



AN EARLY COLLEGE DISTRICT

BROWNSVILLE

INDEPENDENT SCHOOL DISTRICT

Dear Potential Vendor(s):

It is the intent of this administration to conduct a fair and impartial evaluation of all proposals/bids. Our efforts are to determine the best value for the District, as such, only proposals/bids that meet specifications will be considered.

The District requests and appreciates that no efforts be undertaken by Vendors to independently contact BISD Administration. Specific questions related to these specifications and/or other matters related to this proposal/bid shall be made through the Purchasing Department, attention to the assigned Senior Buyer via email seven (7) business days prior to deadline.

This request also extends to contact and/or communications with the members of the School Board. Independent communications with Trustees by Vendors puts the Administration and the Trustees in a very difficult position. It is our experience that such advocacy efforts result in members getting un-objective information that may result in confusion. The Texas Education Agency (TEA) and State law require a strict delineation of roles by the Board and Administration. It is the Administration that is charged with the professional review of the proposals. It is the Board's role to consider as a whole the recommendations of the Administration and vote upon the recommendation(s).

When Vendors contact members independently it facilitates the crossing over of those clearly defined and legally required roles of the Board and Administration. This can result in legal problems, administrative censure of the District by TEA and most certainly a compromise in the integrity of the entire proposal process. Please be advised that this Administration will not favorably receive any evidence that a Vendor has contacted the District staff or members of the Board in an effort to seek an unfair advantage and in such, may disqualify the proposal/bid. This extends to agents, brokers, and Vendors.

In advance, I anticipate and appreciate your cooperation in maintaining the integrity of the system and thank you for such efforts.

Respectfully,

A handwritten signature in blue ink that reads "Dr. Nellie Cantu".

Dr. Nellie Cantu

Deputy Superintendent/Business & Operations

A handwritten signature in blue ink that reads "Rosario Peña".

Rosario Peña, RTSBA

Purchasing Director



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Solicitation Information

BISD Purchasing Department documents are made available online via the BISD eBid System to anyone who wishes to submit a bid/proposal. However, it is the responsibility of the proposer submitting to make certain that the BISD Purchasing Department has the appropriate company name, authorized representatives, and contact information on file for the purpose of receiving notices, changes, addenda or other critical information. The BISD eBid System's website is <https://bisd purchasing.ionwave.net> (If applicable).

Requirements for Solicitation

Respondents must submit electronically using the BISD eBid System by the established deadline (day and time). Please refer to the "Supplier Guides" section for assistance to ensure that you submit all required information. However, if Vendor can justify, in writing, the reason(s) why the District should manually accept solicitation, then the Purchasing Director may waive this requirement, based on the submitted documentation.

Solicitations Associated with Construction

Respondents must be submitted on-line through the e-bidding system. Manual submissions will NO LONGER BE ACCEPTED. Failure to upload requested documents will cause a decrease of ranking points and/or may be a cause for disqualification of submission.

The BISD eBid System does not accept responses after the due date and time. Please note that if you begin responding to the bid request and do not click "submit" by the time the BID/PROPOSAL is scheduled to close, your bid will not have been submitted.

Brownsville Independent School District WILL NOT ACCEPT ANY E-MAIL OR FACSIMILE (FAX) ON SEALED SOLICITATIONS. *There may be some proposals that will be allowed to be submitted by mail or hand delivered, specifications will indicate if applicable or not applicable.* Late bids will not be accepted and will be returned to the Vendor unopened.

Terms of Contract

Brownsville Independent School District is interested in the reasons why prospective Vendors fail to submit a solicitations. If you are NOT submitting a solicitation, please indicate the reason(s) in non-responsive form and submit by logging into <https://bisd purchasing.ionwave.net>

This contract will be valid for a twelve (12) month period within three (3) weeks following the School Board award date with an option to extend for up to a six (6) month period after expiration date; unless otherwise noted on the scope of work included in these specifications. The six (6) month extension will be done in writing and will be submitted for School Board approval as needed and only after mutual agreement between the District and the awarded vendors.

Vendors Qualifications

1. To qualify as a Vendor for service work the following qualifications must be met:

- A. **General Experience:** Vendor must show evidence of at least 2 years related experience, and Vendor must have been in the business prior to submitting solicitation for at least 2 years. Failure to submit may be cause for disqualification.



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- B. **Vendor Availability:** Vendor shall provide the District with competent staff that is readily available to answer all questions regarding the submitted solicitation, post award and awarded contract.
- C. **Vendor Certification:** Vendor, when required by federal, state, local city; must provide current copies of all certifications, licenses, permits, as they apply to their field of work. Failure to submit with solicitation may be cause for disqualification of submitted bid.
- D. **Vendor Insurance:** Vendor, when required by specifications, shall provide current insurance certifications in the amounts requested by the solicitation specifications. Failure to submit with solicitation may be cause for disqualifications of submitted solicitation. No work shall commence until all insurance required have been approved by the District. The District will be furnished a certification of insurance acceptable, prior to the commencement of any work.
- E. **Payment Bond:** All service projects over 25k must meet Texas Government Code 2253.021 (a): For the protection of the subcontractors and material suppliers the awarded Vendor must provide a payment bond before work commences to BISD.

Quantities

- 2. Brownsville Independent School District reserves the right to increase or decrease the number of units of each item on the basis of the unit price quoted, unless to do so will increase unit solicitation. In solicitation, stipulate whether the increase or decrease will affect solicitation price. **The solicitation prices will remain firm for twelve (12) months, within three (3) weeks from date of Board Approval, unless otherwise stipulated.**

Item Description

- 3. Vendors shall submit complete data on each item contained in the solicitation. Such data shall show and identify, by manufactures number, (catalog) or other illustrations, the brand and mode on which the solicitation is based and so marked as to be identified with the solicitation item. **FAILURE TO SUBMIT THE ABOVE INFORMATION WITH SEALED SOLICITATION WILL DISQUALIFY THE SOLICITATION.**

Cash Discount

- 4. The Brownsville Independent School District considers cash discounts or discounts for prompt payment when evaluating solicitation.

Purchase Order

- 5. The District is not responsible for orders placed by individuals, without an appropriate purchase order issued by BISD the District will not make cash advances to the awarded Vendors. Payment will be promptly made after all goods have been received and all services have been rendered by the awarded Vendors.



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Vendor Representative

6. The successful Vendor agrees to send a personal representative with binding authority for the company to the District upon request to make adjustments and/or assist with coordination of all transactions as needed.

Quality of Products

7. All products must be delivered in the quality as specified, all items must be new, in first class condition, including containers suitable for shipment and storage, unless otherwise indicated on the solicitation. No substitution in standard grades or lesser quality will be accepted. If the awarded Vendor continues to deliver a lesser quality and continues not to meet the said specifications, BISD will seek the following remedies: Disbarment of the Vendor for up to three years, notification to the Better Business Bureau, and a negative performance would be documented in the Vendor performance tracking system in the State of Texas VPTS system.

Determining Factors for Awards

8. In awarding a contract, the District shall consider TEC 44.031 (b):
 - a. Purchase price.
 - b. The reputation of the Vendor and of the Vendor's goods and services.
 - c. The quality of the Vendor's goods or services.
 - d. The extent to which the goods or services meet the District's needs.
 - e. The Vendor's past relationship with the District.
 - f. The impact on the ability of the District to comply with laws relating to historically underutilized businesses.
 - g. The total long-term cost to the District to acquire the goods or services
 - h. For a contract that is not for goods and services related to telecommunications and information services, building construction and maintenance, or instructional materials whether the Vendor or the Vendor's ultimate parent company or majority owner has its principal place of business in this state or employs at least 500 persons in this state.
 - i. And other relevant factors specifically list in the request for solicitation.



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Evaluation of Bids/Proposals

A committee of BISD employees will review and evaluate bids/proposals and make a recommendation to the Board of Trustees. *BISD will base a recommendation for contract award on the following factors:

Evaluation Factors	Value
(1) Price	60
• Overall Cost of Program	
• Pricing as determined by the bid submitted	
• Pricing may also be based upon usage and coverage	
(2) Vendor's experience and reputation	25
• References (3) from district/governmental entities.	
• Vendor's past relationship with BISD	
• Number of past or current clients within the past 5 years	
(3) Quality of Vendor's products/services and extent to which the products/services meet BISD needs:	15
• Project Management	
• Quality of Vendor's Products/Service	
• Demonstrated Ability to Perform	
(4) Impact on the ability of district to comply with laws and rules relating to HUB/MWBE/SBE	0
(5) Whether Vendor's financial capability is appropriate to the size and scope of the project and the total long-term cost to BISD to acquire the products/services	0
(6) For a contract for goods and services, other than goods and services related to telecommunications and information services, building construction and maintenance, or instructional materials, whether the Vendor or the Vendor's ultimate parent company or majority owner:	0
(A) has its principal place of business in this state; or	
(B) employs at least 500 persons in this state ³	
TOTAL POSSIBLE POINTS:	<u>100</u>

**Based on Solicitation Type*

³ As a general rule, BISD may not apply geographic preferences for procurements involving federal funds. See 2 C.F.R. § 200.319. However, BISD may apply an optional geographic preference in the procurement of unprocessed locally grown or locally raised agricultural products for use in a Child Nutrition Program. See 7 C.F.R. §§ 210 (National School Lunch Program), 215 (Special Milk Program for Children), 220 (School Breakfast Program), 225 (Summer Food Service Program), 226 (Child and Adult Care Food Program).

Bid Specs Certifications



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Pricing

9. Document on the solicitation unit price on quantity specified, extend and show total. In case of errors in extension, unit prices shall govern.

Signing of Solicitation

10. Failure to manually sign solicitation may disqualify it. Person signing solicitation should show title or authority to bind their firm to a contract.

Taxes

11. The District is exempt from Federal Excise Tax, State Tax and Local Taxes. Do not include tax in the solicitation. If it is determined that tax was included in the solicitation it will not be included in the tabulation or any awards. Tax exemption certificates will be furnished upon request.

Or Equal

12. Any catalog, brand name or manufacturer's reference used in the solicitation request is descriptive - not restrictive - it is intended to indicate type and quality desired. Other brands of like nature and quality will be considered. If offering on other than reference specifications, the solicitation document must show manufacturer, brand, model, etc. of article offered. If brand other than that specified is offered, complete descriptive information of said article must be included with the solicitation. If Vendor takes no exception to specifications of reference data, brand names, models, etc. as specified, must be furnished.

Samples

13. When requested, must be furnished within five working days of the request at no cost to the District. If not destroyed in examination they will be returned to the Vendor on request at the Vendor's expense. Failure to submit samples will disqualify the solicitation.

EECO Guideline

14. During the performance of this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of race, color, national origin, age, religion, gender, marital or veteran status, or handicapping condition.

As Needed Basis

15. Quantities shown are estimates only. They are based on prior yearly usage. Items are to be ordered "as needed" over a period of one (1) year.



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Question of Specifications

16. Questions regarding the requirements specified in this solicitation may be sent thru the BISD eBid System or thru e-mail **no less than seven (7) business days** before the bids/proposals are due. BISD will not answer verbal questions; any responses to a prospective Vendor's questions will be posted on the BISD eBid System.

Re-solicit

17. The Brownsville Independent School District has the right to reject all responses or re-solicit if only one solicitation is received by the "submission date" or extend the submission date by an additional two (2) weeks, or as needed.

Records Pertaining to this Solicitation

18. Vendor must submit a public information request form through the office of Public Relations and Community Engagement at phone number (956) 548-8000 if copies of the submitted responses are needed. This includes all documents pertaining to the solicitation.

Contact with Senior Buyer

19. The Vendor should be advised that all end users or Board Member may not communicate with any potential Vendor and may only communicate with the designated Senior Buyer on any matter related to the solicitation. This includes technical questions on the Scope of Work. The Senior Buyer will not respond to the technical questions until first contacting an end user for input and concurrence and then submit an addendum to all potential Vendors. A Vendor should not contact any end use directly and should refer all question in writing to the designated Senior Buyer. Continued non- compliance of the requirement is ground for rejection of the solicitation. The designated Senior Buyer can be located on the 1st page of this solicitation.

Ethic & Conduct

20. No person shall participate or assume a responsibility in the implementation and execution of this procedure including, but not limited to, the evaluation of solicitation and selection of contractors, when such participation constitutes a conflict of interest as defined by law.

Criminal Background Checks

21. Respondent agrees by signing and executing this solicitations to provide assurance that all employees, subcontractors and volunteers of the Provider who have contact with students have passed a criminal history background check current within the last year as per defined in Senate Bill 9.



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Website Disclaimer

22. All solicitation postings on BISD website are provided as an added public service and may or may not be intended for official use. Every effort has been made to provide specifications that are up to date, but information provided herein may change without notice or further posting. Any information presented on the website is subject to revision at any time and is reproduce from official documents of the Purchasing Department. Vendors are encouraged to contact the Purchasing Department to ensure the solicitation posting is up to date.

Vendor Price with Escalation

23. Price may be increased according to the terms listed:
Based in Consumer Price Index, Producers Price Index, or other index approved by BISD Purchasing Department.

The Vendor must submit a written request for price increase to BISD Purchasing Department within 15 days of the affected price increase. The request must be addressed to the appropriate Senior Buyer assigned to manage the procurement. Note: Vendor shall not delay or stop deliveries pending price change approval. Price increase requests shall be supported by the appropriate index documentation from an independent and industry accepted market report.

A price increase from your supplier alone is not sufficient documentation. BISD will respond within 15 calendar days of the request receipt date by:

1. Granting the request
2. Reassigning the item(s) to another awarded Vendor
3. Re-solicit the item(s); or taking any other action deemed in the best interest to BISD. Price decreases will be accepted at any time during the contractperiod.

The allowable percent increase change shall be calculated as follows:

$(B-A)/A \times 100\% = \text{Percent of allowable price increase}$

A = Index from the month of the original solicitation or the month of the last approval price increase

B = Current and/or latest baseline index

The resulting percent shall be rounded to the nearest one-hundredth of one percent and shall be the maximum adjustment permitted. The Consumer Price Index (CPI) or Producer Price Index (PPI) used will be for the industry of the specific items listed in the solicitation. At the sole discretion of BISD, multiple CPI's or PPI's may be used for various items in the same solicitation.



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Purchasing Ethics

24. It is not our practice to solicit any type of gifts, favors, or sample of products (samples only if the bid specifications call for it). If any employee implies this to you or your company please feel free to inform the Purchasing Director at rpena@bisd.us. It will be held in confidence. You can also contact our fraud line at 956-548-8181; submit a [Web Tip] or SMS [Text-A-Tip] at our Police/Security Services website - <http://www.bisd.us/Security> (anonymously).

Termination

25. Brownsville Independent School District may, at its sole discretion, terminate this Contract upon thirty (30) days' written notice to Contractor. Such Notice may be provided by facsimile, email or certified mail, return receipt requested and is effective upon Contractor's receipt. This agreement can also be canceled without notice for the following reasons:
- a. Failure of contractor to adhere to hourly rates or pricing as stated on the solicitation.
 - b. Contractor's failure to timely respond to service requests.
 - c. Not complying with the contract specifications.

Subcontracting Program HUBs Good Faith Effort

26. BISD at times is required to make a good faith effort to assist Historically Underutilized Businesses (HUBs). The goal of this program is to promote fair and competitive business opportunities for all businesses contracting with BISD. Vendors please submit your HUB certification with solicitation.

Applicable Law: Venue

27. This solicitations shall be governed by and construed in accordance with the laws of the State of Texas. The venue of any suit arising under this solicitation or a contract crated by said solicitation shall be fixed in any court of competent jurisdiction of Cameron County, Texas.

***Solicitation Type**

28. If the solicitation is a Request for Qualifications (RFQ) please disregard all verbiage noting cost or pricing on this solicitation document. The RFQ process will follow the "Professional Services Procurement Act" as stated under chapter 2254 of the Texas Government Code.



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If the solicitation is a Construction Project the process will follow "Contracting and Delivery Procedures for Construction Projects" under chapter 2269 of the Texas Government Code. **ESSER funded construction projects will need to include pricing and/or values if only one responsible bidder responds.**

The Brownsville Independent School District reserves the right to reject any/or all solicitations and to make awards as they may appear to be advantageous to the School District, to hold solicitation for 120 business days from submission date without action, and to waive all formalities in solicitation. The Vendor must indicate "all or none" in the solicitation if the above-stated condition is not acceptable.

Vendor must provide Federal Identification Number and/or Social Security Number in order to be considered as a qualified Vendor.

This solicitation shall be delivered FOB Brownsville Independent School District, Palo Alto Service Center, 7330 Morrison Road, Brownsville, TX 78521.



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BISD. Vendor Certification Forms

CERTIFICATION OF COMPLIANCE WITH TEXAS FAMILY CODE PROVISION

As per Section 14.52 of the Texas Family Code, added by S.B. 84, Acts, 73rd Legislature, R.S. (1993), all bidders must complete and submit with the bid the following affidavit:

I, the undersigned Vendor, do hereby acknowledge that NO sole proprietor, partner, majority shareholder of a corporation, or an owner of 10% or more of another business entity is 30 days or more delinquent in paying child support under a court order or a written repayment agreement. I understand that under this provision, a sole proprietorship, partnership, corporation or other entity in which a sole proprietor, partner, majority shareholder or a corporation, or an owner of 10% or more of another entity is 30 days or more delinquent in paying child support under a court order or a written repayment agreement is NOT eligible to bid or receive a statecontract.

REQUIRED CONTRACT PROVISIONS FOR NON-FEDERAL ENTITY CONTRACTS UNDER FEDERAL AWARDS – APPENDIX II TO 2 CFR PART 200

**The following provisions are required and apply when federal funds are expended by BISD,
for any contract resulting from this procurement process**

- (A) Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

Pursuant to Federal Rule (A) above, when federal funds are expended by BISD, BISD reserves all rights and privileges under the applicable laws and regulations with respect to this procurement in the event of breach of contract by either party.

Does Vendor agree to abide by the above?

YES _____ Initials of Authorized Representative of Vendor



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- (B)** Termination for cause and for convenience by the grantee or sub grantee including the manner by which it will be effected and the basis for settlement. (All contracts in excess of \$10,000)

Pursuant to Federal Rule (B) above, when federal funds are expended by BISD, BISD reserves the right to immediately terminate any agreement in excess of \$10,000 resulting from this procurement process in the event of a breach or default of the agreement by Vendor, in the event Vendor fails to: (1) meet schedules, deadlines, and/or delivery dates within the time specified in the procurement solicitation, contract, and/or a purchase order; (2) make any payments owed; or (3) otherwise perform in accordance with the contract and/or the procurement solicitation. BISD. Also reserves the right to terminate the contract immediately, with written notice to Vendor, for convenience, if BISD believes, in its sole discretion that it is in the best interest of BISD to do so. The Vendor will be compensated for work performed and accepted and goods accepted by BISD. As of the termination date if the contract is terminated for convenience of BISD. Any award under this procurement process is not exclusive and BISD reserves the right to purchase goods and services from other Vendors when it is in the best interest of BISD.

Does Vendor agree to abide by the above?

YES _____ Initials of Authorized Representative of Vendor

- (C)** Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

Pursuant to Federal Rule (C) above, when federal funds are expended by BISD on any federally assisted construction contract, the equal opportunity clause is incorporated by reference herein

Does Vendor agree to abide by the above?

YES _____ Initials of Authorized Representative of Vendor



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(D) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or sub recipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

Pursuant to Federal Rule (D) above, when federal funds are expended by BISD, during the term of an award for all contracts and sub grants for construction or repair, the Vendor will be in compliance with all applicable Davis-Bacon Act provisions.

Does Vendor agree to abide by the above?

YES _____ Initials of Authorized Representative of Vendor

(E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply



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to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

Pursuant to Federal Rule (E) above, when federal funds are expended by BISD, the Vendor certifies that during the term of an award for all contracts by BISD. Resulting from this procurement process, the Vendor will be in compliance with all applicable provisions of the Contract Work Hours and Safety Standards Act.

Does Vendor agree to abide by the above?

YES _____ Initials of Authorized Representative of Vendor

- (F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under 37 CFR §401.2 (a) and the recipient or sub recipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or sub recipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

Pursuant to Federal Rule (F) above, when federal funds are expended by BISD, the Vendor certifies that during the term of an award for all contracts by BISD. Resulting from this procurement process, the Vendor agrees to comply with all applicable requirements as referenced in Federal Rule (F) above.

Does Vendor agree to abide by the above?

YES _____ Initials of Authorized Representative of Vendor

- (G) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and sub grants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251- 1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency(EPA).

Pursuant to Federal Rule (G) above, when federal funds are expended by BISD, the Vendor certifies that during the term of an award for all contracts by BISD. Resulting from this procurement process, the Vendor agrees to comply with all applicable requirements as referenced in Federal Rule (G) above.

Does Vendor agree to abide by the above?

YES _____ Initials of Authorized Representative of Vendor



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- (H) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the government wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

Pursuant to Federal Rule (H) above, when federal funds are expended by BISD, the Vendor certifies that during the term of an award for all contracts by BISD, resulting from this procurement process, the Vendor certifies that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation by any federal department or agency.

Does Vendor agree to abide by the above?

YES _____ Initials of Authorized Representative of Vendor

- (I) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

Pursuant to Federal Rule (I) above, when federal funds are expended by BISD, the Vendor certifies that during the term and after the awarded term of an award for all contracts by Brownsville I.S.D. resulting from this procurement process, the Vendor certifies that it is in compliance with all applicable provisions of the Byrd Anti-Lobbying Amendment (31 U.S.C. 1352). The undersigned further certifies that:

- a. No Federal appropriated funds have been paid or will be paid for on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of Congress in connection with the awarding of a Federal contract, the making of a Federal grant, the making of a Federal loan, the entering into a cooperative agreement, and the extension, continuation, renewal, amendment, or modification of a Federal contract, grant, loan, or cooperative agreement.
- b. If any funds other than Federal appropriated funds have been paid or will be paid to any



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person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

- c. The undersigned shall require that the language of this certification be included in the award documents for all covered sub-awards exceeding \$100,000 in Federal funds at all appropriate tiers and that all sub recipients shall certify and disclose accordingly.

Does Vendor agree to abide by the above?

YES _____ Initials of Authorized Representative of Vendor

Prohibition on Contracts with Companies Boycotting Certain Energy Companies (SB 13)

If Contractor is a company with 10 or more full-time employees and if this Agreement has a value of at least \$100,000 or more, Contractor verifies by submitting its proposal that, pursuant to Texas Government Code Chapter 2274, it does not boycott energy companies; and will not boycott energy companies during the term of the Agreement. This verification is not required for an agreement where a governmental entity determines that these requirements are inconsistent with the governmental entity's constitutional or statutory duties related to the issuance, incurrence, or management of debt obligations or the deposit, custody, management, borrowing, or investment of funds.

Does Vendor agree to abide by the above?

YES _____ Initials of Authorized Representative of Vendor

Prohibition on Contracts with Companies that Discriminate Against Firearm and Ammunition Industries (SB 19)

If Contractor is a company with 10 or more full-time employees and if this Agreement has a value of at least \$100,000 or more, Contractor verifies by submitting its proposal that, pursuant to Texas Government Code Chapter 2274, it does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and will not discriminate during the term of the contract against a firearm entity or firearm trade association.

Does Vendor agree to abide by the above?

YES _____ Initials of Authorized Representative of Vendor



AN EARLY COLLEGE DISTRICT

BROWNSVILLE

INDEPENDENT SCHOOL DISTRICT

RECORD RETENTION REQUIREMENTS FOR CONTRACTS PAID FOR WITH FEDERAL FUNDS
– 2 CFR § 200.333

When federal funds are expended by BISD, for any contract resulting from this procurement process, the Vendor certifies that it will comply with the record retention requirements detailed in 2 CFR § 200.333. The Vendor further certifies that Vendor will retain all records as required by 2 CFR § 200.333 for a period of three years after grantees or sub grantees submit final expenditure reports or quarterly or annual financial reports, as applicable, and all other pending matters are closed.

Does Vendor agree? YES _____ Initials of Authorized Representative of Vendor

CERTIFICATION OF COMPLIANCE WITH EPA REGULATIONS

**APPLICABLE TO GRANTS, SUBGRANTS, COOPERATIVE AGREEMENTS, AND
CONTRACTS IN EXCESS OF \$100,000 OF FEDERAL FUNDS**

When federal funds are expended by BISD, for any contract resulting from this procurement process in excess of \$100,000, the Vendor certifies that the Vendor is in compliance with all applicable standards, orders, regulations, and/or requirements issued pursuant to the Clean Air Act of 1970, as amended (42 U.S.C. 1857(h)), Section 508 of the Clean Water Act, as amended (33 U.S.C. 1368), Executive Order 117389 and Environmental Protection Agency Regulation, 40

CFR Part 15.

Does Vendor agree? YES _____ Initials of Authorized Representative of Vendor

CERTIFICATION OF COMPLIANCE WITH THE ENERGY POLICY AND CONSERVATION ACT

When federal funds are expended by BISD, for any contract resulting from this procurement process, the Vendor certifies that the Vendor will be in compliance with mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94- 163, 89 Stat.871).

Does Vendor agree? YES _____ Initials of Authorized Representative of Vendor



BROWNSVILLE

INDEPENDENT SCHOOL DISTRICT

CERTIFICATION OF COMPLIANCE WITH BUY AMERICA PROVISIONS

The Brownsville Independent School District (the "District") participates in the National School Lunch Program and School Breakfast Program and is required under the Buy American provision (7 C.F.R. § 210.21(d)) to use the nonprofit food service funds, to the maximum extent practical, to buy domestic commodities or products. 7 C.F.R. § 210.21(d) defines a "domestic commodity or product" as one that is either produced in the U.S. or is processed in the U.S. substantially using agricultural commodities that are produced in the U.S. "Substantially" means that over 51 percent of the final processed product consists of agricultural commodities that were grown domestically.

Vendor certifies that, in compliance with the Buy American provision, its products are domestic commodities or products as defined by 7 C.F.R. § 210.21(d).

YES _____ Initials of Authorized Representative of Vendor

Vendor further certifies that its product(s): _____ have at least _____ % U.S. content.

REQUEST FOR EXCEPTION FROM THE BUY AMERICAN PROVISION

Exceptions to the Buy American provision are utilized by the District as a last resort; however, an exception may be approved upon request. If Vendor did not certify compliance with the Buy American provision above, it may request an exception by checking one or both of the following grounds for an exception:

- ☐ The product is not produced or manufactured in the U.S. in sufficient and reasonable available quantities of a satisfactory quality.
- ☐ The costs of a U.S. product are significantly higher than the non-domestic product.

Vendor certifies that it submits this request for an exception from the Buy American provision in good faith and with the reasonable belief that: (a) the product is not produced or manufactured in the U.S. in sufficient and reasonable available quantities of a satisfactory quality; and/or (b) the costs of a U.S. product are significantly higher than the non-domestic product.

YES _____ Initials of Authorized Representative of Vendor

Vendor further agrees that, if the District determines that it does not qualify for one of the exceptions to the Buy American provision listed above, Vendor is ineligible for this Contract.

YES _____ Initials of Authorized Representative of Vendor



BROWNSVILLE

INDEPENDENT SCHOOL DISTRICT

CERTIFICATION OF COMPLIANCE WITH 2 CFR 200.322 Domestic preferences for procurements

(a) As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.

(b) For purposes of this section:

- (1) "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
- (2) "Manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

Exceptions to the Domestic Preferences provision are utilized by the District as a last resort; however, an exception may be approved upon request. If Vendor did not certify compliance with the provision above, it may request an exception by checking one or both of the following grounds for an exception: **Check below if it applies**

The product is not produced or manufactured in the U.S. in sufficient and reasonable available quantities of a satisfactory quality. _____

The costs of a U.S. product are significantly higher than the non-domestic product. _____

Vendor certifies that it submits this request for an exception from the provision in good faith and with the reasonable belief that: (a) the product is not produced or manufactured in the U.S. in sufficient and reasonable available quantities of a satisfactory quality; and/or (b) the costs of a U.S. product are significantly higher than the non-domestic product.

YES _____ Initials of Authorized Representative of Vendor

Vendor further agrees that, if the District determines that it does not qualify for one of the exceptions to the provision listed above, Vendor is ineligible for this Contract.

YES _____ Initials of Authorized Representative of Vendor



AN EARLY COLLEGE DISTRICT

BROWNSVILLE

INDEPENDENT SCHOOL DISTRICT

CERTIFICATION OF NON-COLLUSION STATEMENT

Vendor certifies under penalty of perjury that its response to this procurement solicitation is in all respects bona fide, fair, and made without collusion or fraud with any person, joint venture, partnership, corporation or other business or legal entity.

Does Vendor agree? YES _____ Initials of Authorized Representative of Vendor

Vendor agrees to comply with all federal, state, and local laws, rules, regulations and ordinances, as applicable. It is further acknowledged that Vendor certifies compliance with all provisions, laws, acts, regulations, etc. as specifically noted above.

Vendor's Name/Company Name: _____

Address, City, State, and Zip Code: _____

Phone Number: _____ Fax Number: _____

Printed Name and Title of Authorized Representative: _____

Email Address: _____

Signature of Authorized Representative: _____

Date: _____



AN EARLY COLLEGE DISTRICT

BROWNSVILLE

INDEPENDENT SCHOOL DISTRICT

CERTIFICATION OF NO ISRAEL BOYCOTT

Effective September 1, 2017, a Texas Governmental entity may not enter into a contract with a company for goods or services unless the contract contains a written verification form the company that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract. (Texas Gov't Code CH. 2270).

"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. (Texas Gov't Code §808.001(1)).

By signature below, I certify and verify that Vendor does not boycott Israel and will not boycott Israel during the term of any contract awarded under this invitation, that this certification is true, complete and accurate, and that I am authorized by my company to make this certification.

Printed Company Name and Vendor Name:

Signature of Authorized Representative: _____ Date: _____

CERTIFICATION OF NO EXCLUDED NATION OR FOREIGN TERRORIST ORGANIZATION

Effective September 1, 2017, Chapter 2252 of the Texas Government Code provides that a Texas Governmental entity may not enter into a contract with a company engaged in active business operations with Sudan, Iran, or a foreign terrorist organization – specifically, any company identified on a list prepared and maintained by the Texas Comptroller under Texas Government Code §§806.051, 807.051, or 2252.153. (A company that the U.S. Government affirmatively declares to be excluded from its federal sanctions regime relating to Sudan, Iran, or any federal sanctions regime relating to a foreign terrorist organization is not subject to the contract prohibition).

By signature below, I certify and verify that Vendor does not boycott Israel and will not boycott Israel during the term of any contract awarded under this invitation, that this certification is true, complete and accurate, and that I am authorized by my company to make this certification.

Printed Company Name and Vendor Name:

Signature of Authorized Representative: _____ Date: _____



AN EARLY COLLEGE DISTRICT

BROWNsville

INDEPENDENT SCHOOL DISTRICT

Instructions for the Conflict of Interest Questionnaire

Section 176.006 requires disclosure of a person's "affiliations or business relations that might cause a conflict of interest." The term "affiliation" is not defined in Chapter 176. However, the general definition of the word "affiliation" would mean any association or connection. So any affiliation, including such things as friendship, membership in some group or organization, relationship by blood or marriage, or any other connection, must be disclosed.

How to fill out the Conflict of Interest Questionnaire (each number corresponds with the number on Form CIQ).

1. Name of person doing business with the District. If the business is a corporation, partnership, etc., then each person who acts as an agent for the business in dealings with BISD must complete the form. Also state company name.
2. Check the box if you are filing an update to a previously filed questionnaire. Updates are required by law by September 1 of each year in which the person submits a solicitation, or begins contract discussions or negotiations with the District. Updates are also required by the 7th business day after an event that makes a statement in a previously filed questionnaire incomplete or inaccurate.
3. Describe how you are affiliated or related to a BISD employee or school board member who may make recommendations to the District regarding expenditures of money. Name the District employee or school board member with whom you have a relationship; if there is no relationship in question, state "NONE". Answer questions A, B, C, and D with "Yes" or "No", as applicable.

Examples:

- If your spouse, parent or child is the Director of Purchasing and a solicitation is being submitted to the Purchasing Department, this relationship must be reported.
- If your spouse, parent or child is the Principal at a school and your business may sell items directly to the school. This relationship must be reported.
- If you and your spouse, parent, or child is in business with a District employee that you be making a recommendation concerning a purchase or sale transaction involving you, the relationship must be reported.
- If you employ or do business with a spouse, parent, or child of a District employee that would be making a recommendation concerning a purchase or sale transaction involving you, the relationship must be reported.
- If you are a District employee and would be making recommendation concerning a purchase or sales transaction involving you, the relationship must be reported.
- If your neighbor is your friend and is a District employee that would be making a recommendation concerning a purchase or sale transaction involving you and you feel that your relationship with this employee could affect their recommendation, this relationship must be reported.
- If any other situation exists that would result in a conflict of interest, the relationship must be reported.



AN EARLY COLLEGE DISTRICT

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- If your spouse, parent, or child is a teacher that does not make recommendations concerning purchasing or sales transactions, this relationship should not be reported. If your spouse, parent, or child is a Principal at a school and solicitation is being considered by a separate department such as Facilities & Planning (Construction Department) this relationship should not be reported.
- Signature Box: Date and Sign the form A signature is required from the person completing the form even if 'No' is entered in Box 3, A, B, C, or D.



AN EARLY COLLEGE DISTRICT

BROWNSVILLE

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CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

FORM CIQ

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 176.008(a).

By law this questionnaire must be filed with the records administrator of the local governmental 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 176.005 (a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.008, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1. Name of vendor who has a business relationship with local governmental entity.

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 is being disclosed.

Name of Officer

4. Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

a. Is the local government officer or a family member of the officer 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 or a family member of the officer AND the taxable income is not received from the local governmental entity?

☐ Yes

☐ No

5. Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

6. ☐ Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7.

Signature of vendor doing business with the governmental entity

Date



AN EARLY COLLEGE DISTRICT

BROWNSVILLE

INDEPENDENT SCHOOL DISTRICT

SB9 Contractor Certification Contractor Employees

Introduction: Texas Education Code Chapter 22 requires entities that contract with school Districts to provide services to obtain criminal history record information regarding covered employees. Contractors must certify with the District that they have complied. Covered employees with disqualifying criminal histories are prohibited from serving at a school District. Contractors must certify to the District that they have complied and must obtain certifications from their subcontractors.

The District may not obtain criminal histories for contractors: the law requires each contractor to obtain the criminal histories of its covered employees. For more information or to set up an account, contractor should contact the Texas Department of Public Safety's Crime Records Services at 512-424-2474

Definitions:

Covered employees: Employees of a contractor or subcontractor who have or will have continuing duties related to the service to be performed at the District and have or will have direct contact with students. The District will be the final arbiter of what constitutes direct contact with students. If this box is checked I further certify that:

- a. Contractor/Subcontractor/Independent Contractor has obtained all required criminal history records information regarding its covered employee(s). None of the covered employee(s) has a disqualifying criminal history.
- b. Contractor/Subcontractor/Independent Contractor receives information that a covered employee(s) subsequently has a reported criminal history, Contractor/Subcontractor/Independent Contractor will immediately remove the covered employee(s) from contract duties and notify the District in writing within 3 business days.
- c. Upon request, Contractor/Subcontractor/Independent Contractor will provide the District with the name and any other requested information of covered employee(s)'s criminal history record information, Contractor/Subcontractor/Independent Contractor agrees to discontinue using the covered employee(s) to provide services at the District.

Disqualifying criminal history: Any conviction or other criminal history information designated by the District, or one of the following offenses, if at the time of the offense, the victim was under 18 or enrolled in a public school: (a) a felony offense under Title 5, Texas Penal Code; (b) an offense for which a defendant is required to register as a sex offender under Chapter 62, Texas Code of Criminal Procedure; or (c) an equivalent offense under federal law or the laws of another state.



AN EARLY COLLEGE DISTRICT

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On behalf of _____

(Contractor/Subcontractor/Independent Contractor)

I, the undersigned authorized signatory for Contractor/Subcontractor/Independent Contractor to
Certify to **BISD** that: [Check

One

☐

None of the employee(s) of Contractor/Subcontractor/Independent Contractor are *covered employees*, as defined above. If this box is checked, I further certify that Contractor/Subcontractor/Independent Contractor has taken precautions or imposed conditions to ensure that the employees of Contractor and any subcontractor will not become *covered employees*. Contractor will maintain these precautions or conditions throughout the time the contracted services are provided.

OR

☐

Some or all of the employee(s) of Contractor/Subcontractor/Independent Contractor are *covered employees*. If this box is checked, I further certify that I understand the definitions and requirements above on section COVERED EMPLOYEE(S)

I also certify to the District on behalf of Contractor/Subcontractor/Independent Contractor had obtained certification form it Contractor/Subcontractor/Independent Contractor of compliance with Education Code, Chapter 22.

I agree to provide the District, upon request, full name(s) and any other requested information so the District may obtain mine/employee(s) history record information. I understand that the District may terminate services at any time if the District determines, at its sole discretion, that criminal history is not acceptable.

Noncompliance or misrepresentation regarding this certification may be grounds for contract termination.

Signature & Title

Date



AN EARLY COLLEGE DISTRICT

BROWNSVILLE

INDEPENDENT SCHOOL DISTRICT

FELONY CONVICTION NOTICE

State of Texas Legislative Senate Bill No. 1, Section 44.034, Notification of Criminal History, Subsection (a), states "a person or business entity that enters into a contract with a school District must give advance notice to the District if the person or an owner or operator of the business entity has been convicted of a felony. The notice must include a general description of the conduct resulting in the conviction of a felony.

Subsection (b) states "a school District may terminate a contract with a person or business entity if the District determines that the person or business entity failed to give notice as required by Subsection (a) or misrepresented the conduct resulting in the conviction. The District must compensate the person or business entity for the services performed before the termination of contract."

THIS NOTICE IS NOT REQUIRED OF A PUBLICLY-HELD CORPORATION

I, the undersigned agent for the firm named below, certify that the information concerning notification of felony has been reviewed by me and the following information furnished is true to the best of my knowledge.

VENDOR'S NAME: _____

AUTHORIZED COMPANY OFFICIAL'S NAME (PRINTED) _____

- a. My firm is publicly-held corporation, therefore, this reporting requirement is not applicable.

Signature of Company: _____

- b. My firm is neither owned nor operated by anyone who has been convicted of a felony:

Signature of Company Official: _____

- c. My firm is owned or operated by the following individual(s) who has/have been convicted of a felony:

Name: _____

Felon(s): _____

Details of Conviction(s): _____

Signature of Company Official: _____

Note: Please complete, sign, and submit this form with your solicitation or company will be disqualified



AN EARLY COLLEGE DISTRICT

BROWNSVILLE

INDEPENDENT SCHOOL DISTRICT

NON-COLLUSIVE AFFIDAVIT

The undersigned Vendor, by signing and executing this solicitation certifies and represents to the Brownsville Independent School District that Vendor has not offered, conferred or agreed to confer any pecuniary benefit, as defined by 1.07 (a) (6) of the Texas Penal Code, or any other thing of value, as consideration for the receipt of information or any special treatment or advantage relating to this solicitation: the Vendor also certifies and represents that the Vendor has not offered, conferred or agreed to confer any pecuniary benefit or other thing of value as consideration for the recipient's decision, opinion, recommendation, vote or other exercise of discretion concerning this solicitation: the Vendor certifies and represents that Vendor has neither coerced nor attempted to influence the exercise of discretion by any offer, trustee, agent or employee of the Brownsville Independent School District concerning this solicitation on the basis of any consideration not authorized by law; the Vendor also certifies and represents that Vendor has not received any information not available to other Vendor so as to give the undersigned a preferential advantage with respect to this solicitation; the Vendor further certifies and represents that Vendor has not violated any state, federal, or local law, regulation or ordinance relating to bribery, improper influence, collusion or the like and that Vendor will not in the future offer, confer, or agree to confer any pecuniary benefit or other thing of value of any officer, trustee, agent or employee of the Brownsville Independent School District in return for the person having exercised their person's official discretion, power or duty with respect to this solicitation; the Vendor certifies and represents that it has not now and will not in the future offer, confer, or agree to confer a pecuniary benefit or other thing of value to any officer, trustee, agent, or employee of the Brownsville Independent School District in connection with information regarding this solicitation, the submission of this solicitation, the award of this solicitation or the performance, delivery of sale pursuant to this solicitation.

Signature of Company Official: _____ **Date:** _____

Print Name: _____

Note: Please complete, sign, and submit this form with your solicitation or company may be disqualified



AN EARLY COLLEGE DISTRICT

BROWNSVILLE

INDEPENDENT SCHOOL DISTRICT

AFFIDAVIT

State of Texas
County of Cameron

I, _____ (name) as a Trustee of the BISD. Board of Trustees make this affidavit and hereby on oath of state the following; I, or a person related to me, have a substantial interest, in a business entity, as those terms are defined in Local Government code Sections 171.001-171.002, that would experience a special economic effect distinguishable from its effect on the public by a vote or decisions of the board or in a real property for which it is reasonably foreseeable that the board's action will have a special economic effect on the value of the property distinguishable from its effect on the public. (_____ name and address of Business or description of property).

_____ (" I or name or relative and relationship
(have/has a substantial interest in this business entity or real property for the following reason:

CHECK ALL THAT APPLY

- ☐ Ownership of 10 percent or more of the voting stock or shares of the business entity.
- ☐ Ownership of 10 percent or more the fair market value of the business entity.
- ☐ Ownership of \$5,000 or more of the fair market value of the business entity.
- ☐ Funds received from the business exceed 10 percent of (my, her, his) gross income for the previous year.
- ☐ Real property is involved and (I, he, she) (have, has) and equitable or Legal ownership with a fair market value of at least \$2,500.

Upon filing of this affidavit with the School Board's Secretary, I affirm that I shall abstain from participation in any decision involving this business entity or real property, unless permitted according to Local Government Section 171.006

Signed this _____ day of _____, 20____

Signature of Official

Title

ACKNOWLEDGEMENT

State of Texas
County of Cameron

BEFORE ME, the undersigned authority, this day personally appeared

My commission expires: _____

Note: Please complete, sign, and submit this form with your solicitation or company may be disqualified



BROWNSVILLE

INDEPENDENT SCHOOL DISTRICT

Certification of Interested Parties –Form 1295

Certification of Interested Parties (Form 1295- must be filled out electronically with the Texas Ethics Commission's online filing application, printed out signed, notarized and sent back with the other required documents in this solicitation).

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 a signed contract to the governmental or state agency. These new provisions took effect January 1, 2016.

Since the Board of Trustees will adopt approved Vendor list for the advertised categories, Vendors must comply with this mandate prior to doing business with Brownsville Independent School District. Vendors submitting a sealed solicitation must also log into the Texas Ethics Commission 1295 and print a copy of the completed form, which will include a certification of filing that will contain a unique certification number. An authorized agent of the business entity must sign the printed copy of the form and have it notarized. The completed Form 1295 with the Certification filing must be filed with BISD. and sent in with the other required documents in this solicitation.

On the Texas Ethics Commission website there is a section of frequently asked questions available to help Vendors understand this mandated process.



AN EARLY COLLEGE DISTRICT

BROWNSVILLE

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CERTIFICATE OF INTERESTED PARTIES – FORM 1295

Definitions and Instructions for Completing Form 1295

BISD is required to comply with House Bill 1295, which amended the Texas Government Code by adding Section 2252.908, Disclosure of Interested Parties. Section 2252.908 prohibits BISD, or its cooperative members, from entering into a contract resulting from this RFP with a business entity unless the business entity submits a Disclosure of Interested Parties – Form 1295 to BISD at the time the business entity submits the signed contract. The Texas Ethics Commission has adopted rules requiring the business entity to file Form 1295 electronically with the Texas Ethics Commission.

As a "business entity," all Vendors must electronically complete, print, sign, notarize and submit Form 1295 with their proposals or contracts even if no interested parties exist.

Proposers must file Certificate of Interested Parties – Form 1295 with the Texas Ethics Commission using the following online application:

https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm

- Proposers must use the filing application on the Texas Ethics Commission's website (see link above) to enter the required information on Form 1295.
- Proposers must print a copy of the completed form, which will include a certification of filing containing a unique certification number.
- The Form 1295 must be printed and then signed by an authorized agent of the business entity, and the form must be notarized.
- The completed Form 1295 with the certification of filing must be filed with BISD by including a copy of the completed/notarized form with the proposal response.
- BISD must acknowledge the receipt of the filed Form 1295 by notifying the Texas Ethics Commission of the receipt of the filed Form 1295 no later than the 30th day after the BISD receives the disclosure.
- After BISD acknowledges the Form 1295, the Texas Ethics Commission will post the completed Form 1295 to its website within seven (7) business days after receiving notice from BISD.

Instructions to Vendors:

1. Read these instructions,
2. Go to the Ethics Commission Website https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm,
3. Register and complete Form 1295 online – Include the proposal number, the contract/RFP name, and a short description of the services, goods, or other property.
4. Print a copy of the submitted Form 1295 and have it notarized - it will have a certification # in the top right corner,
5. Include a copy of the completed, signed and notarized Form 1295 with the proposal response.

Definitions:

- **Contract** means a contract between BISD and/or its cooperative members and a business entity at the time it is voted on by the BISD Board of Directors or at the time it binds the BISD, whichever is earlier, and includes an amended, extended, or renewed contract.
- **Business Entity** includes an entity through which business is conducted with BISD and/or its cooperative members, regardless of whether the entity is a for-profit or nonprofit entity. The term does not include a governmental entity or State agency.
- **Controlling Interest** means:
 - 1) an ownership interest or participating interest in a business entity by virtue of units, percentage, shares, stock, or otherwise that exceeds ten percent (10%);
 - 2) membership on the board of directors or other governing body of a business entity of which the board or other governing body is composed of not more than ten (10) members; or
 - 3) service as an officer of a business entity that has four (4) or fewer officers, or service as one of the four (4) officers most highly compensated by a business entity that has more than four (4) officers. This section does not apply to an officer of a publicly held business entity or its wholly owned subsidiaries.
- **Interested Party** means:
 - 1) a person who has controlling interest in a business entity with whom BISD and/or its cooperative members' contracts; or
 - 2) an intermediary.
- **Intermediary:** a person who actively participates in the facilitation of the contract or negotiation the contract, including a broker, advisor, attorney, or representative of or agent for the business entity who:
 - 1) receives compensation from the business entity for the person's participation;
 - 2) communicates directly with the BISD and/or its cooperative members on behalf of the business entity regarding the contract; and
 - 3) is not an employee of the business entity or of an entity with a controlling interest in the business entity.
- **Signed** includes any symbol executed or adopted by a person with present intention to authenticate a writing, including an electronic signature.
- **Value** of a contract is based on the amount of consideration received or to be received by the business entity from the BISD and/or its cooperative members under the contract.

Resources:

Form 1295 Frequently Asked Questions:

- https://www.ethics.state.tx.us/whatsnew/FAQ_Form1295.html

Instructional Video – First Time Business User:

- <https://www.ethics.state.tx.us/filinginfo/videos/Form1295/FirstLogin-Business/Form1295Login-Business.html>

Instructional Video – How to Create a Certificate:

- <https://www.ethics.state.tx.us/filinginfo/videos/Form1295/CreateCertificate/CreateCertificate.html>



BROWNSVILLE

INDEPENDENT SCHOOL DISTRICT

BISD must acknowledge the receipt of the filed Form 1295 by notifying the Texas Ethics Commission of the filed Form 1295 no later than the 30th day after the date the contract binds all parties to the contract. Failure to submit Form 1295 will constitute disqualification of award and no Purchase Orders will be issued to entity. This is a sample form that Vendors must file electronically (Vendors must fill out 1295 form using the link below).

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.

BISD

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 goods or services to be provided under the contract.

BISD Bid #

4 Name of Interested Party	City, State, Country (place of business)	Nature of Interest (check applicable)	
		Controlling	Intermediary
SAMPLE ONLY! Vendor must complete form electronically on Texas Ethics Commission's website: https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm			

5 Check only if there is NO Interested Party. ☐

6 AFFIDAVIT

I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct

Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said _____, this the _____ day
of _____, 20_____, to certify which, witness my hand and seal of office

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

ADD ADDITIONAL PAGES AS NECESSARY



AN EARLY COLLEGE DISTRICT

BROWNSVILLE

INDEPENDENT SCHOOL DISTRICT

Deviation Form

If your company intends to deviate from the General Terms and Conditions, item specifications or other requirements associated with this solicitation, you must list all such deviations on this form, and provide complete detailed information regarding the deviations on this form, or on an attachment to this form. BISD will consider any deviation in its contract award decision, as it relates to the service or commodity being requested on the solicitation and reserves the right to accept or reject solicitation based upon any submitted deviation(s).

☐

NO; Deviations

☐

YES; Deviations

List and fully explain any deviations you are submitting:



AN EARLY COLLEGE DISTRICT

BROWNSVILLE

INDEPENDENT SCHOOL DISTRICT

Non-Responsive Form

Brownsville Independent School District is interested in the reasons why prospective Vendors fail to submit a solicitations. If you are NOT submitting a solicitation, please indicate the reason(s) below and submit this form by logging into

<https://bisd purchasing.ionwave.net/VendorRegistration/PreliminaryInfo.aspx>.

Failure to do this may result in your firm being removed from advance notice lists of potential solicitations compiled by BISD. Note: after three (3) non-responses your company will be deleted from our Vendor Data Base.

- ☐ Unable to submit a solicitation at this time, but would like to receive information about future solicitations
- ☐ Contract too small/big for our company (circle one)
- ☐ Lack of fleet to meet requirements
- ☐ We are unable to meet specification, provide details _____
- ☐ Insufficient time allowed for preparation and submission of solicitation
- ☐ Other reason(s): _____

You may remove my name from the solicitation submission list for:

- ☐ All solicitations
- ☐ Remainder of this year
- ☐ This particular service
- ☐ Other _____

Company Name

Officer of Company (Signature)

Title

Telephone Number and E-Mail Address

Address



AN EARLY COLLEGE DISTRICT

BROWNSVILLE

INDEPENDENT SCHOOL DISTRICT

Acknowledgement Form

PLEASE MAKE SURE THAT YOU HAVE DONE THE FOLLOWING:

1. YOU MUST COMPLETE AND RETURN THE TWO (2) AFFIDAVITS AND FELONY CONVICTION NOTICE. ___ YES ___ NO
2. YOU MUST INCLUDE INSURANCE WITH THE BID (IF REQUIRED) ___ YES ___ NO
3. YOU MUST INCLUDE ANY SAMPLES THAT ARE REQUIRED? ___ YES ___ NO
4. YOU MUST INCLUDE ANY STATE CERTIFICATE OR LICENSE WITH THE BID (IF REQUIRED)? ___ YES ___ NO
5. YOU MUST VERIFY UNIT PRICE TO TOTAL PRICE? ___ YES ___ NO
6. YOU MUST INCLUDE A W-9 IRS FORM ___ YES ___ NO
(DOWNLOADABLE AT WWW.BISD.US/PURCHASING)
7. YOU MUST COMPLETE AND RETURN FORM 1295 ___ YES ___ NO
FAILURE TO SUBMIT MAY CAUSE DISQUALIFICATION
8. YOU MUST COMPLETE AND RETURN SB9 FORMS ___ YES ___ NO
(ALL THAT APPLY)

I have read all of the specifications and general solicitation requirements and do hereby certify that all items submitted meet all specifications, conditions, and instructions of said solicitation. The signature below confirms that our company will enter into a binding contract with BISD. for item(s) awarded to our company.

Company Name: _____ Agent Name: _____

Print Name: _____ Authorized Signature: _____

Address: _____ City: _____ ST: _____ Zip Code: _____

Telephone: () _____ Fax: () _____ E-mail: _____

Federal Id#: _____ and/or Social Security #: _____

Address for Purchase Order:

Address for Payment:

Note: Please complete, sign, and submit this form with your solicitation or company may be disqualified



AN EARLY COLLEGE DISTRICT

BROWNsville

INDEPENDENT SCHOOL DISTRICT

1. References of School District/Governmental clients:

a) Entity's name: _____

Entity's e-mail address: _____

Contact person: _____

Title: _____ Phone # : _____

Years of Service: _____

b) Entity's name: _____

Entity's e-mail address: _____

Contact person: _____

Title: _____ Phone # : _____

Years of Service: _____

c) Entity's name: _____

Entity's e-mail address: _____

Contact person: _____

Title: _____ Phone # : _____

Years of Service: _____

2. Vendor's past relationship with BISD

Indicate years being a vendor with BISD _____

3. Indicate the number of past or current clients served by category:

a) School Districts: _____

b) Cities: _____

c) Counties/Other: _____