

REQUEST FOR PROPOSALS (RFP)  
DIGITAL BILLBOARDS  
CITY OF CASTLE HILLS

**REQUEST FOR PROPOSALS (RFP)**  
**DIGITAL BILLBOARDS**

FOR THE CITY OF CASTLE HILLS, TEXAS

A PRE-PROPOSAL CONFERENCE WILL BE HELD ON  
**JULY 7, 2020 at 10:00 AM**  
in the Council Chambers, City Hall,  
209 Lemonwood Drive, CASTLE HILLS, Texas 78213

PROPOSALS WILL BE RECEIVED UNTIL THE HOUR OF  
**3:00 P.M. ON JULY 31, 2020**  
in the office of the City Manager, City Hall,  
209 Lemonwood Drive, CASTLE HILLS, Texas 78213

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**NOTICE OF REQUEST FOR PROPOSALS**

**NOTICE IS HEREBY GIVEN** that sealed Proposals are requested by the City of CASTLE HILLS, Texas (the City) for **Digital Billboards** in strict accordance with the specifications herein.

The City is soliciting Proposals from qualified entities to develop and operate one-sided or two-sided digital billboards on City-Owned or City-Controlled sites located along Northwest Loop. The digital billboards must conform to the specifications described in this request for Proposals ("RFP"), as well as the requirements of Chapter 34 of the City Code of Ordinances and applicable Texas law requirements. The selected Proposer(s) will be solely responsible for all costs arising from planning, permitting, installing, operating, and maintaining the digital billboards.

A pre-proposal conference will be held on **July 7, 2020 at 10:00 A.M.** in the Council Chambers City Hall, 209 Lemonwood Drive, CASTLE HILLS, Texas 78213.

The Proposal specifications and forms can be obtained from the City's website at <http://www.cityofcastlehills.com> and must be delivered to the Office of the City Manager, City Hall, 209 Lemonwood Drive, CASTLE HILLS, Texas 78213, up to but not later than **3 p.m. Central Time on JULY 31, 2020.**

The City reserves the right to reject any and/or all Proposals received.

**Information on Technical Data and on Proposal Process/Clarification:**

***EMAIL: Ryan Rapelye at: [rrapelye@cityofcastlehills-tx.gov](mailto:rrapelye@cityofcastlehills-tx.gov)***

DISCLAIMER: The City does not assume any liability or responsibility for errors/omissions in any document transmitted electronically.

Dated: **JUNE 24, 2020**

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**1. INVITATION TO SUBMIT A PROPOSAL**

Proposals shall be submitted no later than **JULY 31, 2020 at 3 p.m.** in the Office of: CITY

MANAGER  
CITY OF CASTLE HILLS  
209 LEMONWOOD  
CASTLE HILLS, TEXAS  
78213

ONE (1) original (unbound) and SEVEN (7) bound copies of the Proposal shall be submitted. Additionally, submit ONE (1) CD with an electronic version of the Proposal in PDF format. The Proposal should be firmly sealed in an envelope which shall be clearly marked on the outside, "DIGITAL BILLBOARDS for the City of CASTLE HILLS". Any Proposal received after the due date and time indicated may not be accepted and may be rejected and returned to the Proposer unopened

**2. CONDITIONS OF SUBMISSION OF PROPOSAL**

- A The City shall not be obligated to respond to any Proposal submitted nor be legally bound in any manner by the submission of a Proposal.
- B Selection of a Proposal by the City obligates the Proposer to enter into an agreement with the City.
- C An agreement shall not be binding or valid on the City unless or until it is executed by the City and the Proposer.
- D Statistical information contained in these documents is for informational purposes only. The City shall not be responsible for the accuracy of said data. City reserves the right to increase or decrease the project scope.

**3. ACCEPTANCE OR REJECTION OF PROPOSAL**

The City reserves the right to select a Proposal and negotiate a contract for digital billboards in the City with the Proposer whose Proposal(s) is/are deemed by the City to be the most advantageous to the needs of the City. Further, the City reserves the right to reject any and all Proposals, or alternate Proposals, or waive any informality or irregularity in the Proposal that may be in the City's best interest.

The City reserves the right to reject any and all Proposals, or portions thereof, received in response to this RFP or to negotiate separately with any source whatsoever, in any manner necessary, to serve the best interests of the City. Additionally, the City may, for any reason, decide not to award an agreement as a result of this RFP.

Non-selection of any Proposal shall not imply that the Proposal was deficient. Rather, non-selection of any Proposal will mean that another Proposal was deemed to be more advantageous to the City or that the decided not to award an agreement as a result of this RFP.

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**4. RIGHT TO CHANGE OR AMEND RFP**

The City reserves the right to change the terms and conditions of this RFP. The City will notify potential Proposer(s) of any material changes by posting on the City's website. No one is authorized to amend any of the RFP requirements in any respect, by an oral statement, or to make any representation or interpretation in conflict with its provisions. If necessary, supplementary information and/or clarifications/questions/answers will be posted on the City's website at <http://www.cityofcastlehills.com>. Failure of any Proposer to not have received such information and/or clarifications/questions/answers shall not relieve such Proposer from any obligation under his/her Proposal as submitted.

**Any exceptions to this Proposal shall be clearly stated in writing.**

**5. RESCISSION**

The City reserves the right to rescind award of a contract at any time before execution of the contract by both parties if it is deemed to be in City's best interest. In no event shall City have any liability for the rescission of award. The Proposer assumes the sole risk and responsibility for all expenses connected with the preparation of its Proposal.

**6. EXAMINATION OF PROPOSAL MATERIALS**

The submission of a Proposal shall be deemed a representation and warranty by the Proposer that it has investigated all aspects of this RFP, that it is aware of the applicable facts pertaining to the RFP process and its procedures and requirements, and that it has read and understands this RFP. No request for modification of the provisions of the Proposal shall be considered after its submission on the grounds the Proposer was not fully informed as to any fact or condition. Statistical information which may be contained in this RFP or any addendum is for informational purposes only. The City disclaims any responsibility for this information which may subsequently be determined to be incomplete or inaccurate.

**7. ADDENDA AND INTERPRETATION**

The City will not be responsible for, nor be bound by, any oral instructions, interpretations, or explanations issued by the City or its representatives. Any request for clarifications/questions/answers of this Request shall be made in writing/e-mail and deliverable to:

***The City of CASTLE HILLS/ 209 Lemonwood Drive/ CASTLE HILLS, TX 78213/ Attn: City Manager or email to: [rrapelye@cityofcastlehills-tx.gov](mailto:rrapelye@cityofcastlehills-tx.gov).***

Such request for clarifications/questions/answers shall be delivered to the City at least ten (10) calendar days prior to the date for receipt of Proposals. Any City response to a request for clarifications/questions/answers will be posted on the City's website at <http://www.cityofcastlehills.com> (not later than five (5) calendar days prior

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to the due date) and will become a part of this RFP

**8. DISQUALIFICATION**

Any of the following may be considered cause to disqualify a Proposer without further consideration:

- A. Evidence of collusion among Proposers.
- B. Any attempt to improperly influence any member of the evaluation panel.
- C. Any attempt to communicate in any manner with a City elected official during the RFP process will, and shall be, just cause for disqualification/rejection of Proposer's Proposal/Proposer's submittal.
- D. Existence of any lawsuit, unresolved contractual claim, or dispute between Proposer and the City.

**9. INFORMAL PROPOSAL REJECTED**

A Proposal shall be prepared and submitted in accordance with the provisions of these instructions and specifications. Any alteration, omission, addition, variance, or limitation of, from, or to a Proposal may be sufficient grounds for rejection of the Proposal. The City has the right to waive any defects in a Proposal if the City chooses to do so, but the City may not accept a Proposal if any document or item necessary for the proper evaluation of the Proposal is incomplete, improperly executed, indefinite, ambiguous, or missing.

**10. LICENSING REQUIREMENTS**

Any certifications or licenses that may be required will be the sole cost and responsibility of the successful Proposer.

**11. INSURANCE REQUIREMENTS**

Proposer, at Proposer's sole cost and expense and for the full term of the resultant contract or any extension thereof, shall obtain and maintain at least all of the insurance requirements listed in attached Exhibit A

**12. HOLD HARMLESS DEFENSE CLAUSE**

**THE PROPOSER SHALL DEFEND, INDEMNIFY, AND HOLD HARMLESS THE CITY, ITS OFFICERS, OFFICIALS, EMPLOYEES, AGENTS, ATTORNEYS, AND VOLUNTEERS FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES, INCLUDING ATTORNEY FEES ARISING OUT OF THIS REQUEST FOR PROPOSALS CAUSED IN WHOLE OR IN PART BY ANY NEGLIGENT ACT OR OMISSION OF PROPOSER, ANYONE DIRECTLY OR INDIRECTLY EMPLOYED BY [PROPOSER, OR**

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**ANYONE FOR WHOSE ACTS PROPOSER MAY BE LIABLE.**

**13. APPLICABLE LAW**

This agreement shall be governed by the laws of the State of Texas. Venue shall be County of Bexar, Texas.

**14. TERM**

Twenty-five (25) years.

**15. AUDITING OF CONTRACT**

The City reserves the right to periodically audit all aspects of the contract between the City and the chosen proposer. Upon request, the Proposer agrees to promptly furnish the City with necessary information and assistance.

**16. AWARD**

Upon conclusion of the RFP process, a contract may be awarded for DIGITAL BILLBOARDS for the City of CASTLE HILLS.

The City reserves the right to select a Proposer and to negotiate terms of a contract with the Proposer(s) whose Proposal(s) is/are most advantageous to the needs of the City. Further, the City reserves the right to reject any and all Proposals, or alternate Proposals, or waive any informality in the Proposal as is in the City's best interest.

**17. CONFIDENTIALITY**

If a Proposer believes that portions of a Proposal constitute trade secrets or confidential commercial, financial, geological, or geophysical data, then the Proposer must so specify by, at a minimum, stamping in bold red letters the term "**CONFIDENTIAL**" on that part of the Proposal which the Proposer believes to be protected from disclosure. The Proposer must submit in writing specific detailed reasons, including any relevant legal authority, stating why the Proposer believes the material to be confidential or a trade secret. Vague and general claims as to confidentiality will not be accepted. The City will be the sole judge as to whether a claim is general and/or vague in nature. All offers and parts of offers that are not marked as confidential may be automatically considered public information after the contract is awarded. **By submitting a proposal, a proposer acknowledges that the City will likely receive one or more public information requests to obtain copies of proposals made by the proposers. If a proposer wishes to oppose the release of components of a proposal as confidential, the objecting proposer shall be responsible for reimbursing the City for the City's expenses in having a submission prepared and submitted to the Office of the Attorney General seeking approval to not release the confidential information. If the Office of the Attorney General determines that the purported confidential information should be released to the public, and the proposer desires to litigate the release, the objecting proposer shall be responsible for and pay for the City's litigation costs. If the City determines that the purported confidential information is not of**

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**sufficient**

**significance**

**to merit opposition to its release, the City may release the information on its own volition, and the proposer by the act of submitting a proposal waives any claims and damages against the City for the release of the confidential information.**

**18. SELECTION OF COMMITTEE**

A committee comprised of the Mayor, Councilmember, City Manager and City Attorney will evaluate and rank the Proposals using the selection criteria outlined in this RFP, which include the following:

- Revenue generation to the City
- Initial payments upon execution of Agreement
- Design features of the digital billboards  
Conformance with digital display specifications
- Conformance with City ordinances
- Amount of time offered for City messages and public service announcements
- Discounts made available to City businesses and amount of time offered for City businesses to advertise

The committee will present the top-ranked Proposal(s) to the CASTLE HILLS City Council and request authority for the City to negotiate a master license with the selected Proposer(s). The City and the selected Proposer(s) will then negotiate a master license (or similar instrument) outlining terms under which the Proposer(s) will install and operate the digital billboards

In addition to entering into the master license, the selected Proposer(s) must demonstrate a willingness and capability to remove existing billboards (if possible) in conjunction with its Proposal to install the new digital billboards. The terms governing the removal of existing billboards will be specified in a "relocation agreement." At the conclusion of negotiations, both the relocation agreement and the master license will be presented to the City Council for approval.

**19. BACKGROUND**

The City of CASTLE HILLS sign code is found in Chapter 34 of the Code of Ordinances of the City. Chapter 34 was extensively revised on April 9, 2013 by the adoption of Ordinance No. 1098. Prior to the revision of the sign code on April 9, 2013, off premise digital display signs were not permitted in CASTLE HILLS. There have been two amendments (Ordinance 1105 and Ordinance 1124) to Chapter 34 since April 9, 2013. The revised sign rules now permit off premise digital display signs in any zoning district of the City on property controlled by the City of CASTLE HILLS through ownership, dedication or lease adjacent to Loop 410 . A copy of the current sign code of the City with all amendments cited is attached to this RFP as Exhibit "B".

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**20. LOCATION OF SIGNS**

The City will be the sole judge of whether the proposed sign location of a site is suitable, taking into account such factors as type of City control, visibility, size of sign or foundation, and compatibility with on-site and nearby land use potential environmental effects as revealed in an Initial Study. The Proposer will be responsible for the preparation of an Initial Study and any subsequent environmental documentation, site selection, utility easements if any, and any other encumbrance responsibilities. The City will determine the level of environmental review required. Any selected Proposer will be responsible for all costs associated with such review and compliance, if any, including noticing costs, filing fees, staff costs, and consultant fees. To this end, the selected Proposer(s) will be required to deposit funds in advance sufficient to cover such costs.

**21. SPECIFICATIONS FOR PROPOSED DIGITAL BILLBOARDS**

- A. Current best available digital-billboard technologies are required, including but not limited to the following:
1. Remote diagnostic and maintenance capability
  2. "Amber Alert" capability
  3. Automatic brightness adjustment to ambient lighting conditions
  4. UL and IEC approved
  5. Color calibration to ensure consistent image quality
  6. Remote shutdown capability
- B. Code Requirements as contained in Exhibits B & C
- C. Construction and operation requirements:
1. Regularly scheduled onsite maintenance
  2. Internal service access for safety and improved appearance (no visible catwalks)
  3. Constructed to comply with all applicable City codes
  4. Engineered foundation, anchoring mechanism and support system
- D. The master license will require the selected Proposer(s) to maintain, repair, and upgrade the digital billboards as needed to provide the best available digital-billboard technologies during the term of the master lease.

**22. BUSINESS TERMS**

To be considered, a Proposal must meet the following minimum requirements:

- A. The proposed digital billboards must conform to the specifications set out above and must also comply with City ordinances and State and Federal requirements.
- B. The Proposal may include the removal of existing "static" billboards. Proposals may



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also include awards to the City to leave existing static billboards in place.

- C. The Proposal may be for any City-Owned location(s), or other appropriate City-Controlled sites, so long as the proposed location(s) meet the minimum spacing requirement.
- D. Proposed remuneration to the City must include (1) an initial payment consistent with the standard in the outdoor-advertising industry (i.e., "signing bonuses"); and (2) monthly license payments for individual sites. The monthly license payments must have scheduled automatic periodic adjustments for license rate increases. In addition, the Proposal must provide for periodic review and renegotiation of the monthly license payments so that the City's remuneration remains consistent with prevailing market conditions throughout the term of the license.
- E. Proposal must include a "City of Castle Hills" identification sign on each side of the sign structure, which must also be maintained for the term of the agreement.
- F. Proposal must make the sign available for Amber Alert messages, public service announcements, and City messages.
- G. The term of the master license must be for a minimum of 25 years.
- H. The proposed digital billboard must include a replacement schedule.
- I. The master license to be negotiated between the City and the selected Proposer(s) will require the Proposer to do the following:
  - 1. Promptly take all action necessary to investigate and remedy the release of any "hazardous substances" (to be further defined within the license) caused by the Proposer's activities on the City's property.
  - 2. Maintain, at no cost to the City, and in amounts acceptable to the City, both public liability insurance and fire-and-casualty insurance covering improvements placed onsite.

**23. SUBMISSION REQUIREMENTS**

To be considered, a Proposal must include the following information:

**A. Proposer Identification and Experience**

- 1. The name, address, and telephone numbers of the Proposer, along with resumes and a description of background experience of each person with whom the City must communicate.
- 2. The type of legal entity with which the City would contract (e.g., individual, corporation, partnership, joint venture, limited-liability company).

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3. Documentation demonstrating that the Proposer is qualified to undertake the proposed project, including but not limited to the following:
  - a) Overall experience with large, multi-site, digital-billboard development
  - b) Experience with public/private development, including references of public partners
  - c) Access to financial resources consistent with project requirements
  - d) A track record of superior design
  - e) The identity of the principal person within the Proposer's business who is authorized to negotiate on its behalf (the "Key Negotiator") and the authority the Key Negotiator possesses. If the Key Negotiator has limited authority, describe the process required to obtain authorization. The Key Negotiator's resume must indicate that he or she is qualified to serve as Key Negotiator, with success in negotiating public/private partnerships and developing the type of development being proposed (include references that can validate the Key Negotiator's role in the prior projects).

**B. Development Proposal**

1. Submit Proposal for one or multiple sites.
2. A description of the proposed digital-billboard project, including identification of sites and anticipated installation schedule.
3. The individual digital billboard designs, with sufficient detail to illustrate the scale, size, and mix of design elements. Include, at a minimum, the following design information in schematic form:
  - a) Site Plan
  - b) Elevations
  - c) High-resolution graphic renderings
  - d) Animation or video of installation with same quality, technology and scale
4. Information pertaining to each proposed digital billboard in sufficient detail to verify conformance with the specifications and requirements outlined in this RFP.

**C. Proposed Development Schedule**

A preliminary schedule for development of the proposed digital billboards that addresses, at a minimum, preparation of sealed foundation, structural and design documents, projected approval dates, commencement and completion of construction, and operation of the digital billboards. The City will expect that construction of the digital billboard(s) will commence within six months of execution of any license agreements.

**D. Business Proposal and Financing Plan**

1. The terms of an offer to license the City-Owned or Controlled sites in accordance with the requirements specified herein, including, but not limited to, a detailed description of the proposed remuneration to the City, i.e., proposed initial payment, monthly license payments, scheduled automatic adjustment, periodic

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2. review and renegotiation, and payments due upon completion of each digital billboard.
3. Proposals that do not identify the compensation annually (not including any initial payments) to the City of Castle Hills may be rejected.
4. Proposal shall also identify if any, the location and square footage of existing billboards to be removed.

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**24. EVALUATION SCHEDULE**

The anticipated evaluation schedule for this RFP is as follows:

<b>Task</b>	<b>Deadline</b>
Issue RFP	<b>6/24/2020</b>
Pre-Proposal Conference	<b>7/07/2020</b>
Questions Due	<b>7/14/2020</b>
Responses Due	<b>7/21/2020</b>
PROPOSALS DUE	<b>7/31/2020</b>

**25. COST DEPOSIT**

The Proposer will be required to give the City a non-refundable deposit in an amount equal to the City's estimate of its costs to process project approvals and prepare the required master license and relocation agreement. The cost of preparing and submitting a Proposal is the sole responsibility of the Proposer and shall not be chargeable in any manner to the City of Castle Hills.

**26. LIST OF ATTACHMENTS:**

- Exhibit A - Insurance Requirements
- Exhibit B - Digital/Electronic/Moving Off-Premises Displays/Sign Ordinance
- Exhibit C - August 13, 2013 Amendment to the Sign Ordinance

**27. PROPOSAL GUIDELINES, CONTENT AND FORMAT**

In order for the City to properly evaluate the Proposers' Proposal, the Proposals shall include, as a minimum, the following information:

- A. Evidence of the Proposer's ability to be responsive to this project in regard to timeliness and expertise, including availability of staff proposed to be assigned.
- B. Such additional information that the Proposer believes would be pertinent to assist the City of CASTLE HILLS in making its final decision.
- C. Please submit one (1) original and seven (7) copies of your Proposal/qualifications. Additionally, submit one (1) CD with an electronic version of the Proposal. One of the copies should be unbound to allow us to reproduce your Proposal, as needed.
- D. The Proposal must be submitted, typewritten on 8" X 11" white paper.

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**28. COVER LETTER**

Submit a letter on your company letterhead addressing the Proposal and format. The letter should be signed by an officer of the firm authorized to bind the firm to all comments made in the Proposal, and shall include the name, address, phone number and e-mail address of the person(s) to contact who will be authorized to represent the Proposer.

Include your firm's understanding of the work to be performed. In addition, state why your firm believes itself to be the best qualified to perform the services requested by comparing your system with other competitors.

**29. FINANCIAL STATEMENT**

The Proposer must be able to demonstrate a good record of performance and have sufficient financial resources to ensure that it can satisfactorily perform the project.

The proposal of any Proposer who, at the time of submission, is involved in an ongoing bankruptcy as a debtor, or in a reorganization, liquidation, or dissolution proceeding, or if a trustee or receiver has been appointed over all or a substantial portion of the property of the Proposer under federal bankruptcy law or any state insolvency, may be declared non-responsive.

**30. CORPORATE STRUCTURE ORGANIZATION**

Describe how your firm is organized, noting major divisions and any parent/holding companies, as well as brief history of the firm and all personnel potentially to be involved in the project including all sub-consultants. Designate the Principal in Charge and other key personnel. Also provide a description of the experience your firm has had with similar processes.

Provide a conceptual plan for services to the City that you believe are appropriate for the City. Indicate features, skills and/or services which distinguish your firm and make it the best choice for the City. Indicate how the resources of your firm (e.g., number and type of personnel allocated by hours) will be allocated for this project. Submittal of a project schedule is required as part of the Allocation of Resources.

**31. ADDITIONAL DATA**

Material and data not specifically requested for consideration, but which the Proposer wishes to submit must not appear with the Proposal Form but may appear only in an "Additional Data" section. This has specific reference to the following types of data:

- Generalized narrative of supplementary information; and supplementary graphic material.

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**32. EXECUTION OF PROPOSAL**

All Proposals must be signed with the full name of the Proposer, if an individual; by an authorized general partner, if a partnership; or by an authorized officer, if a corporation. The original Proposal must have wet ink signatures. Modification to a Proposal after the Proposal submittal deadline will not be accepted by the City.

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**PROPOSER'S AGREEMENT**

In submitting this Proposal, as herein described, the Proposer agrees that:

- 1. It has carefully examined the Scope of Work and all other provisions of this document and understand the meaning, intent and requirements of same.
- 2. It will enter into contract negotiations and perform the project.
- 3. It has reviewed all clarifications/questions/answers on the City's website at <http://www.cityofcastlehills.com>.

NAME OF PROPOSER: \_\_\_\_\_

FIRM ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

SIGNED BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

PHONE NO./FAX NO.: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

DATE: \_\_\_\_\_

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**EXHIBIT A- INSURANCE REQUIREMENTS**

**DIGITAL BILLBOARDS- LICENSE & MAINTENANCE**

**LICENSEE** shall procure and maintain for the duration of the Agreement, insurance against all claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the LICENSEE, its agents, representatives, volunteers, or employees.

1. **INSURANCE** Throughout the life of this Contract, the Licensee shall pay for and maintain in full force and effect with an insurance company admitted by the Texas Insurance Commissioner to do business in the State of Texas and rated not less than "A: VII" in Best Insurance Key Rating Guide, the following policies of insurance:

- A. **COMMERCIAL (BUSINESS) AUTOMOBILE LIABILITY** insurance, endorsed for "any auto" with combined single limits of liability of not less than \$1,000,000 each occurrence.
- B. **WORKERS' COMPENSATION** insurance as required under the Texas Labor Code and Employers Liability Insurance with limits not less than \$1,000,000 per accident/injury/disease.
- C. **COMMERCIAL OR COMPREHENSIVE GENERAL LIABILITY AND MISCELLANEOUS SUPPLEMENTARY INSURANCE.**

FOR ADDITIONAL REQUIREMENT(S):

- (i) **COMMERCIAL OR COMPREHENSIVE GENERAL LIABILITY** insurance which shall include Contractual Liability, Products and Completed Operations coverages, Bodily Injury and Property Damage Liability insurance with combined single limits of not less than \$1,000,000 per occurrence, and if written on an Aggregate basis, \$2,000,000 Aggregate limit. Not excluding the above, the Proposer's minimum insurance coverage requirements by category should be demonstrated to be as follows:

- General Liability - \$5MM
- Automobile - \$500,000
- Builder's Risk - \$500,000
- Workman's Comp - \$500,000
- Professional Liability - \$1MM

Deductibles and Self-Insured Retentions must be declared and are subject to approval by the City. The Policy(s) shall also provide the following:

- 1. The Commercial General Liability insurance shall be written on ISO approved occurrence form with additional insured endorsement naming: *City of Castle Hills, its Mayor, Council, officers, representatives, agents, employees and volunteers are additional insured.*



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2. All insurance required by this Agreement shall be with a company acceptable to the CITY and issued and executed by an admitted insurer authorized to transact insurance business in the State of Texas. Unless otherwise specified by this Agreement, all such insurance shall be written on an occurrence basis, or, if the policy is not written on an occurrence basis, such policy with the coverage required herein shall continue in effect for a period of three years following the date LICENSEE completes its performance of services under this Agreement.
  - a) For any claims related to services or products provided under this contract, the Licensee's insurance coverage shall be primary insurance as respects the City of Castle Hills its officers, agents, and employees. Any coverage maintained by the CITY shall be excess of the Licensee's insurance and shall not contribute with it. Policy shall waive right of recovery (waiver of subrogation) against the CITY.
  - b) Each insurance policy required by this clause shall have a provision that coverage shall not be cancelled by either party, except after thirty (30) days prior to written notice by certified mail, return receipt requested, has been given to the CITY. Further, the thirty (30) day notice shall be unrestricted, except for workers' compensation, or non-payment of premium, which shall permit ten (10) days advance notice. The insurer and/or the licensee and/or the licensee's insurance agent shall provide the CITY with notification of any cancellation, major change, modification or reduction in coverage.
  - c) Regardless of these contract minimum insurance requirements, the Licensee and its insurer shall agree to commit the Licensee's full policy limits and these minimum requirements shall not restrict the Licensee's liability or coverage limit obligations.
  - d) The Company shall furnish the City of Castle Hills with the Certificates and Endorsement for all required insurance, prior to the City's execution of the Agreement and start of work.
  - e) Upon notification of receipt by the CITY of a Notice of Cancellation, major change, modification, or reduction in coverage, the Licensee shall immediately file with the CITY a certified copy of the required new or renewal policy and certificates for such policy.

Any variation from the above contract requirements shall only be considered by and be subject to approval by the City Council.

If at any time during the life of the Contract or any extension, the Licensee fails to maintain the required insurance in full force and effect, all work under the Contract shall be discontinued immediately. Any failure to maintain the required insurance shall be sufficient cause for the CITY to terminate this Contract.

If the Licensee should subcontract all or any portion of the work to be performed in this contract, the Licensee shall cover the sub-Proposer, and/or require each sub-Proposer to adhere to all subparagraphs of these Insurance Requirements section. Similarly, any cancellation, lapse, reduction or change of sub-Proposer's insurance shall have the same impact as described above.

**REQUEST FOR PROPOSALS (RFP)  
DIGITAL BILLBOARDS  
CITY OF CASTLE HILLS**

**EXHIBIT B: CHAPTER 34 SIGNS AND OTHER ADVERTISING**