.

B: Project Description and Affordability (15 Points)

Please provide a general description of the project being proposed, including the targeted population (family, elderly, special needs, etc.) to be served and the total number of units that Respondent proposes to develop.

Indicate the unit mix by bedroom size and the proposed rent levels as a percentage of Area Median Income (AMI), and, if any, the number of market rate units. (As mentioned previously, the median income figure is published annually by the U. S. Department of Housing and Urban Development, at www.huduser.gov. (Respondents must use the contemporaneous median income figure to describe proposed rent levels.)

Also, please indicate the number of proposed units by bedroom size in each rent level category. Respondents are encouraged to aim for rent levels that serve households in the 30%-80% range. In addition, provide any market analysis and data that supports the project unit and rent mix.

C: Responsiveness of Proposal (Pass/Fail)

Respondents shall submit all required documents. Incomplete proposals shall be rejected, and the Partners shall be under no obligation to return rejected proposals.

D: Demonstration of Organizational Capacity (40 points)

For each of the categories below, the Respondent's proposal will be evaluated for information regarding organizational capacity.

- D-1: Respondent: Basic Information/Primary Contact. Respondent is defined as the entity responsible for planning, securing financing, providing guarantees, and implementing the development of the project. Please provide the name of the Respondent and office location and the name, title, and contact information (address, phone, and email) for the individual(s) authorized to represent Respondent and sign on its behalf.

- D-2: Description of Organizational Capacity. Please provide a description of the capacity of the Respondent to implement the proposed project. The Respondent will be evaluated based on the information that is provided with respect to the Respondent's ability to plan, finance, implement, and operate an affordable housing development as described in the RFP and Respondent's submission.
 - o Provide a narrative description and functional organization chart that demonstrates the capacity of the Respondent to implement an affordable housing multi-family development. The narrative description must describe the role of the Respondent related to planning, financing, implementation, and operation of the proposed development. The narrative description must also identify the number of years in business of the Respondent, as well as the number of full-, part-time, and contract staff.

- Describe the related or unrelated businesses and organizations that will implement the work, including architect, engineer, general contractor, professional consultants, property management, and other uniquely qualified team members. These organizations should be reflected on the functional organization chart.
- The functional organization chart must align with the narrative description, displaying names and functions, based on the roles and responsibilities that are typical of a development project. Identify the individual or entity responsible for planning, financing, guarantees, implementation and operation of the proposed development and the individual who will serve as the project manager responsible for project. In addition, please identify the firm or individual who will be responsible for property management.
- Provide a one-page resume for each individual shown on the functional organization chart. Include the individual's role on the proposed project, relevant experience, education, and training. For the property management function, either a company resume, or the resume of an individual may be included.

E: Local Community Development Corporations (CDCs). (5 points)

The partners are committed to supporting the efforts of local CDCs; thus, points are being awarded to incentivize this desired outcome. CDC respondents are eligible to receive these points. Respondents that are not a CDC are also eligible to receive these points if Respondent identifies a CDC with which it will team. If the latter applies, please specify the roles and responsibilities to be carried out by the CDC and provide a detailed narrative of the manner in which Respondent will advance and nurture the experience of the CDC through its involvement in the project.

If Respondent is partnering with a local CDC, this should be reflected in the project description narrative and on the organization chart.

F: Impact of Pipeline Projects on Timely Implementation. (10 points)

The timely completion of projects is very important to the Partners. Therefore, Respondents will be evaluated based on information in the response demonstrating that the Respondent has the capacity and resources to implement the proposed project in a timely manner. Therefore, the proposal must include a narrative describing current development obligations of the Respondent (scope of project, personnel and financial resources committed, and time period); as well as any development projects that are in the pipeline or are being pursued. The proposal must include a description of how such current obligations and future opportunities may impact the development that is the subject of this RFP.

G: Development Experience (40 points total)

The Respondent's proposal will be evaluated for information demonstrating the experience, capacity, and resources of the Respondent to execute a plan for development as described in the RFP and Respondent's submission.

It is assumed that a development team with assigned responsibilities will be utilized. Responses will be evaluated for information demonstrating the experience, capacity, and resources of the team with respect to planning, financing, guaranteeing, implementing, and operating the proposed development. Therefore, Respondent is required to describe how each of the above-stated functions will be assigned among members of the development team and describe each member's prior experience with a specific function.

If Respondent is a joint venture, please identify the role of each joint venture partner. In all instances, please identify the individual or entity that will coordinate all aspects of the development process; this individual or entity may be identified as the Development Lead.

G-1: Experience Developing Affordable Multi-Family Housing (30 points).

For the following two items, a maximum of fifteen points are possible for each.

- Please indicate the five projects most like the proposed project in scope and size that were provided in the listing of all development projects in progress or completed over the past five (5) years in the RFQ submission.
- Include a detailed description of the Respondent's use of funding tools such as tax-exempt bonds, Low Income Housing Tax Credits, FHA insured mortgages, HOME funds, CDBG funds, development funds, and private mortgages. Identify all successful financing secured via competitive application processes for residential development projects over the past five (5) years and indicate the entity/agency making such award or allocation.

For the following five items, a 5-point reduction is possible for each condition that applies.

- If applicable, please provide a narrative regarding any issues with any state credit agency in meeting the required LIHTC placed in service date.
- If applicable, please provide a narrative providing in detail the circumstances surrounding any returned or recaptured allocation of low-income housing tax credits for any affordable housing project.
- If applicable, please provide in detail the circumstances surrounding any returned or unused financing awarded for the development of an affordable housing project.
- If applicable, please describe any circumstances surrounding a default on any loan or source of financing for an affordable housing project.
- If applicable, please describe in detail any litigation that involved the development of an affordable housing project where Respondent acted in the capacity of developer.

H: Property Management Qualifications and Experience (20 points)

The Respondent's proposal will be evaluated for information that demonstrates the experience, capacity and resources that will be applied to management of the proposed property or properties. Please indicate whether property management will be handled by the Respondent or other entity. In the latter case, please identify the entity and the relationship of the Respondent to that entity.

Describe how the property or properties will be managed, including a discussion of the multi-family management experience of the entity that will be responsible for property management. Please cite the number of multi-family projects currently or previously managed, noting whether the managed properties are/were tax credit or non-tax credit properties and where they are located. Please describe any circumstances surrounding any uncured compliance issues for any projects managed by the proposed property management entity.

Please note that for purposes of awarding points in this category, the resumes for the property management entity that are submitted in response to D-2 will be evaluated alongside this section's required descriptive narrative.

I. Project Design (20 Points)

Please provide a rendering of the development that is being proposed. **Do not include options.**

In addition, please provide a floor plan for each bedroom size, including the square footage of each. Also, identify the project amenities to be included. Lastly, please describe how the design(s) reflects the character of the neighborhood.

J: Financing and Project Feasibility (50 Points)

Provide a detailed budget that reflects the total development cost, along with a plan for financing the proposed budget. A Sources and Uses Schedule must be provided along with a 20-year pro forma. Income should exceed expenses by a margin of no less than a 1.05 income/expense ratio, vacancy rate shall not be larger than seven percent (7%) and replacement reserves shall be included at no less than \$300/unit/year. Please indicate the rent levels for affordable units and the market rate rents (if any) for each bedroom size and the utilities to be paid by the owner and those to be paid by the tenant.

K: M/WBE Participation (10 points)

As stated previously, the M/WBE goal for the **MRA/CCPPI Multi-Family Affordable Rental Housing Program - 5515 Calhoun Road Site** project is 20 percent of the project budget. Respondents who can demonstrate that their firm is classified as an M/WBE must submit documentation of such M/WBE certification with a local, state, or federal government, or other evidence of M/WBE status, such as a signed and notarized affidavit will not have to meet this goal. Such Respondent will not be required to meet the foretasted goal.

Respondents who are not themselves classified as an M/WBE must submit a one-page plan with this RFP, demonstrating how the goal will be met. Where the M/WBE goal is to be met by teaming with an M/WBE subcontractor, the percent of the total development cost attributable in the detailed budget to each M/WBE team member must be specifically identified, with the total adding up to 20 percent.

This plan shall not count against the page limit imposed herein.

L. Section 3 Efforts (5 Points)

The federal Section 3 policy shall apply to the **MRA/CCPPI Multi-Family Affordable Rental Housing Program/Phase II - 5515 Calhoun Road Site** project. This policy seeks to guarantee that employment and other economic opportunities be directed toward low- and very- low income persons, particularly those who are recipients of government assistance for housing. Unless Respondent is a Section 3 entity, for which Respondent must provide documentation, Respondent shall submit a one-page plan that describes how Respondent plans to address the federal Section 3 policy.

This plan shall not count against the page limit imposed herein.

6.2 Evaluation Process

The Partners will establish an Evaluation Committee to review and evaluate the proposals received from Respondents, based solely on the Submission Requirements set forth in this RFP. Criteria not specified in this RFP will not be considered. Failure to respond to all requested information may result in your proposal being deemed non-responsive and may disqualify Respondent from consideration.

The Partners reserve the right to waive any minor irregularities or technicalities in the responses received. Proposals that are deemed nonresponsive will not receive consideration.

The Partners reserve the right at any time during the evaluation process to reconsider any submission. It also reserves the right to meet with any Respondent at any time to gather additional information. Furthermore, the Partners reserve the right to delete, add, or modify any aspect of this procurement through competitive negotiations up until the selected Respondent and MRA have signed the Development Agreement.

7.0 ADDITIONAL MANDATORY SUBMITTALS

A. Conflict of Interest Statement

Respondents must provide a full and complete disclosure of any conflict of interest, on the form shown as **Exhibit C**.

B. Equal Employment Opportunity

By submission of a response to this RFP, Respondent is affirming that it does not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, national origin, disability, or familial status. Further, the Respondent is affirming that its employees are treated fairly during employment without regard to race, color, religion, sex, national origin, age, disability, or familial status. Such action includes, but is not limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation; and selection for training, including apprenticeship.

8.0 COMMUNICATIONS

A. Submission of Questions

In order to execute a fair and impartial competitive process, the Partners and any outside consultants assisting the Partners with the evaluation process are expressly prohibited from engaging in communications with Respondents from the release date of this RFP and any RFP addenda subsequently released until the final award except:

Questions must be submitted to info@ccppi.org, copy to joy@jwfitzgerald.com. CCPPI will acknowledge receipt of and respond to any questions and/or requests for additional information via the methods of communication stated above.

B. RFP Responses

Responses to this RFP shall be submitted to info@ccppi.org, copy to joy@jwfitzgerald.com. Responses received after the due date and time will not be accepted. No exceptions. on or before the deadline for questions. Responses to all inquiries will only be provided in writing via issuance of an Addendum, which will be provided to all recipients of the RFP.

C. Prohibition of Private Communications

All private communications concerning this procurement with prospective Respondents shall be prohibited during the entire procurement process. Prohibited communication includes all contact or interaction, including but not limited to telephonic communications, emails, faxes, letters, or personal meetings, including lunch, entertainment, or otherwise. The Partners reserve the right to reject the response of any Respondent violating this provision.

D. Amendments to RFP

All addenda (e.g., changes to scope of work, extension of due date for responses to this RFP, changes to evaluation factors, etc.) will be publicly posted prior to the closing date on CCPPI's website (www.ccppi.org). The Partners reserve the right to increase or delete any scheduled items, to increase or reduce the quantity of any scheduled item, to waive informalities and technicalities, and to make other changes and modifications consistent with policies of the Partners. As such, it is the responsibility of Respondent to monitor CCPPI's website for all communications pertaining to addenda, amendments, or responses to questions, relating to this RFP.

E. Communications Protocol Related to Withdrawal

If a Respondent desires to withdraw its response after the closing date and time, the Respondent must submit a notification in writing to info@ccppi.org, copy to joy@jwfitzgerald.com.

9.0 SUBMISSION OF PROPOSALS

By submitting a response to this RFP, the Respondent is acknowledging that the Respondent has read the information and instructions and agrees to comply with the information and instructions contained herein.

- Submission Requirements: Proposals must be emailed to info@ccppi.org with the subject line **"MRA/CCPPI Multi-Family Affordable Rental Housing Program/Phase II – 5510 Calhoun Site."** Responses are due no later than 4:00 p.m. CST, April 23, 2021. Late responses will not be accepted.
- Each proposal, materials and related information submitted in response to this RFP shall become the property of the Partners. Selection or rejection of a proposal does not affect this right.
- Submittal of responses by facsimile or email transmission is not acceptable, and any response so transmitted will be rejected as non-responsive.

- The Partners reserve the right to:
 - Reject any or all offers, discontinue this process, and re-publicize this RFP without obligation or liability to any potential Respondent, and
 - Award a contract based on initial offers received, without discussions or requests for best and final offers.

10.0 PROPOSAL FORMAT

1. Responses to this RFP shall include a title page that includes “Response to MRA/CCPPI Multi-Family Affordable Rental Housing Program/Phase II – 5510 Calhoun Site RFP,” the submission date, the names of the organizations to whom the proposal is being submitted (Center for Civic and Public Policy Improvement and Midtown Redevelopment Authority), and the name of the Respondent entity.

The title page will not count against the page limit.

2. Proposals shall not exceed 30 pages in length.

For these purposes, a page is one side of a single sheet of 8½” x 11” paper. Text shall be single spaced, using a font no smaller than 11-point, and containing margins at the top, bottom, and sides of no less than one inch in width. Foldouts containing art and spreadsheets are permissible *and will be included in the page count*. Oversize exhibits are discouraged.

All proposal pages must be consecutively numbered.

3. All information must be incorporated into a response to a specific requirement and clearly referenced. Any information not meeting these criteria will be deemed extraneous and will in no way contribute to the evaluation process.
4. All information presented in response to this RFP must be included in the submitted response. There can be no information that is linked to a website that requires reviewers to access the website for consideration of content. Any such information will not be considered as part of the Respondent’s proposal.

11.0 OWNERSHIP OF DOCUMENTS

All documents and information generated, prepared, assembled, and provided to CCPPI pursuant to this solicitation becomes the property of the Partners upon receipt.

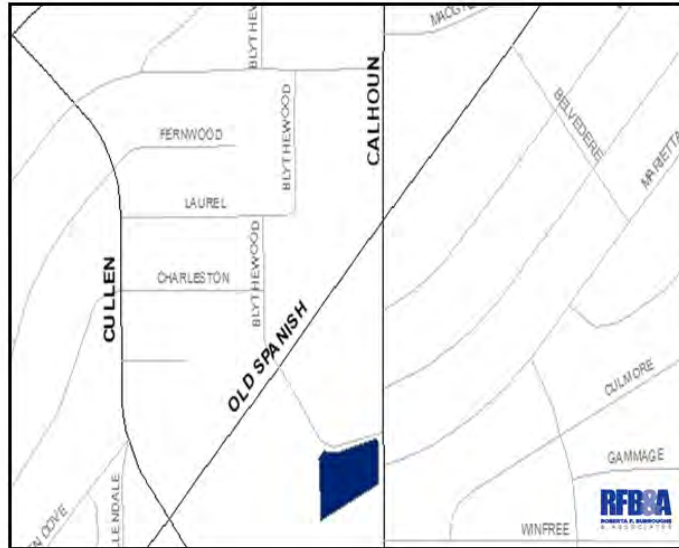
12.0 COST OF SUBMISSIONS

All costs incurred, directly or indirectly, in response to this solicitation, including the preparation, submittal or presentation of the proposal, shall be the sole responsibility of, and borne by, Respondent. The cost for participating in the procurement process is the sole responsibility of Respondent. The Partners will not provide reimbursement for such costs.

13.0 CANCELLATION OF RFP

The Partners reserve the right to cancel this RFP or close without award when it is determined to be in the best interest of the Partners.

EXHIBIT A
MAP OF 5510 CALHOUN ROAD SITE



The designated tract is shaded in blue on the map above.

The Harris County Appraisal District (HCAD) # is 04110070160005.

**EXHIBIT B
SITE SURVEY**



EXHIBIT C

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.

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 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.

6 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

Signature of vendor doing business with the governmental entity

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.