



Heidi Ortiz <heidi.ortiz@co.hidalgo.tx.us>

Re: 2019-188-09-04-HGO - Lime Road Material and Services for Hidalgo County

1 message

Robert Vina <robert.vina@da.co.hidalgo.tx.us>

Thu, Aug 8, 2019 at 2:15 PM

To: Heidi Ortiz <heidi.ortiz@co.hidalgo.tx.us>

Cc: "ramirez, josephine" <josephine.ramirez@da.co.hidalgo.tx.us>, "garza, victor" <victor.garza@da.co.hidalgo.tx.us>

Good Afternoon Ms. Ortiz,

As discussed, please find an updated version of the Boycott Israel Language. Please disregard the provision sent in the prior email.

____. **BOYCOTT ISRAEL VERIFICATION** In accordance with the Texas Government Code Chapter 2270, the County may not enter into a contract for goods or services with a vendor unless the contract contains a written verification from the vendor that it does not boycott Israel and will not boycott Israel during the term of the contract. Pursuant to Sections 2270.001, 2270.002, 808.001, Texas Government Code:

1. "Boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes; and
2. "Company" has the meaning assigned by Section 808.001, except that the term does not include a sole proprietorship.
3. Section only applies to a contract that is between a governmental entity and a company with 10 or more full-time employees; and has a value of \$100,000 or more that is to be paid wholly or partly from public funds of the governmental entity.

By signing the acknowledgement form to this legal notice, Respondent understands that it is providing written verification and certification that it does not boycott Israel and will not boycott Israel during the term of the contract. If Respondent claims an exception or otherwise cannot make this certification, then Respondent shall attach separate sheet(s) to provide the basis for the exemption or for not making the certification. Failure to comply or providing false information may result in rejection of Vendor's submission. **Vendor shall indemnify and hold harmless the County, its elected officials, employees and agents from any and all claims, damages, losses, expenses and costs of any nature based on the County's reliance on this verification.** Vendor's written verification is incorporated for all purposes as part of any resulting agreement.

Thank you,

Robert Viña III*Assistant District Attorney*
Civil Litigation Division**Office of the Criminal District Attorney**
Hidalgo County, Texas
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On Wed, Aug 7, 2019 at 4:57 PM Robert Vina <robert.vina@da.co.hidalgo.tx.us> wrote:

Good Morning Ms. Ortiz,

As requested, our office reviewed the procurement packet (2019-188-09-04-HGO - Lime Road Material & Service) for advertisement as approve it as to form subject to the inclusion of the following recommended items:

1. FOR PAGE 2, NO. 2 of LEGAL NOTICE: add the following as new No. 2 and re-numbered the other items.

2. Bid Page (See **Exhibit "B"**)

2. FOR SUBMITTAL CHECKLIST: make a new second check line after Page 11 of Legal Notice and move all other items down.

_____ Exhibit "B" - Bid Page

3. Replace the current Boycott Israel paragraph with the following updated one, which reflects current legislative revisions:

_____. **BOYCOTT ISRAEL VERIFICATION** In accordance with the Texas Government Code Chapter 2270, the County may not enter into a contract for goods or services with a vendor unless the contract contains a written verification from the vendor that it does not boycott Israel and will not boycott Israel during the term of the contract. *Pursuant to Sections 2270.001, 2270.002, 808.001, Texas Government Code:*

- 1. *"Boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes; and*
- 2. *"Company" has the meaning assigned by Section 808.001, except that the term does not include a sole proprietorship.*
- 3. *Section only applies to a contract that is between a governmental entity and a company with 10 or more full-time employees; and has a value of \$100,000 or more that is to be paid wholly or partly from public funds of the governmental entity.*

By signing the acknowledgement form to this legal notice, Respondent understands that it is providing written verification and certification that it does not boycott Israel and will not boycott Israel during the term of the contract. If Respondent claims an exception or otherwise cannot make this certification, then Respondent shall attach separate sheet(s) to provide the basis for the exemption or for not making the certification. Failure to comply or providing false information may result in rejection of Vendor's submission. **Vendor shall indemnify and hold harmless the County, its elected officials, employees and agents from any and all claims, damages, losses, expenses and costs of any nature based on the County's reliance on this verification.** Vendor's written verification is incorporated for all purposes as part of any resulting agreement.

4. Add the following paragraph regarding Terrorist Check:

_____. **TEX. GOVT. CODE CH. 2252- ATTESTATION-TERRORIST ORGANIZATIONS:** By submitting a response to this procurement request and/or accepting this Contract, Company attests that it is not identified on a list of companies known to have contracts with or provide supplies or services to a foreign terrorist organization as designated by the U.S. Secretary of State. The Texas State Comptroller will prepare and maintain this list as per

Texas Government Code §2252.153, as amended. Contractor further understands that the County shall perform a search of the relevant database and a contract cannot be entered into with an entity that is identified therein. Search results shall be incorporated for all purposes as part of any resulting agreement entered into by the parties.

5. Insurance provisions: Use the previously provided insurance language recommendations for the Exhibit "A"- Specifications, Revised Exhibit "C"-Insurance Requirements and modified insurance provision in draft contract.

Please let us know if you have any questions. You may resend the packet for approval after making recommended modifications for subsequent review for form approval.

Respectfully,

Robert Viña III

Assistant District Attorney
Civil Litigation Division

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On Wed, Jul 31, 2019 at 7:03 PM Heidi Ortiz <heidi.ortiz@co.hidalgo.tx.us> wrote:

Good morning:

Attached for you will find the complete packet for the above-referenced project for review and approval to advertise. Please advise if I can be of assistance.

Sincerely,
Heidi

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Purchasing Department

Heidi • Ortiz

Contract Specialist III

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