

# FW: Conflict of Interest Question

External Inbox x



Chris Hay

to me, Jake ▾

9:58 AM (21 minutes ago)



Michael,

As a result of TDA's response provided below, and at your request, eHT is withdrawing our Statement of Qualifications (SOQ) that was submitted in response to a Request for Qualifications (RFQ) for Engineering Services related to a 2023/2024 Community Development Fund (CD) application and project. While not outlined in the RFQ, it is understood that the services required are associated with bidding and construction phase services for a project where eHT has already provided design phase services. While we disagree with TDA's opinion of our involvement in this procurement process, we do not want to risk the City's eligibility in receiving grant funds for the project. It is an unfortunate situation.

We will continue to support the City as needed in this effort, as our involvement will likely be needed as the engineer of record for the design. We value our relationship with the City and look forward to working on future projects with you. If you have any questions or concerns, please let me know. I will be attending the Tuesday council meeting to convey this message in person and answer any questions.

Thanks,

Chris Hay, PE

Associate Vice President/Senior Project Manager

Enprotec / Hibbs & Todd, Inc.

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**From:** Michelle Phares <[Michelle.Phares@TexasAgriculture.gov](mailto:Michelle.Phares@TexasAgriculture.gov)>

**Sent:** Friday, December 9, 2022 8:18 AM

**To:** Chris Hay <[chris.hay@e-ht.com](mailto:chris.hay@e-ht.com)>

**Cc:** Jake McAdams <[jmcadams@publicmgt.com](mailto:jmcadams@publicmgt.com)>; Jordan Hibbs <[jordan.hibbs@e-ht.com](mailto:jordan.hibbs@e-ht.com)>; Delfino Serna <[Delfino.Serna@TexasAgriculture.gov](mailto:Delfino.Serna@TexasAgriculture.gov)>

**Subject:** RE: Conflict of Interest Question

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Hi Chris,

Among other things, 2 CFR §200.319 prevents a contractor that develops or drafts specifications from competing for a contract related to implementing the project (not just participation in the procurement process itself), because that would give the contractor a competitive advantage over other firms.

*"(b) In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements."*

This procurement stipulation is not my personal opinion, but a well-established federal procurement guideline that has been applied consistently to vendor contracts associated with TxCDBG projects.

Best,

Michelle Phares

Program Implementation Specialist

Trade and Business Development, CDBG Programs