

PUBLIC NOTICE

The City of Mercedes is accepting sealed proposals to include Statement of Qualifications for the City of Mercedes Employees' Supplemental Insurance until 10:00 AM, January 30, 2019. Bid product specifications criteria will be available and can be obtained on the City's website at www.cityofmercedes.com or at the Office of the City Secretary, 400 South Ohio, Mercedes, Texas 78570 on Friday January 11, 2019.

POSTED ON THIS THE 8th DAY OF JANUARY, 2019.

/s/Arcelia L. Felix, City Secretary

CITY OF MERCEDES

REQUEST FOR PROPOSALS/STATEMENT OF QUALIFICATIONS

(EMPLOYEES VOLUNTARY SUPPLEMENTAL INSURANCES)

DUE: Wednesday, January 30, 2019 10:00 AM–
City Manager's Office

Effective Coverage: March 1, 2019

CITY OF MERCEDES

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Request for Proposal for Employees Voluntary Supplemental Insurance/Statement of Qualifications

SECTION I: OVERVIEW

The City of Mercedes is a local government municipality and has approximately One Hundred Nine (109) benefit eligible employees, and five elected officials.

The City of Mercedes is accepting Sealed Proposals for EMPLOYEES' SUPPLEMENTAL (ANCILLARY) INSURANCE PRODUCTS ALONG WITH STATEMENT OF QUALIFICATIONS including, but not limited to: Accident, Cancer, Critical Illness, Dental, Vision, Short Term Disability, Long Term Disability, Heart & Stroke, and Voluntary Life. The City's current supplemental insurances are with Davis Vision, Ameritas, Colonial, Aflac and Lincoln.

The deadline to provide seven (7) sets of written proposals and one (1) USB is Wednesday, January 30, 2019 at 10:00 AM. Said proposals are to be sealed, clearly marked "EMPLOYEES' SUPPLEMENTAL INSURANCE & STATEMENT OF QUALIFICATIONS" and addressed to: City Manager Sergio Zavala, P.O. Box 837, Mercedes, TX 78570 or delivered to 400 S. Ohio, Mercedes, TX 78570. The proposals shall be opened as soon thereafter as possible in the City Manager's office. Any proposals received after the time for opening shall be returned unopened. Proposals submitted via faxes or emails will not be accepted.

Specifications are available and can be obtained on the City's website at cityofmercedes.com or at the office of the City Secretary, 400 South Ohio, Mercedes, Texas, 78570, (956) 565-3114 ext. 137, beginning Friday, January 11, 2019 at 10:00 A.M.

Each bidder shall furnish the information required on the proposal forms.

The City of Mercedes reserves the right to postpone, to accept or to reject any or all proposals, or to waive any informalities in the proposal process and will select on the best value to the City. Proposals may be held by the City of Mercedes for a period not to exceed sixty (60) days from the date of the opening for the purpose of reviewing the proposals and investigation of the proposer's qualifications and making recommendation to the City of Mercedes for contract award.

INDEMNIFICATION CLAUSE

The Respondent hereby agrees to protect, defend, indemnify and hold the CITY OF MERCEDES and its employees, agents, officers and servants free and harmless from all losses, claims, liens, demands and causes of action of every kind and character including, but not limited to, the amounts of judgments, penalties, interests, court costs, legal fees, and all other expenses incurred by the City of Mercedes arising in favor of any party, including claims, liens, debts, personal injuries, including employees of the City of Mercedes, death or damages to property (including property of the City of Mercedes) and without limitation by enumeration, all other claims or demands of every character occurring or in any ways incident to, in connection with or arising directly or indirectly out of this contract. Respondent agrees to investigate, handle, respond to, provide defense for and defend any such claims, demand, or suit at the sole expense of the Respondent. In addition, the Respondent shall protect, defend, indemnify and hold the City of Mercedes and its employees, agents, officers and servants free and harmless from all losses, claims, liens, demands and causes of action relating to, for, or on account of the use of patented appliances, products or processes, and he shall pay all royalties and charges which are legal and equitable. Evidence of such payment or satisfaction shall be submitted upon request of the City Manager, as a necessary requirement in connection with the final estimate for payment in which such patented appliance, products or processes are used. Respondent also agrees to bear all other costs and

expenses related thereto, even if the claim or claims alleged are groundless, false or fraudulent. This provision is not intended to create any cause of action in favor of any third party against Respondent or the City of Mercedes or to enlarge in any way the Respondent's liability but is intended solely to provide for indemnification of the City of Mercedes from liability from damages or injuries to third persons or property arising from Respondent's performance hereunder.

CLARIFICATIONS

Respondent shall carefully examine the solicitation documents to include: proposal forms, specifications/requirements, Instructions, attachments and/or exhibits. Any changes, additions, or clarifications to the RFP/SOQ are made by amendments (addenda). Any respondent in doubt as to the true meaning of any part of the RFP/SOQ or other documents may request an interpretation from the City Manager by posting their question by email to szavala@cityofmercedes.com and cc to afelix@cityofmercedes.com

If a company, firm or person is asked to make a presentation to the Mayor and City Commission, all expenses associated with travel, lodging, meals, etc., shall be borne by the firm. By the same token any expenses(s) incurred by the respondents in putting together their proposal shall be the responsibility of the respondent. The City of Mercedes shall not be responsible for any reimbursements to any firm.

Please direct your questions to Sergio Zavala, City Manager (szavala@cityofmercedes.com) and cc: Arcelia L. Felix, City Secretary (afelix@cityofmercedes.com).

The City Commission will hear a maximum five (5) minute verbal presentations from qualified insurance companies at the City Commission meeting to be held February 5, 2019 at 6 PM or as close to that date as possible, and will evaluate the proposals based on the following minimum criteria:

- Proposed schedule of benefits and monthly premium
- Claims administration process and member communication
- Qualifications and related experience of vendor

SECTION II: COMPANY PROFILE

1. Tell us briefly about your company's history, growth, and the local office that will serve our account.
2. Provide information regarding your company's financial stability.
3. Describe the amount of professional liability and/or errors and omissions insurance currently carried by your company.
4. Please list three clients similar to the City of Mercedes and the length of your professional relationship with them. Please provide a contact name and telephone number for each reference.

SECTION III: PRODUCT & SERVICE

1. Please provide the name, title, professional experience and role for any individual that would be assigned to our account.
2. Confirm that your company and members of the team assigned to the City of Mercedes account are properly licensed and qualified to provide the services requested in this RFP.
3. Describe the cost containment strategy you would use to assist the City of Mercedes in maintaining benefits that attract and retain a strong workforce.
4. Provide an implementation plan, including who is responsible for each activity. i.e. Initial contact, enrollment, follow-up, etc.
5. Describe the proposed product(s) for the City of Mercedes and attach a proposed contract.
6. Provide a premium schedule for the services requested in this RFP. Provide a breakdown of the premium by: claims, administrative expenses, commission, and other (specify) expenses.
7. Are the Benefits portable? Can the employees take the benefits when they leave employment with the City of Mercedes and continue paying on their own.?

SECTION IV: COMPLIANCE/LEGAL

1. How does your company monitor benefits legislation, compliance and new products in employee benefits?
2. Describe how your organization maintains client records in a HIPPA compliant environment.
3. Within the last five (5) years has the vendor, or any officer or employee of the vendor been a defending party in a legal proceeding before a court related to the provision of product and/or services? Has the vendor, or any officer or employee been the subject of a governmental regulatory agency inquiry, investigation, or charge?

SECTION V: RESERVATION

Depending on the proposals received and the measure of terms of services to be provided, the City of Mercedes reserves the right to reject any and all proposals if deemed in its best interest.

The Deadline to submit the RFP/Statement of Qualifications is 10:00 AM Wednesday, January 30, 2019.

Multiple proposals from the same carrier/insurance company will not be accepted. Carriers/insurance companies may submit an attached list of agent/agencies requesting consideration.

SECTION VI: CRITERIA EVALUATION

In Determining to Whom to Award a contract, the City shall consider the following:

- 1.) The Purchase Price;
- 2) The Reputation of the Vendor and of the Vendor's Goods or Services;
- 3) The Quality of the Vendors goods or services;
- 4.) The extent to which the goods or services meet the City needs;
- 5.) The vendor's past relationship with the City;

6.) The total long-term cost to the City to Acquire the vendor's goods or services;

Any other relevant factor specifically listed in the request for proposals.

The City Commission of the City of Mercedes retains the right to select the agent/agencies of its choice pertaining to this Request for Proposals/Statement of Qualifications. A statement of Agent or Agencies' qualifications shall include: contact information (address, phone numbers, facsimile numbers, and email contact), services to be provided, and years in business and a copy of the proper Texas Department of Insurance license to perform the service

The Proposal must be submitted so that a separate tab clearly indicates the cost for the product(s) and the coverages.

Request for Proposal for Supplemental Insurance

By submitting this proposal the potential vendor certifies the following:

1. This proposal is signed by an authorized representative
2. All costs have been determined and included in the proposal
3. All terms and conditions included in the RFP are understood and agreed upon without exception
4. A valid State of Texas insurance license can be provided
5. Submitted proposal is valid for sixty (60) days
6. Members of the City Commission or City Manager have not been contacted about your company or your products. Any contact with any member of the City Commission to promote your company will disqualify your company from the proposal process.
7. Enrollment of employees shall be done so that coverage is effective March 1, 2019. An alternate date more beneficial to the City and the Employees would be considered; however would have to be clearly specified and explained.

In compliance with this Request for Proposal, and subject to all conditions herein, the undersigned offers and agrees to provide all the services proposed contained in this proposal if accepted.

Name _____

Address _____

Phone _____

Email Address:

Signature _____

EXHIBITS

(For Supplemental Insurance Proposals/Statement of Qualifications)

EXHIBIT A	EMPLOYEE CENSUS
EXHIBIT B	CONFIDENTIAL DISCLOSURE STATEMENT
EXHIBIT C	NON-COLLUSION STATEMENT
EXHIBIT D	CONFLICT OF INTEREST QUESTIONNAIRE
EXHIBIT E	IMPLEMENTATION OF HOUSE BILL 1295
EXHIBIT F	PROPOSAL SPECIFICATION REQUIREMENTS

EXHIBIT A

ELIGIBLE CENSUS

(Please contact the City Secretary's office to obtain this Exhibit)

(956) 565-3114 ex. 138 or 161 or by email to:

afelix@cityofmercedes.com and cc:

jcastillo@cityofmercedes.com

EXHIBIT B

CONFIDENTIAL DISCLOSURE STATEMENT

CONFIDENTIAL DISCLOSURE STATEMENT

For purposes of complying with the Texas Public Information Act (the "Act"), we are asking that VENDORS interested in submitting a response to a City's request for bids, proposals or qualifications statements **INCLUDE A STATEMENT (THIS FORM) STATING WHETHER NONE, ALL, OR SOME OF THE INFORMATION SUBMITTED WITH THEIR RESPONSES IS CONSIDERED BY THE COMPANY AS CONFIDENTIAL BECAUSE IT MEETS ONE OR MORE OF THE EXCEPTIONS LISTED IN THE ACT.**

Failure by the company(s) to fill out and sign this form, will release City of Mercedes of any liabilities in the event City of Mercedes releases information included in their bids, proposals or qualifications statements responses as a result of complying with a request for public records under the Act.

If the Confidential Disclosure Statement is properly filed, and City of Mercedes receives a request for public records under the Act related to such vendor's response, City of Mercedes will seek an opinion from the Texas Attorney General's Office as required.

This Confidential Disclosure Statement is being made by:

_____ to City of Mercedes for the
(Vendor Name)

purpose of non-disclosure of various materials included in this package.

The rights and obligations of the parties with respect to such information are as follows:

1. "Disclosing Party" means a party that discloses Confidential Information under this Request. "Receiving Party" means a party that receives Confidential Information under this Request.
2. "Confidential Information" means information of any kind which is obtained by Receiving Party from Disclosing Party relating to this *Request and which, by appropriate marking, is identified as confidential and proprietary at the time of disclosure.*
3. Notwithstanding the foregoing, Confidential Information shall not include any information that:
 - a) is publicly available prior to the Effective Date, or becomes publicly available thereafter through no breach of this Request by the Receiving Party;
 - b) was known to the Receiving Party prior to the date of disclosure or becomes known to the Receiving Party thereafter from a third party that has no obligation to Disclosing Party to keep such information confidential;
 - c) is independently developed by the Receiving Party without the benefit of Confidential Information of the Disclosing Party, as evidenced by written records; or
 - d) must be produced by the Receiving Party pursuant to an order of a court of competent jurisdiction or a valid subpoena, provided that the Receiving Party

promptly notifies the Disclosing Party and cooperates reasonably with the Disclosing Party's efforts to contest or limit the scope of such order.

4. The Receiving Party agrees that it will maintain the Confidential Information in confidence using a reasonable standard of care, and no less than the standard of care taken to protect its or his/her own confidential information, and will use such Confidential Information solely for the purposes of evaluating its or his/her interest in participating in a future Requests.
5. **As stated above, in the event City of Mercedes receives a request for public records under the Act related to the vendor's response. City of Mercedes will seek an opinion from the Texas Attorney General's Office as required.**
6. This Agreement shall not be construed as an obligation to enter into a Purchasing Agreement or any other subsequent relationship or agreement.

_____ (vendor) wishes to have the following pages protected under this agreement and not be released to a third party. The following pages are not to be disclosed unless City of Mercedes receives authorization via an opinion from the Texas Attorney General's Office:

- NONE of the Pages in this Request for Proposal is Confidential
- ALL Pages in this Request for Proposal are Confidential
- ONLY Pages are labeled as Confidential

Name of Company or Firm: _____

By: _____ Title: _____

Signature: _____ Date: _____

EXHIBIT C

NON-COLLUSION STATEMENT

"NON-COLLUSION STATEMENT"

BY THE SIGNATURE BELOW, THE SIGNATORY FOR THE BIDDER AFFIRMS THAT THEY ARE DULY AUTHORIZED TO EXECUTE THIS CONTRACT, THAT THIS COMPANY, FIRM, PARTNERSHIP OR INDIVIDUAL HAS NOT PREPARED THIS PROPOSAL IN COLLUSION WITH ANY OTHER BIDDER, AND THAT THE CONTENTS OF THIS PROPOSAL AS TO PRICES, TERMS OR CONDITIONS OF SAID BID HAVE NOT BEEN COMMUNICATED BY THE UNDERSIGNED NOR BY ANY EMPLOYEE OR AGENT TO ANY OTHER PERSON ENGAGED IN THIS TYPE OF BUSINESS PRIOR TO THE OFFICIAL OPENING OF THIS BID. FURTHER, THE SIGNATORY AFFIRM, THAT THEY, OR ANY REPRESENTATIVE OF THE COMPANY, DID NOT CONTACT ANY EMPLOYEE OR MEMBER OF THE CITY COMMISSION OF THE CITY OF MERCEDES AT ANY TIME DURING THE SOLICITATION PROCESS FROM INITIAL ADVERTISEMENT THROUGH AWARD TO DISCUSS THE CONTENTS OF THIS PROPOSAL, OTHER THAN CITY MANAGER'S OFFICE PRIOR TO THE AWARDED OF THIS PROPOSAL. I UNDERSTAND THAT FAILURE TO OBSERVE THIS PROCEDURE MAY CAUSE THE BID TO BE REJECTED. I ALSO AFFIRM THAT NO OFFICER OR STOCKHOLDER OF THE RESPONDENT (BIDDER) IS A MEMBER OF THE STAFF, OR RELATED TO ANY EMPLOYEE OR MEMBER OF THE CITY COMMISSION OF THE CITY OF MERCEDES EXCEPT AS NOTED HEREIN:

By signing this bid, the vendor (Bidder) makes the assurance that vendor has not been debarred or suspended from conducting business with the U.S. Government according to Executive Order 12549 entitled "Debarment and Suspension."

COMPANY _____ EMPLOYER I.D. NO. _____

ADDRESS _____

CITY, STATE, ZIP CODE _____

PHONE _____ FAX _____

EMAIL _____

BIDDER (SIGNATURE) _____

PRINTED NAME _____

POSITION WITH COMPANY _____

EXHIBIT D

CONFLICT OF INTEREST QUESTIONNAIRE (FORM CIQ)

CONFLICT OF INTEREST QUESTIONNAIRE -

FORM CIQ

For vendor or other person doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 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 government 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.

1 Name of vendor who has a business relationship with local governmental entity. None

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 in this section is being disclosed.

Name of Officer

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

- A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the 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 named in this section AND the taxable income is not received from the local governmental entity?
 Yes No
- C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership of one percent or more?
 Yes No
- D. Describe each employment or business and family relationship with the local government officer named in this section.

4 I have no Conflict of Interest to disclose.

5

Signature of vendor doing business with the governmental entity _____
Date

EXHIBIT E

IMPLEMENTATION OF HOUSE BILL 1295

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!**

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

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
1 Name of business entity filing form, and the city, state and country of the business entity's place of business.	
2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.	

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.

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 _____, and my date of birth is _____.

My address is _____, _____, _____, _____, _____.

(street) (city) (state) (zip code) (country)

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

Executed in _____ County, State of _____, on the _____ day of _____, 20____.

(month) (year)

Signature of authorized agent of contracting business entity
(Declarant)

ADD ADDITIONAL PAGES AS NECESSARY

EXHIBIT F

PROPOSAL SPECIFICATION REQUIREMENTS

CITY OF MERCEDES

PROPOSAL SPECIFICATION REQUIREMENTS

(TO BE FILLED IN BY OFFEROR AND SUBMITTED WITH PROPOSAL)

Is this proposal in conformance with the enclosed specifications?

Yes _____ No _____

If the answer is no, offeror must identify and explain each exception taken, with reference to each page and paragraph to which the exception will apply.

It should be understood that if no exception is taken the vendor should supply all items as specified at the time of sale. Failure to indicate any difference in products offered proposed in this proposal may be deemed sufficient grounds of a vendor proposal.

Comments: _____

Date

Company Name