

Barbara Shurbet

From: Barbara Shurbet <bshurbet@co.titus.tx.us>
Sent: Thursday, October 13, 2022 1:33 PM
To: 'Brian Lee'; 'John Mark Cobern'; 'James Webster'
Cc: 'Nick Lewis'
Subject: Agenda Item for October 24, 2022 - Lawn Maintenance

Good Morning, Judge Lee: Please add this item to the October 24 agenda.

Please see the email below from October 12 where Nick asked if we could issue the checks to Sun Crane and Hoist, Inc. The original bid documents that Nick returned included the name of his business as Nicholas K. Lewis DBA Lewis Enterprises/Sole Proprietor and the insurance certificate is Sun Crane and Hoist Inc.

He has now done the work for three months. Nick has asked me about whether or not he needs to pull off the job. I referred him to Judge Lee. Please let him know what you decide.

Thank you!

From: Barbara Shurbet <bshurbet@co.titus.tx.us>
Sent: Wednesday, October 12, 2022 3:12 PM
To: 'John Mark Cobern' <tituscountyattorney@gmail.com>
Cc: 'Linda Marshall' <lmarshall@co.titus.tx.us>
Subject: FW: COI

Hello John Mark: Please see Nick Lewis' request below related to the insurance. What are your thoughts?

Based on the bid documents, there are two choices:

- 1) Ask commissioners to approve the change from sole proprietor to corporation.
The bid documents state that the contract shall be canceled in the event of a change in ownership or management unless a mutual agreement is reached with no changes to provisions and prices, and it also states that the contract is non-transferable.
- 2) End the contract.
The bid states that Titus County may cancel the contract at any time for any reason with a 30 day written notice.

Thanks for your direction.

From: Nick Lewis <nlewis@lewiscraneandhoist.com>
Sent: Wednesday, October 12, 2022 2:58 PM
To: Brian Lee <titusjudge@gmail.com>
Cc: Barbara Shurbet <bshurbet@co.titus.tx.us>; John Mark Cobern <tituscountyattorney@gmail.com>; Nicholas Lewis <nicklewis.enterprise@gmail.com>
Subject: Re: COI

Guys,

The only thing left for me to do is ask you to issue the maintenance checks to Lewis crane and hoist, which I can provide you with our EIN/tax id number. I am an executive officer of this business and sometimes operate under my Lewis Enterprise DBA. My employees are all employed under Lewis crane and hoist. Which is also where my workman's comp policy and commercial vehicle policy is held.

I had only asked that the payments be made directly to me when bidding for accounting and tax purposes. Not a must though.

I presented to Barbara were these items:

1. 10 million dollar liability COI
With workman's comp and commercial vehicle liability , from Sun Crane and Hoist DBA Lewis Crane and Hoist
2. A letter from my insurance company stating that myself and other employees were covered in this county to perform maintenance work
3. An additional 2 mil COI specifically for the Lewis enterprise DBA.

Please decide what is legal and the best interest for the county and I will do my best to abide. My apologies for the confusion.

And I look forward to hearing from you all soon.

Best Regards,

Nick Lewis
Lewis Crane and Hoist
General Manager
903.575.8728

On Oct 12, 2022, at 2:41 PM, Brian Lee <titusjudge@gmail.com> wrote:

Nick,
I'm not sure exactly what you have provided to Barbara, our auditor, but Apparently she is not comfortable. She is in communication with John Cobern, our county attorney. I'm not knowledgeable about this subject And what constitutes absolute guaranteed protection for the County. At this point I am stepping out of this conversation and I am asking that You figure out some way to provide all of the required coverage in the Appropriate company name so that Barbara and John are both In agreement and comfortable with the proof of coverage.

Thanks,
Brian

Cc: Barbara Shurbet
John Cobern

Barbara Shurbet

From: John Mark Cobern <tituscountyattorney@gmail.com>
Sent: Saturday, October 15, 2022 10:26 AM
To: Barbara Shurbet
Cc: Brian Lee; James Webster
Subject: Re: Agenda Item for October 24, 2022 - Lawn Maintenance

Judge:

Let's get the commissioner's court to accept the corporation instead of Nick individually. That's an easy fix.

v/r

John Mark Cobern, CPA

Titus County Attorney

100 West First Street
Mt. Pleasant, Texas 75455
Phone: (903) 572-0382
Fax: (903) 577-7540

On Thu, Oct 13, 2022 at 1:33 PM Barbara Shurbet <bshurbet@co.titus.tx.us> wrote:

Good Morning, Judge Lee: Please add this item to the October 24 agenda.

Please see the email below from October 12 where Nick asked if we could issue the checks to Sun Crane and Hoist, Inc. The original bid documents that Nick returned included the name of his business as Nicholas K. Lewis DBA Lewis Enterprises/Sole Proprietor and the insurance certificate is Sun Crane and Hoist Inc.

He has now done the work for three months. Nick has asked me about whether or not he needs to pull off the job. I referred him to Judge Lee. Please let him know what you decide.

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From: Barbara Shurbet <bshurbet@co.titus.tx.us>
Sent: Wednesday, October 12, 2022 3:12 PM
To: 'John Mark Cobern' <tituscountyattorney@gmail.com>

TITUS COUNTY
BID 2022-002
LAWN MAINTENANCE

NON-COLLUSION AFFIDAVIT - RETURN WITH BID

The undersigned certifies that the bid prices contained in this bid have been carefully reviewed and are submitted as correct and final. He further certifies that bidder agrees to furnish any and/or all items upon which prices are extended at the price offered, and upon the conditions contained in the specifications of the Invitation to Bid.

STATE OF TEXAS

COUNTY OF TITUS

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared NICHOLAS K. LEWIS, who after being by me duly sworn, did depose and say: "I, ADELINA TIJERINA am a duly authorized officer of/agent for THE STATE OF TEXAS and have been duly authorized to execute the foregoing bid on behalf of the said bidder NICHOLAS K. LEWIS. I hereby certify that the foregoing bid has not been prepared in collusion with any other bidder or other person or persons engaged in the same line of business prior to the official opening of this bid. Further, I certify that the bidder is not now, nor has he been for the past (6) months, directly or indirectly concerned in any pool or agreement or combination, to control the price of equipment, services, or supplies bid on, or to influence any person or persons to bid or not to bid thereon."

Name and address of bidder Nicholas K. Lewis
PO Box 1735
MOUNT PLEASANT, TX

Telephone 75456 - (cell) 903-575-8728

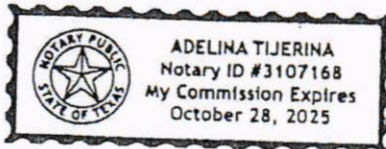
By NICHOLAS K. Lewis Title OWNER/Sole Proprietor
Type Name

Signature *Nicholas K. Lewis*

SUBSCRIBED AND SWORN to me by the above named Nicholas K. Lewis

on this the 16th day of June, 2022

Adelina Tijerina
Notary Public in and for the State of Texas



TITUS COUNTY
BID 2022-002
LAWN MAINTENANCE

BID SHEET – LAWN MAINTENANCE SERVICES – RETURN WITH BID

Return SEALED BID for the purchase of Lawn Maintenance Services to:
Titus County Auditor, 100 W. 1st Street, Suite 106, Mt. Pleasant, Texas 75455

The deadline to return the bid is 4:30 PM, June 23, 2022. Bids will be opened at 9:00 AM, on June 24, 2022 in Room 205 of the Titus County Courthouse. Bidders are invited to attend. Bids will be submitted for consideration on June 27, 2022 in Commissioners' Court, Room 205 of the Titus County Courthouse.

Bidder's sealed envelope must carry BIDDER'S NAME with the following NOTATION: "Bid # 2022-002 for the Purchase of Lawn Maintenance Services"

NICHOLAS K. LEWIS
DBA LEWIS ENTERPRISE *PO Box 1735 MOUNT PLEASANT TX* *903 575 8728*
Company Name Address Phone Number

ANNUAL BID AMOUNT \$ *11,460.00/YR*
955.00/ TO BE PAID IN 12 EQUAL PAYMENTS
MONTH

Other Charges (Describe in Detail):

Anything outside of this scope will need to be priced and agreed on accordingly.

Thank you for the opportunity

As a bidder, I understand that insurance certificates and licenses are required before any work or delivery can be initiated.

Authorized Signature: *Nick Lewis* Title: *owner*

Printed Name of Signature: *Nicholas K. Lewis* Date: *6/16/22*

Email: *nicklewis@lewisenterprise.com* Phone #: *903 575 8728*
nicklewis.enterprise@gmail.com

Please attach a completed Form W-9

Barbara Shurbet

From: Barbara Shurbet <bshurbet@co.titus.tx.us>
Sent: Monday, July 11, 2022 1:34 PM
To: 'nlewis@lewiscraneandhoist.com'
Cc: 'Linda Marshall'
Subject: Name of Insured on Certificate of Liability Insurance

Hello, Nick: I am the Titus County auditor and am in need of your help with your COI.

The name of the insured on the COI that you sent to Brian Lee is Sun Crane & Hoist, Inc. while the name on the lawn maintenance bid is Nicholas K. Lewis dba Lewis Enterprises. My understanding is that the Sun Crane insurance does not extend to Lewis Enterprises. Can you possibly provide insurance in the name of the company that you used in your lawn maintenance bid documents?

Thank you!

From: Brian Lee <titusjudge@gmail.com>
Sent: Monday, July 11, 2022 10:36 AM
To: 'Barbara Shurbet' <bshurbet@co.titus.tx.us>
Subject: RE: Lewis Insurance

I think he sent it to me. Let me look

From: Barbara Shurbet [<mailto:bshurbet@co.titus.tx.us>]
Sent: Monday, July 11, 2022 10:18 AM
To: 'Brian Lee' <titusjudge@gmail.com>
Subject: Lewis Insurance

Brian, the insurance proof was not attached to this email.

Please resend it.

Thank you!

From: Brian Lee <brianlee@suddenlink.net>
Sent: Wednesday, June 29, 2022 3:38 PM
To: 'Nick Lewis' <nlewis@lewiscraneandhoist.com>; 'Barbara Shurbet' <bshurbet@co.titus.tx.us>
Subject: RE: Lewis insurance

Got it thanks.

Barbara, here is Nick's insurance proof to go along with His bid proposal.

Brian

**Request for Taxpayer
Identification Number and Certification**

Give Form to the requester. Do not send to the IRS.

Name (as shown on your income tax return)
Sun Crane and Hoist, Inc

Business name/disregarded entity name, if different from above
dba Lewis Crane and Hoist

Check appropriate box for federal tax classification:
 Individual/sole proprietor C Corporation S Corporation Partnership Trust/estate
 Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____
 Other (see instructions) ▶ _____

Exempt payee

Address (number, street, and apt. or suite no.)
2214 HWY1187 Bldg # 1

City, state, and ZIP code
Mansfield Texas 76063

Requester's name and address (optional)

List account number(s) here (optional)

Print or type
See Specific Instructions on page 2.

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Social security number

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Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Employer identification number

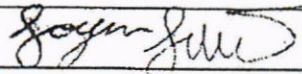
2	7	-	3	4	8	6	9	5	2
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Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 4.

Sign Here Signature of U.S. person ▶  Date ▶ 9/14/2022

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.



October 7, 2022

Re: Sun Crane & Hoist, Inc.
Lewis Crane & Hoist

Please accept this letter as confirmation that the coverage evidenced on the following certificate for the above captioned named insureds does provide coverage in regards to lawn care/maintenance work.

Cordially,

A handwritten signature in cursive script that reads "Ronald M. Thompson".

Ronald Thompson
Coverica Construction & Cranes



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

06/29/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Coverica 5999 Summerside Suite 200 Dallas TX 75252		CONTACT NAME: Amanda Roberson PHONE (A/C, No, Ext): (972) 490-8800 E-MAIL ADDRESS: amanda.roberson@CoVerica.com FAX (A/C, No): (972) 490-2255															
INSURED Sun Crane & Hoist, Inc. Lewis Crane & Hoist 2214 FM 1187, Building 1 Mansfield TX 76063		INSURER(S) AFFORDING COVERAGE <table border="1"> <tr> <th>INSURER</th> <th>NAIC #</th> </tr> <tr> <td>INSURER A: United Specialty Ins. Co.</td> <td>12537</td> </tr> <tr> <td>INSURER B: Pennsylvania Manufacturing Association Insurance</td> <td>12262</td> </tr> <tr> <td>INSURER C: Old Republic Union Insurance Company</td> <td>24147</td> </tr> <tr> <td>INSURER D: Texas Mutual Insurance Company</td> <td>22945</td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </table>		INSURER	NAIC #	INSURER A: United Specialty Ins. Co.	12537	INSURER B: Pennsylvania Manufacturing Association Insurance	12262	INSURER C: Old Republic Union Insurance Company	24147	INSURER D: Texas Mutual Insurance Company	22945	INSURER E:		INSURER F:	
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INSURER E:																	
INSURER F:																	

COVERAGES

CERTIFICATE NUMBER: 22/23 sun/lch

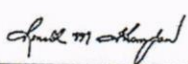
REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Contractual Liability <input checked="" type="checkbox"/> Riggers Liability GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:			DLJ-GL-00000126-01	02/21/2022	02/21/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ex occurrence) \$ 100,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
B	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY <input type="checkbox"/> AUTOS ONLY			152201-11-46-17-4	02/21/2022	02/21/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Par person) \$ BODILY INJURY (Par accident) \$ PROPERTY DAMAGE (Par accident) \$ \$
C	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			ORANXS000427-02	02/21/2022	02/21/2023	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	0001308060	06/16/2022	06/16/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The GL and Auto policies include blanket additional insured endorsements granting status to any person or organization when required by written contract or agreement executed prior to loss.

CERTIFICATE HOLDER Titus County Courthouse 100 W First St Unit 200 Mount Pleasant TX 75455	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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