



CITY OF BRYAN

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CITY OF BRYAN CONTRACTOR REGISTRATION PROGRAM

FOR PUBLIC INFRASTRUCTURE CONTRACTORS
&
PRIVATE UTILITY CONTRACTORS

PROGRAM OVERVIEW

APPLICATION INSTRUCTIONS

PREPARED BY:

CITY OF BRYAN
ENGINEERING DEPARTMENT
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CITY OF BRYAN CONTRACTOR REGISTRATION PROGRAM OVERVIEW

The objective of the registration program is to substantiate that contractors have the experience, equipment, knowledge, insurance, bonding capacity and stability to safely and efficiently construct the public infrastructure that will service the citizens of Bryan and operate safely in public rights of ways.

This Registration applies to Contractors hired by:

1. the City to construct public infrastructure and the bid opening occurs on or after December 1, 2018.
2. private developers to construct infrastructure to be dedicated to the public and the Pre-Construction Conference is held on or after December 1, 2018.
3. land owners or private utilities to work in Public Rights of Ways or public easements and permit issuance is on or after December 1, 2018.

Valid registration is required to be considered a qualified bidder for any City of Bryan construction contract involving public infrastructure. Similarly, private developers building public infrastructure will be required to hire a registered company in order for the City of Bryan to accept the public infrastructure. Contractors wanting to construct private facilities in public right of way or easements must be registered. A registered contractor cannot subcontract to a non-registered contractor. If registration is denied by the City, the business entity may not compete for or otherwise seek a contract with the City including public infrastructure until valid registration is obtained.

Registration does not guarantee work, but rather allows the contractor to bid on public infrastructure work or perform public infrastructure construction for private developers or private utilities in public right of way or easements. Registration will be based upon the Contractor's response submitted as part of the Registration process. A certificate will be issued by the City of Bryan to the contractor listing the dates covered by the registration. Annual renewal of the registration is required.

There are multiple classifications in which to obtain registration. Select the appropriate application for the classification in which the organization is seeking registration for.

The City of Bryan application requires the contractor to submit a listing of prior work experience relative to the classification they are seeking registration for. Prior work experience should include contact names and phone numbers for each project listed. Safety of the public as well as the contractor is paramount to the City of Bryan therefore the contractor shall demonstrate as part of the application the training given to their employees on topics such as work zone safety, trench safety, equipment safety, etc. As part of the application, it is required that each of the contractor's crew leaders or foreman demonstrate a record of continuing education as required in the application.

Contractors will be required to provide information on the contractor's bonding and insurance capabilities to perform contracts, the equipment and personnel the contractor has available.

Review of the application takes place by a committee of City staff who will have 30 days to carefully review the application, after such time the applicant will be notified of the results. A registration application can be submitted at any time; however the application must be submitted 30 days prior to any bid opening.

For more information or to ask questions about this Registration Process, please contact the City Engineer's Office at 300 S. Texas Avenue, Bryan, TX 77803 or by phone at 979-209-5030.

REGISTRATION PROCESS

All answers and other entries on the forms, except signatures, should be filled in on a typewriter or printed. Applicants may generate their own computer forms provided that the layout and formats are the same. It is the responsibility of the applicant to provide all requested information and materials. Failure to do so can affect registration score. See the format requirements section below.

All answers and entries must be specific and complete in detail. The application is reviewed for each class of work requested. You should request registration only for the classes of work your Company performs with its own forces; not work that is subcontracted out. Project history must be included for all classes of work requested.

The registration application shall be signed by the applicant or in the case of a partnership, corporation, or limited liability by a partner, corporate officer, or member, in affidavit form, on the last page of the application, the affidavit being properly executed and sworn to as the form indicates. The signatory of the statement guarantees the truth and accuracy of all statements and of all answers to questions, and to any additional information submitted to process this application.

USE OF ATTACHMENTS:

Schedules, reports and other forms of statements may be used as attachments to the requested information, provided that the City of Bryan finds the information contained therein helpful in evaluating the registration application.

PLACE OF SUBMISSION:

Registration applications shall be addressed to the City of Bryan Engineering Services, 300 S. Texas Ave., Bryan, Texas 77803. Telephone (979) 209-5030.

TIME OF SUBMISSION:

A registration application can be submitted at any time; however the application must be submitted at least 30 days prior to the bid opening of a project the contractor is pursuing. The application renewal date will be December 31st of each year.

NOTIFICATION OF ACTION TAKEN BY THE CITY OF BRYAN:

The applicant will be notified of the action of the City on their application. The applicant will then be allowed to bid only on projects within the classifications for which their registration is approved.

APPEAL FROM REJECTION OF APPLICATION OR LIMITATIONS THEREON:

An applicant, who has applied for registration within the prescribed time limits prior to the scheduled bid on a particular project, may appeal from the total or partial rejection to the Bryan City Manager.

PERIOD DURING WHICH A REGISTERED CONTRACTOR REMAINS REGISTERED:

A contractor who has been registered will usually remain registered until annual registration date of December 31. Unless such contractor is otherwise notified by the City of Bryan, they will be permitted to submit bids for any and all projects within their registration classification for which bids are to be received prior to the annual anniversary date.

REQUIREMENT OF CONTINUING REGISTRATION:

Contractors who have once been qualified and who desire to maintain an uninterrupted registration standing are required to submit an annual update either recertifying previous information or providing new information. These may be submitted not earlier than 60 days prior to but no later than December 31st.

CHANGES TO EXISTING REGISTRATION:

Requests for the revision of the registration standing of any contractor will be considered whenever the contractor can make a showing of materially improved ability. With or without a request from the registered contractor, the registration standing and any limitation on class of work may be reviewed by the City and modified as found appropriate. The registered contractor will be notified in writing of any such revision.

MANDATORY DENIAL OF REGISTRATION

A business entity shall be denied registration if the evidence supports a finding as to any of the following:

1. A business entity, or any of its officers or principal owners, are currently debarred by a federal, state or local public authority;
2. The business entity has knowingly submitted false information on the registration questionnaire or in response to any follow-up inquiries from the City; or
3. The business entity has declined to submit to the City information requested by the City Engineer as part of the registration process.

PERMISSIVE DENIAL OF REGISTRATION

The City may, in its sole discretion, deny registration to a contractor if the evidence supports a finding as to the business entity, or their principals or officers, of any of the following:

1. Commission of civil or criminal fraud in connection with obtaining, attempting to obtain, or performing a public contract, agreement, or transaction;
2. Violation of federal or state antitrust statutes, including, but not limited to, those proscribing price fixing between competitors, allocation of customers between competitors, and bid rigging.
3. Commission of embezzlement, theft, forgery, bribery, making false statements, submitting false information, attempting to commit fraud against the City or other public entity, receiving stolen property, making false claims to any public entity, obstructing justice or fraudulently obtaining public funds;
4. Violation of federal guidelines for disadvantaged business entity status including, but not limited to, a violation of 49 CFR part 26 et seq., or misrepresenting minority or disadvantaged business entity status with regard to itself or one of its subcontractors;
5. Conviction for non-compliance with the prevailing wage requirements of the Texas labor law, or similar laws of any other state;
6. Violation of any law, regulation or agreement relating to a conflict of interest with respect to a government funded procurement;
7. Falsification, concealment, withholding and/or destruction of records relating to a public agreement or transaction;
8. Commission of any act or omission, or engaging in a pattern or practice, which tends to demonstrate that the business entity lacks the quality, fitness or capacity to perform a contract with the City, including, but not limited to, deficiencies in on-going contracts, false certifications or statements, fraud in performance or billing, or the lack of the financial resources necessary to perform contractual obligations;
9. Indictment or conviction for an offense which indicates a lack of business integrity or business honesty;
10. Willful failure to perform in accordance with the terms of one or more contracts;
11. Violation of a statutory or regulatory provision or requirement applicable to a public or private agreement or transaction;
12. Performance or conduct on one or more private or public agreements or transactions in a manner which negatively impacts or threatens the health or safety of the business entity's employees, the employees of any other entity involved with the transaction, the general public or any real property.

13. Knowingly has entered into a business relationship with a business entity while that entity was debarred by the City.
14. Violation of the City policy regarding a drug-free workplace.
15. Violation of any non-discrimination laws or provisions included in any public agreement or transaction;
16. Violation of any labor laws, including but not limited to, child labor violations, failure to pay wages, failure to pay into a trust account, failure to remit or pay withheld taxes to tax authorities or unemployment insurance tax delinquencies;
17. Violation of a licensing, sub-letting or subcontractor-listing law.
18. Failure to comply with Texas corporate registration, federal, state and local licensing requirements;
19. Violation of a material provision of any settlement of a denial of registration or validation action;
20. A history of failure to perform, or of unsatisfactory performance of one or more contracts including, without limitation, default on contracts with the City or another public agency;
21. Has had its corporate status, business entity's license or any professional certification suspended, revoked, or has otherwise been prohibited from doing business in the State of Texas in the past three years.
22. Has undisputed or finally adjudicated and unresolved tax liens with federal, state or local taxing authorities; or
23. Any other cause so serious or compelling in nature that it affects the present responsibility of the business entity, the quality of its work, and/or its fitness or capacity to perform on a contract with the City.

INVESTIGATIONS, DETERMINATIONS AND REFERRALS

The City shall review the available information related to each business entity seeking registration and may conduct such further investigation as he or she deems necessary. City officials having information regarding a business entity they know to be seeking registration where such information is reasonably likely to bear on the registration determination shall promptly provide such information to the City Engineer for consideration.

Based upon all the information obtained, the City Engineer shall make a determination consistent with this policy as to whether a business entity seeking registration shall be granted registration.

If information obtained during the registration process is of a sufficiently serious nature to warrant further investigation and possible action beyond the denial of registration, the City Engineer shall refer the matter to the City Legal staff and/or other appropriate official for possible debarment or suspension.

All actions of the City Engineer pursuant to this policy shall be considered to be actions with the course and scope of the City Engineer's employment with the City and shall be subject to the protections for public employees.

CERTIFICATE OF REGISTRATION

Upon a finding that a business entity is approved for registration, the City Engineer shall promptly provide that business entity with a Letter of Registration.

NOTICE OF DENIAL OF REGISTRATION

If the City Engineer denies registration, a notice shall be promptly given by letter to the business entity.

Such notice shall be deemed sufficient notice if served personally or by mail. Any attempt by a business entity to avoid service shall not prevent the denial of registration from becoming effective as of the date the City attempts notice as set forth in this paragraph.

EFFECT OF REGISTRATION DENIAL

A denial of registration for a business entity shall constitute a denial of the right to obtain or compete for a contract with the City until such time as the business entity is granted registration. Whether a denial of registration will extend to every division or other organizational element of the business entity will depend upon the structure of the business entity. However, if the application for registration is not limited to specific divisions or organizational elements of the business entity, a denial of registration shall apply to all affiliates, divisions, and/or organizational elements.

A denial of registration to a particular business entity for a particular solicitation shall not necessarily result in the suspension or deferral of the solicitation schedule, regardless of whether an appeal from a denial of registration has been filed. Any suspension or deferral of the solicitation schedule will be within the sole discretion of the City Engineer.

A denial of registration for a business entity then under contract with the City, where the denial of registration is based upon evidence which could support a cause for debarment, shall result in an immediate review of the status of that business entity's existing contracts with the City to determine whether action is appropriate.

A denial of registration shall extend for an indefinite period of time unless the denial is overturned through an appeal. A business entity subject to a denial of registration may again apply for registration after six months have elapsed from the date of notice of denial of registration, or at any time upon showing of changed circumstances.

APPEAL OF REGISTRATION DENIAL

Any business entity that has been issued a notice of denial of registration may appeal that decision to the City Manager. The appeal letter, together with all supporting documentation shall be submitted to the City Manager within 10 working days of receipt of the notice of denial of registration.

If a business entity which has been served with a notice of denial of registration fails to file a timely written appeal as described in this section, the denial of registration shall become final.

If the City Manager reverses the denial of registration, a Letter of Registration shall be issued within 15 working days from the date of the reversal.

FORMAT REQUIREMENTS

- A cover letter / memo, completed application, contractor questionnaire and required certifications should accompany your submittal.
- The format should conform to the Registration Evaluation Criteria (outlined below). Applications that do not contain straightforward and concise responses to each of the requirement items may be considered incomplete and may be rejected by the City of Bryan.
- One (1) electronic copy in PDF format must be submitted to ConReg@bryantx.gov. If the submittal is too large to send via email, a single CD-ROM or flash drive will be accepted. Failure to submit in the manner prescribed may cause the application to be rejected.