

SAN ANGELO INDEPENDENT SCHOOL DISTRICT
Child Nutrition Services
Michelle Helms, Director
305 Baker, San Angelo, Texas 76903-7030
Phone (325) 659-3615 Fax (325) 658-4353

Dairy Products
Request for Proposal #21-1

March 26, 2020

Dear Bidder:

The San Angelo Independent School District will receive a Request for Proposal on Dairy Products for the 2020-21 school year. This is for the period of August 1, 2020 through July 31, 2021. The first day of school will be Wednesday, August 19, 2020.

This will be an all or none proposal. Awarded company must be able to provide all products and delivery services.

All awards may be renewed for up to three additional twelve (12) month periods by written agreement between the District and the bidder.

Bidders should submit the bid electronically. **The electronic version must be submitted through the Interflex BidAdvantage system.**

BidAdvantage is a free online tool where you can respond to bid opportunities from K-12 schools and cooperatives. The system is available 24 hours a day and uses the latest Secure Sockets Layer (SSL) security technology.

If you need help setting up an Interflex profile (username/password) or need technical assistance at any time while responding to this bid, please contact Interflex at 610-685-1775 or email rschaeffer@interflex.net.

All proposals will be received until **11:00 AM, April 16, 2020**. Any proposal received after that time and date will not be considered. Bidders are invited to be present at the opening.

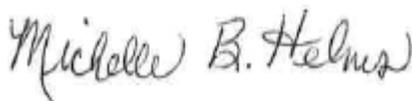
The District reserves the right to reject any proposal and/or all proposals, and to make awards as they may appear to be advantageous to the district.

Proposals received without proper signature will not be accepted.

For any questions or concerns, contact the SAISD Child Nutrition Department.

Your proposal will be appreciated.

Sincerely,



Michelle Helms
Child Nutrition Director

Signature Page

The undersigned affirms that they are duly authorized to execute this contract, that this company, corporation, firm, partnership or individual has not prepared this bid in collusion with any other Bidder, and that the contents of this bid as to prices, terms or conditions of said bid have not been communicated by the undersigned nor by any employee or agent to any other person engaged in this type of business prior to the official opening of this bid. 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.

Company _____

Address _____

City _____ State _____ Zip Code _____

Telephone _____ (_____) _____ 1-800- _____

Fax _____ (_____) _____

Bidder (Signature) _____ Date _____

Bidder (Print Name) _____

Position with Company _____

E-mail Address of Bidder _____

Signature of Company

Official Authorizing this Bid _____

Company Official (Print Name) _____

Official Position _____

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA. Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English. To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: program.intake@usda.gov.

This institution is an equal opportunity provider.

THIS DOCUMENT MUST BE COMPLETED, SIGNED AND RETURNED IN SEALED PROPOSAL PACKAGE



******* IMPORTANT SUBMITTAL INFORMATION *******

Please duplicate the appropriate label and affix to the outside of your sealed bid envelope or sample case/envelope. Vendor's name and return address should be printed on the sealed bid envelope or sample case/envelope.

Do not include any samples in the sealed bid envelope.

FOR SAMPLES

| | | |
|--|--|--|
| S A M P L E S | San Angelo ISD Child Nutrition Department 305 Baker Street San Angelo, TX 76903 | S A M P L E S |
| | Attn: Michelle Helms, CN Director | |
| | <i><u>Bid: Dairy Products RFP #21-1</u></i> <i><u>Samples IF Requested Due:</u></i> | |
| | *Labels must accompany all samples.* | |
| | | |

FOR SEALED BIDS

| | | |
|--|--|--|
| S E A L E D P R O P O S A L | San Angelo ISD Child Nutrition Department 305 Baker Street San Angelo, TX 76903 | S E A L E D P R O P O S A L |
| | Attn: Michelle Helms, CN Director | |
| | <i><u>Bid: Dairy Products RFP #21-1</u></i> <i><u>Bid Deadline: OPEN 11:00 AM, April 16, 2020</u></i> | |
| | | |
| | | |

**It is your responsibility to meet the submittal requirements.
We recommend that you verify the label data with the
title page; the latter prevails.**

SAN ANGELO INDEPENDENT SCHOOL DISTRICT
Child Nutrition Services
Michelle Helms, Director
305 Baker, San Angelo, Texas 76903-7030
Phone (325) 659-3615 Fax (325) 658-4353

DAIRY PRODUCTS
RFP #21-1
Forms Checklist

- Page 2 – Signature page
- Page 4 – Check List
- Page 10 - 20 – Vendor Acknowledgment Forms and Certifications
- Page 21 – Disclosure of Lobbying Activities
- Page 22 – Conflict of Interest Questionnaire
- Page 24 & 25 – Conflict Disclosure Statement
- Page 26 – W-9
- Page 28 – 2017 Texas House Bill 89 Verification
- Page 29 – No Bid Notification
- Page 30 – Questionnaire
- Page 31 – Notarized Statement
- Nutritional Labels and Ingredient Labels attached for **ALL** products bid

Company

Signature

Printed Name

Date

Mandatory Forms For Bid Acceptance
Failure To Complete, Sign & Return Will
Result In Rejection Of Bid

General Conditions for Dairy Products

1. **APPLICABILITY** – These conditions are applicable and form a part of the contract documents for each purchase order and a part of the terms of each purchase order for items included in the specifications and bid forms issued herein.

2. **PROPOSALS SHALL BE SUBMITTED ELECTRONICALLY** – **The electronic version must be submitted through the Interflex BidAdvantage system.**

BidAdvantage is a free online tool where you can respond to bid opportunities from K-12 schools and cooperatives. The system is available 24 hours a day and uses the latest Secure Sockets Layer (SSL) security technology.

If you need help setting up an Interflex profile (username/password) or need technical assistance at any time while responding to this bid, please contact Interflex at 610-685-1775 or email rxchaeffer@interflex.net.

Bidders may print a paper copy by setting up an account with Interflex or contact SAISD Child Nutrition Office for a copy.

3. **REQUIRED FORMS** - Failure to supply all required acknowledgement and certification forms in this packet will prevent the proposal from being considered for award. Deviations to the General Conditions and/or Specifications shall be conspicuously noted in writing by the bidder and shall be included with the proposal.

4. **ALTERNATE BID** – If necessary, shall be written on a separate sheet and attached to the bid form provided. Each alternate must be clearly marked and variance from specifications noted. Samples must be supplied for consideration

5. **RIGHT TO REMEDY** – Failure to notify SAISD Child Nutrition Department of deviations in schedules or quantities will allow SAISD the option to purchase product from another source. If a company defaults on any item, the item will be awarded to the next lowest bidder meeting specifications. Any increases in prices that are incurred by SAISD to secure these products may be charged to the defaulting company that received the original bid award.

6. **VENDORS, WHO DO NOT BID**, are requested to complete and return the No Bid Notification form found in this packet if they wish to receive future bids. Failure to do so may result in their being deleted from our vendor list.

7. **CONTRACTS** (except those of \$10,000 or less) awarded by School Food Authorities shall include a provision to the effect that the State agency or School Food Authority, the Department, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to the program for the purpose of making audits, examination, excerpts, and transcriptions.

8. **TAX EXEMPT** – No charge will be allowed for Federal, State, or City taxes for which the Board of Education is exempt. All prices shall be net and shall not include the amount of any such tax. Exemption certificate, if required, will be furnished on forms provided by the vendor.

9. **FAX BIDS** or EMAILED BIDS will not be accepted.

10. **FELONY CONVICTION NOTICE** must be completed and returned with this proposal.

Additional General Conditions for Dairy Products

11. **HUB** - All Small Business and Minority Firms, Women's Business Enterprises, and Labor Surplus Area firms are especially invited to submit Proposals.
12. **QUESTIONS** concerning this proposal shall be addressed to Michelle Helms, Child Nutrition Director, San Angelo Independent School District.
13. **BID PERIOD** – This proposal begins on August 1, 2020 and continues thru July 31, 2021.

All awards may be renewed for up to three additional twelve (12) month periods by written agreement between the District and the bidder.

Sealed proposals received after the time and date specified, regardless of cause, will not be considered. Such late bids will be returned to the bidder upon the submission of a written request.

PLEASE complete all blanks for each item number.

Proposals must be submitted in a sealed envelope, plainly marked with the company's name, product, opening date and time. Proposals received without proper signature will not be accepted.

The District reserves the right to waive formalities and irregularities and to accept or reject each item separate or as a whole.

14. **ESCALATION CLAUSE** – *If you are bidding with an escalation clause, please attach a letter and example explaining the method in which your escalation clause is calculated. This example shall include ALL calculations, with an example, used in establishing your prices and the market used to establish pricing. No bids will be accepted without this documentation.*
15. **PRICES** – shall be net, including transportation and delivery charges fully prepaid by the vendor, F.O.B. school site. All prices must be typed or written in ink. Proposals written in pencil will not be accepted.
16. **DELIVERY SCHEDULE AND ESTIMATED DELIVERY TIMES** – All schools will be delivered every other day with half of the schools on one day and the other on the next.
17. **EVALUATION OF BIDS** – It is not the policy of the San Angelo I.S.D. to purchase on the basis of low bids alone. The following criteria will be used to award the proposal based on the best value for the District.

Best Value Points Assignment – The evaluation criteria below indicates the points that are assigned for each section. The District will determine the score for each section on a scale starting with zero (0), with the best score being the assigned number with:

1. Purchase Price - 45 points
2. Reputation of the vendor & vendor's goods and services - 10 points
3. Quality of vendor's goods and services - 10 points
4. Extent to which the goods/services meet the District's specifications, nutritionals, and needs -20 points
5. Vendor's past relationship with the District - 10 points
6. HUB – 1 points
7. The total long-term cost to the district to acquire the vendor's goods or services – Zero points
8. Any other relevant factors listed in the request for proposal - 4 points

This bid will be awarded on an all or none basis.

18. **TIE BID** – In the case of a tie bid between a local company (in San Angelo) and an out-of-town company, the item will be awarded to the local company.
19. **EQUIPMENT** – Milk boxes for each campus will be furnished by SAISD
20. **PACKAGE TYPE** – Pouches or cartons are acceptable packs for all half pint units
21. **ORDER AND DELIVERY CONDITIONS:**
- a. Orders for the items included in this bid will be placed with your delivery personnel by our individual cafeteria managers. Orders will be based on usage.
 - b. All products shall be delivered in refrigerated trucks and placed inside on-line coolers, refrigerators or walk-in coolers at our cafeterias on a first in, first out basis. The schools will accept delivery between 6:30 a.m. and 10:30 am. Deliveries are to be made, when needed, Monday through Friday, holidays excluded.
 - c. The supplier must deliver promptly on the following school day any products omitted on the regular delivery day or to replace unacceptable products including leakers.
 - d. Milk for the opening day of school will be delivered to all schools during the dates of **August 12** thru **August 14**. A detailed schedule will be given after this proposal is awarded.
 - e. All half pint units delivered will be sealed, free of leaks, in clean cases, and will be kept at a temperature below 40°F.
 - f. Individual weekly statements for each location shall be sent. The statements shall reflect items delivered in that calendar week. Please send to:
San Angelo Independent School District
Child Nutrition Services
305 Baker
San Angelo, Texas 76903
22. **SPECIFICATIONS** – All milk shall be U.S. Grade A fresh, approved, pasteurized, homogenized and fortified with 400 IU of Vitamin D per quart within the limits of good manufacturing practices as prescribed by Code of Federal Regulations, Title 21 for standards of identity for milk products. All low fat milk shall also be fortified with 2000 IU of Vitamin A.
- The milk fat percentages specified shall be in accordance with the Texas Department of Health Milk Information Release 78-2a from the Division of Milk and Dairy Products.
- All products shall be marked with the date of expiration. All milk shall have a minimum of five (5) days shelf life remaining at the time of delivery.
23. **NUTRITIONAL LABELS AND INGREDIENT LABELS** must be attached for all products submitted on this proposal.
24. **SUPPLIERS** are expected to carry sufficient inventories to cover the needs of the District. Unopened product is to be credited by the vendor after any school holiday period if it no longer has an acceptable code date. Unopened product must be collected and credited prior to Christmas and summer vacation. Credit for such milk shall be designated on a separate Credit Invoice.
25. **IF A SCHOOL** must serve lunches or breakfasts without milk through the fault of the company awarded the bid, that company must provide the reimbursement for those meals at the current USDA or DHS reimbursement rate.
26. **THE SUCCESSFUL BIDDER** will furnish code information and a list showing delivery routes, days and route men's names. The agreed upon written procedures for placing and changing orders, replacement of bad products, and hot shot service will be required.

27. **NONPERFORMANCE OF CONTRACT** – The District reserves the right to cancel the entire contract with a ten (10) day notice in the event:
- a. any item is not delivered according to the specifications and/or bid price
 - b. delivery is not made within the specified time period.
 - c. product quality is not acceptable.

The Child Nutrition Department reserves the right to submit random samples of products to an independent laboratory or Texas Department of Health, Division of Milk and Dairy Products to verify that our specifications have been met. The successful bidder must provide to the district on a monthly basis the results of tests on half pint milk products made by the Texas Department of Health or USDA.

28. **QUANTITIES REQUIRED** are substantially correct. The District reserves the right to purchase additional quantities above that stated at the same unit price unless otherwise specified by the bidder.
29. **QUALITY** of products will be tested for acceptability as per bid specifications. Selection will be based on testing. The decision of the Child Nutrition Department regarding the quality and acceptability will be final.

All products must be dated as to the date processed so it may be easily understood.

Out-dated items and items not meeting specifications will be refused and returned to the vendor at the vendor's expense.

30. **SAMPLES IF REQUESTED** - shall be delivered or mailed by the bidder to the attention of Michelle Helms, Child Nutrition Director, 305 Baker, San Angelo, Texas 76903. Each sample shall be clearly tagged to show the bidder's name, address, bid title, and bid item for which the sample is proposed. The bidder shall send 10 of each flavor. . A label has been provided for you on page 3 of this bid packet. Samples are to be sent at NO CHARGE.

All samples must include Nutrition Labels, Ingredient Labels and a signed Product Analysis/Product Formulation Statement. Samples will not be considered without these documents.

31. **TESTING** – All products will be tested upon delivery for wholesomeness, quality, grade, texture, appearance, and flavor. The vendor will be notified by the Child Nutrition Department if any portion of the specified shipment does not meet specification for quality and/or wholesomeness.

It will then be the responsibility of the vendor to pick up the entire shipment. The San Angelo I.S.D. reserves the right to purchase the specified product elsewhere and charge the increase in price, and cost of handling, if any, to the contractor.

32. **CONTRACTS FOR PURCHASE** will be put into effect by a purchase order(s) executed by the Child Nutrition Director after bids have been awarded. This bid will be submitted to the School Board on **May 18, 2020**. Purchase Orders will be mailed thereafter.

33. **BUY AMERICAN PROVISION** – Schools and RCCIs participating in the NSLP and SBP are required by law to use nonprofit SNP funds, to the maximum extent practicable, to buy domestic commodities or products for meals served under the NSLP and SBP. A “domestic commodity or product” is defined 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. The term “substantially” means that over 51 percent of the final processed product consists of agricultural commodities that were grown domestically. Therefore, when nonprofit SNP funds are used to acquire foods, schools and institutions must ensure that the items are in compliance with this requirement. Additional requirements for preference for agricultural products from Texas are applicable to the use of nonprofit school Child Nutrition funds, in accordance with Section 44.042, Texas Education Code.

34. **EQUAL EMPLOYMENT OPPORTUNITY:**

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA. Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410;
 - (2) fax: (202) 690-7442; or
 - (3) email: program.intake@usda.gov.
- This institution is an equal opportunity provider.

VENDOR ACKNOWLEDGMENT FORM

BYRD, Anti-Lobbying

(31 U.S.C. 1352)

Required inclusion in solicitations/contracts exceeding \$100,000 using federal funds; requires a contractor to complete specific forms related to lobbying (influencing or attempting to influence) in connection with obtaining a contract.

Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) – All Contractors that apply or bid for an award exceeding \$100,000 must file the required Lobbying 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 San Angelo ISD, the vendor certifies that during the term and after the awarded term of an award for all contracts by San Angelo ISD, 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:

- (1) 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.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid 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 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:
<https://www.whitehouse.gov/sites/default/files/omb/grants/sflllin.pdf>,
- (3) 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.

Pursuant to the Federal Rule above, when federal funds are expended by San Angelo ISD, the vendor certifies that during the term of an award for all contracts by San Angelo ISD, resulting from this procurement process, the vendor agrees to comply with all applicable requirements as referenced in the Federal Rule above.

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

Title VI of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; Title 7 CFR Parts 15, 15a, and 15b; the Americans with Disabilities Act; and FNS Instruction 113-1, Civil Rights Compliance and Enforcement — Nutrition Programs and Activities

Civil Rights/Discrimination

Title VI of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; Title 7 CFR Parts 15, 15a, and 15b; the Americans with Disabilities Act; and FNS Instruction 113-1, Civil Rights Compliance and Enforcement — Nutrition Programs and Activities

VENDOR ACKNOWLEDGMENT FORM

Required inclusion in solicitations/contracts using federal funds; prohibits discrimination of all eligible program participants on the basis of age, color, disability, national origin, race, and gender.

Pursuant to the Federal Rule above, when federal funds are expended by San Angelo ISD, the vendor certifies that during the term of an award for all contracts by San Angelo ISD, resulting from this procurement process, the vendor agrees to comply with all applicable requirements as referenced in the Federal Rule above.

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

Clean Air and Water Act and Federal Water Pollution Control Act *Clean Water Act, 42 U.S.C.*

7401-7671q; Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387); and Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15)

Required inclusion when applicable to the services and/or products to be procured for solicitations/contracts exceeding \$150,000 using federal funds; requires compliance with all applicable standards, orders, and regulations; prohibits the award of contracts to contractors that are in violation of Clean Air Act. Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

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 the Federal Rule above, when federal funds are expended by San Angelo ISD, the vendor certifies that during the term of an award for all contracts by San Angelo ISD, resulting from this procurement process, the vendor agrees to comply with all applicable requirements as referenced in the Federal Rule above.

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

Contract Work Hours and Safety Standards Act

40 U.S.C. 327-330 Sections 103 and 107 as supplemented by Department of Labor regulations (29 CFR Part 5)

Required inclusion when applicable to the services and/or products to be procured for solicitations/contracts that involve mechanics or laborers exceeding \$100,000 using federal funds; establishes standards for hourly and salaried employees related to workweek and overtime.

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

VENDOR ACKNOWLEDGMENT FORM

Pursuant to the Federal Rule above, when federal funds are expended by San Angelo ISD, the vendor certifies that during the term of an award for all contracts by San Angelo ISD, 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? YES _____ Initials of Authorized Representative of vendor

Copeland Anti-Kickback Act

(18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3)

Required inclusion in construction solicitations/contracts using federal funds; prohibits a contractor or subcontractor from inducing kickbacks from employees.

Pursuant to the Federal Rule above, when federal funds are expended by San Angelo ISD, the vendor certifies that during the term of an award for all contracts by San Angelo ISD, resulting from this procurement process, the vendor agrees to comply with all applicable requirements as referenced in the Federal Rule above.

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

Davis-Bacon Act

40 U.S.C. 276a to 276a-7 as supplemented by Department of Labor regulations (29 CFR Part 5)

Required inclusion in construction solicitations/contracts exceeding \$2,000 using federal funds; requires contractors and subcontracts to include actual wage determinations in bid specifications and contracts. 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 31463148) 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 above, when federal funds are expended by SAISD 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? YES _____ Initials of Authorized Representative of vendor

VENDOR ACKNOWLEDGMENT FORM

Energy Policy and Conservation Act

Public Law 94-163, 89 Statute 871

Required inclusion when applicable to the services and/or products to be procured for solicitations/contracts using federal funds; establishes standards for the promotion of energy and water conservation methods when feasibly obtainable.

Pursuant to the Federal Rule above, when federal funds are expended by San Angelo ISD, the vendor certifies that during the term of an award for all contracts by San Angelo ISD, resulting from this procurement process, the vendor agrees to comply with all applicable requirements as referenced in the Federal Rule above.

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

Equal Employment Opportunity

41 CFR, Chapter 60. Executive Order 11246 of September 24, 1965, entitled Equal Employment Opportunity, as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR Chapter 60)

Required inclusion in construction solicitations/contracts using federal funds; prohibits hiring practices that do not provide an equal opportunity of all persons without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.

Pursuant to the Federal Rule above, when federal funds are expended by San Angelo ISD, the vendor certifies that during the term of an award for all contracts by San Angelo ISD, resulting from this procurement process, the vendor agrees to comply with all applicable requirements as referenced in the Federal Rule above.

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

Health and Safety Certifications, Licensing, or Regulations

Local, state, or federal health and safety certifications, licensing, or regulations

Required inclusion in solicitations/contracts using federal funds; requires all contractors to meet applicable local, state, and federal health and safety certifications, licensing, or regulations which include, but are not limited, to facility use, food establishment, and authorized providers.

Pursuant to the Federal Rule above, when federal funds are expended by San Angelo ISD, the vendor certifies that during the term of an award for all contracts by San Angelo ISD, resulting from this procurement process, the vendor agrees to comply with all applicable requirements as referenced in the Federal Rule above.

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

VENDOR ACKNOWLEDGMENT FORM

Rights to Inventions (Pertaining to Patent Rights, Copyright and Rights) 37 CFR 401.2

Required inclusion, if applicable to solicitations/contracts using federal funds; requires all contractors to observe all applicable patent rights, copyright, and rights laws in operating the program.

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 the Federal Rule above, when federal funds are expended by San Angelo ISD, the vendor certifies that during the term of an award for all contracts by San Angelo ISD, resulting from this procurement process, the vendor agrees to comply with all applicable requirements as referenced in the Federal Rule above.

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

Solid Waste Disposal Act

Section 6002 as amended by the Resource Conservation and Recovery Act

Required inclusion to the extent practicable when applicable to the services and/or products to be procured for to solicitations/contracts exceeding \$10,000 using federal funds; requires contractors to maximize energy and resource recovery by using recycled materials and/or recycling waste products when reasonable, cost appropriate, and available.⁷⁸

[NOTE: The CE needs to determine what kinds of purchases and/or services are required to meet this provision. The CE should consider what is reasonable, cost appropriate, and available to the CE.]

Pursuant to the Federal Rule above, when federal funds are expended by San Angelo ISD, the vendor certifies that during the term of an award for all contracts by San Angelo ISD, resulting from this procurement process, the vendor agrees to comply with all applicable requirements as referenced in the Federal Rule above.

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

VENDOR ACKNOWLEDGMENT FORM

BIDDER PREFERENCE CERTIFICATION

Please answer the following questions and return them with this Bid:

Is your principal place of business in Texas? (Circle One) Yes No

If no, in which state is your principal place of business?

If your principal place of business is not Texas, does your state favor resident Bidders in your state by some dollar increment or percentage? (Circle one) Yes No

If yes, what is that dollar increment or percentage?

For information regarding this series of questions, see Article 601g of the Texas Civil Statutes.

FELONY CONVICTION NOTIFICATION

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 notices as required by Subsection (a) or misrepresented the conduct resulting in the conviction. The district must compensate the person or business entity for services performed before the termination of the contract."

This Notice Is Not Required of a Publicly-Held Corporation

Check One:

- My firm is a publicly-held corporation; therefore, this reporting requirement is not applicable.
- My firm is not owned nor operated by anyone who has been convicted of a felony.
- My firm is owned or operated by the following individual(s) who has/have been convicted of a felony:

Name of Felon(s): _____

Details of Conviction(s): _____

CERTIFICATION REGARDING TEXAS FAMILY CODE

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 required affidavit:

I, the undersigned authorized bidder, do hereby acknowledge that *NO* sole proprietor, partner, majority shareholder of a corporation, or an owner of 10% or more of an other 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 code, a sole proprietorship, partnership, corporation, or other entity in which a sole proprietor, partner, majority shareholder of 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 state contract.

VENDOR ACKNOWLEDGMENT FORM

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

Organization Name

Printed Name of Authorized Representative

Address

Title of Authorized Representative

Signature

Date

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION – LOWER TIER COVERED TRANSACTIONS

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 7 CFR Part 3017, Section 3017.510, Participants' responsibilities. The regulations were published as Part IV of the January 30, 1989, Federal Register (pages 4722-4733). Copies of the regulations may be obtained by contacting the Department of Agriculture agency with which this transaction originated. (Before completing certification, read attached instructions)

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participants shall attach an explanation to this proposal.

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

Submissions of the certification is a prerequisite for making or entering into this transaction and is imposed by section 1352, Title 31, U.S. Code. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more the \$100,000 for each such failure.

The undersigned certifies, to the best of his/her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid on behalf of the undersigned, to any person for influencing or attempting to influence 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.
2. If any funds other than Federal appropriated funds have been paid or will be paid 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 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.
3. 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.

Vendor Certifications

COMPLIANCE CERTIFICATION TO EPA REGULATIONS APPLICABLE TO GRANTS, SUBGRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS EXCEEDING \$100,000 IN FEDERAL FUNDS

I, the vendor, am in compliance with all applicable standards, orders or regulation 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 as required under OMB Circular A-102, Attachment O, Paragraph 12 (1) regarding reporting violations to the grantor agency and to the United States Environmental Protection Agency Assistant Administrator for the Enforcement.

Name/Address of Organization

Name/Title of Submitting Official

Signature

Date

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 the Federal Rule above, when federal funds are expended by San Angelo ISD, the vendor certifies that during the term of an award for all contracts by San Angelo ISD, 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? YES _____ Initials of Authorized Representative of vendor

EMPLOYMENT VERIFICATION (FAR 22.18) As applicable, and as a condition for the award of any Federal contract at \$150,000 or greater, Vendor certifies that vendor is enrolled in, and is currently participating in, E-Verify or any other equivalent electronic verification of work authorization program operated by the U.S. Department of Homeland Security and does not knowingly employ any person who is an unauthorized alien in conjunction with the contracted services. A breach in compliance with immigration laws and regulations shall be deemed a material breach of the contract and may be subject to penalties up to and including termination of the contract.

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

Vendor Certifications

RECORD RETENTION REQUIREMENTS FOR CONTRACTS PAID FOR WITH FEDERAL FUNDS –

(2 CFR § 200.333) When federal funds are expended by San Angelo ISD, 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, SUB GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS

IN EXCESS OF \$100,000 OF FEDERAL FUNDS When federal funds are expended by San Angelo ISD, 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 San Angelo ISD, 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). Pursuant to the Federal Rule above, when federal funds are expended by San Angelo ISD, the vendor certifies that during the term of an award for all contracts by San Angelo ISD, resulting from this procurement process, the vendor agrees to comply with all applicable requirements as referenced in the Federal Rule above.

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

CERTIFICATION OF COMPLIANCE WITH BUY AMERICAN PROVISIONS Vendor certifies that vendor is in compliance with all applicable provisions of the Buy American Act. Purchases made in accordance with the Buy American Act must still follow the applicable procurement rules calling for free and open competition.

Pursuant to the Federal Rule above, when federal funds are expended by San Angelo ISD, the vendor certifies that during the term of an award for all contracts by San Angelo ISD, resulting from this procurement process, the vendor agrees to comply with all applicable requirements as referenced in the Federal Rule above.

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

Vendor Certifications

HISTORICALLY UNDERUTILIZED BUSINESS (HUB) CERTIFICATION Proposing companies that have been certified as Historically Underutilized Business (HUB) entities are encouraged to indicate their HUB status when responding to this Proposal Invitation. The electronic catalogs will indicate HUB certifications for vendors that properly indicate and document their HUB certification on this form. **Please attach a copy of HUB certification.**

____I certify that my company has been certified as a Historically Underutilized Business (HUB) in the following categories: (Please check all that apply)

____ **Minority Owned Business**

____ **Small Business**

____ **Women Owned Business**

____My Company has **NOT** been certified as a Historically Underutilized Business (HUB).

Company Name _____

Signature of Authorized Company Official _____

**THIS DOCUMENT MUST BE COMPLETED, SIGNED AND
RETURNED IN SEALED PROPOSAL PACKAGE**

Texas Department of

Agriculture

February 2017
H2048

CERTIFICATION
REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY
EXCLUSION FOR COVERED CONTRACTS

Name of Business (Contractor)

Vendor ID No. or Social Security No.

(1) The prospective contractor certifies to the best of its knowledge and belief that it and its principals:

(a) Are not presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default.

(2) Where the prospective contractor is unable to certify to any of the statements in this certification, such prospective contractor shall attach an explanation to this proposal.

Signature of Contractor Representative

Date

Printed/Typed Name of
Contractor Representative

Printed/Typed Title of
Contractor Representative

**THIS DOCUMENT MUST BE COMPLETED, SIGNED AND
RETURNED IN SEALED PROPOSAL PACKAGE**

CERTIFICATION REGARDING FEDERAL LOBBYING
(Certification for Contracts, Grants, Loans, and Cooperative Agreements)

Federal legislation generally prohibits entities from using federally appropriated funds to lobby the executive or legislative branches of the Federal government. Lobbying with respect to certain grants, contracts, cooperative agreements, and loans is governed by relevant statutes, including among others, the provisions of 31 U.S.C. 1352, as well as common rule, "New Restrictions on Lobbying" published at 55 Federal Register (FR) 6736 (February 26, 1990), including definitions, and the Office of Management and Budget "Government wide Guidance on New Restrictions on Lobbying" and notices published at 54 FR 52306 (December 20, 1989), 55 FR 24540 (June 15, 1990), 57 FR 1772 (January 15, 1992), and 61 FR 1412 (January 19, 1996).

Contracting entities or sponsored sites that contract for goods or services using Federal funds must obtain this certification for any award exceeding \$100,000 and if necessary must obtain the *Standard Form-LLL, "Disclosure Form to Report Lobbying."*

CERTIFICATION

The undersigned certifies, to the best of his or her knowledge and belief, that:

- 1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an 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 any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- 2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit *Standard Form-LLL, "Disclosure Form to Report Lobbying"*, in accordance with its instructions.
- 3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Name of Organization submitting certification

Name of Organization Representative

Title

Signature of Organization Representative

Date

THIS DOCUMENT MUST BE COMPLETED, SIGNED AND RETURNED IN SEALED PROPOSAL PACKAGE

| CONFLICT OF INTEREST QUESTIONNAIRE For vendor doing business with local governmental entity | | FORM CIQ |
|--|------------------------|-----------------|
| <p>This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.</p> <p>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 176.006(a).</p> <p>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 176.006(a-1), Local Government Code.</p> <p>A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.</p> | OFFICE USE ONLY | |
| 1 Name of vendor who has a business relationship with local governmental entity. | Date Received | |
| 2 <input type="checkbox"/> 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? | | |
| <input type="checkbox"/> Yes <input type="checkbox"/> 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? | | |
| <input type="checkbox"/> Yes <input type="checkbox"/> 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 <input type="checkbox"/> 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 _____ | |

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

- (i) a contract between the local governmental entity and vendor has been executed;
- or
- (ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

Local Government Code § 176.006(a) and (a-1)

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

- (1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);
- (2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or
- (3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

- (A) begins discussions or negotiations to enter into a contract with the local governmental entity; or
- (B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

- (A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);
- (B) that the vendor has given one or more gifts described by Subsection (a); or
- (C) of a family relationship with a local government officer.

| LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT | | FORM CIS |
|--|------------------------|-----------------|
| (Instructions for completing and filing this form are provided on the next page.) | | |
| This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session. This is the notice to the appropriate local governmental entity that the following local government officer has become aware of facts that require the officer to file this statement in accordance with Chapter 176, Local Government Code. | OFFICE USE ONLY | |
| 1 Name of Local Government Officer | Date Received _____ | |
| 2 Office Held | | |
| 3 Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code | | |
| 4 Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3. | | |
| 5 List gifts accepted by the local government officer and any family member, if aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100 during the 12-month period described by Section 176.003(a)(2)(B). | | |
| Date Gift Accepted _____ Description of Gift _____ Date Gift Accepted _____ Description of Gift _____ Date Gift Accepted _____ Description of Gift _____ (attach additional forms as necessary) | | |
| 6 AFFIDAVIT | | |
| I swear under penalty of perjury that the above statement is true and correct. I acknowledge that the disclosure applies to each family member (as defined by Section 176.001(2), Local Government Code) of this local government officer. I also acknowledge that this statement covers the 12-month period described by Section 176.003(a)(2)(B), Local Government Code. | | |
| _____ Signature of Local Government Officer | | |
| 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 | | |

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

Section 176.003 of the Local Government Code requires certain local government officers to file this form. A "local government officer" is defined as a member of the governing body of a local governmental entity; a director, superintendent, administrator, president, or other person designated as the executive officer of a local governmental entity; or an agent of a local governmental entity who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. This form is required to be filed with the records administrator of the local governmental entity not later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of this statement.

A local government officer commits an offense if the officer knowingly violates Section 176.003, Local Government Code. An offense under this section is a misdemeanor.

Refer to chapter 176 of the Local Government Code for detailed information regarding the requirement to file this form.

INSTRUCTIONS FOR COMPLETING THIS FORM

The following numbers correspond to the numbered boxes on the other side.

- 1. Name of Local Government Officer.** Enter the name of the local government officer filing this statement.
- 2. Office Held.** Enter the name of the office held by the local government officer filing this statement.
- 3. Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code.** Enter the name of the vendor described by Section 176.001(7), Local Government Code, if the vendor: a) has an 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), Local Government Code; b) has given to the local government officer or a family member of the officer one or more gifts as described by Section 176.003(a)(2)(B), Local Government Code; or c) has a family relationship with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 4. Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.** Describe the nature and extent of the employment or other business relationship the vendor has with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code, and each family relationship the vendor has with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 5. List gifts accepted, if the aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100.** List gifts accepted during the 12-month period (described by Section 176.003(a)(2)(B), Local Government Code) by the local government officer or family member of the officer from the vendor named in item 3 that in the aggregate exceed \$100 in value.
- 6. Affidavit.** Signature of local government officer.

Local Government Code § 176.001(2-a): "Family relationship" means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Subchapter B, Chapter 573, Government Code.

Local Government Code § 176.003(a)(2)(A):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

PROTEST PROCEDURES

A. Any actual or prospective bidder, offerer, or contractor who considers himself to have been aggrieved in connection with the solicitation, evaluation, or award of a contract by San Angelo ISD may formally protest to the Child Nutrition Director of SAISD. Such protests must be made in writing and received by the Child Nutrition Director of SAISD. The protesting party must mail or deliver copies of the protest to SAISD, the State Agency, and other interested parties.

B. In the event of a timely protest, the SAISD shall not proceed further with the solicitation or award of the contract.

C. A formal protest must be sworn and contain:

1. A specific identification of the statutory or regulatory provision that the protesting party alleges has been violated.
2. A specific description of each action by SAISD that the protesting party alleges to be a violation of the statutory or regulatory provision that the protesting party has identified.
3. A precise statement of the relevant facts.
4. A statement of any issues of law or fact that the protesting party contends must be resolved.
5. A statement of the argument and authorities that the protesting party offers in support of the protest.
6. A statement that copies of the protest have been mailed or delivered to the State Agency and all other identifiable interested parties.

D. The SAISD may settle and resolve the dispute over the solicitation or award of a contract at any time before the matter is submitted on appeal. The SAISD may solicit written responses to the protest from other interested parties.

E. If the protest is not resolved by mutual agreement, the SAISD shall issue a written determination that resolves the protest.

1. If the SAISD determines that no violation of statutory or regulatory provisions has occurred, then the SAISD shall inform the protesting party, the State Agency, and other interested parties by letter that sets forth the reasons for the determination.
2. If the SAISD determines that a violation of any statutory or regulatory provisions has occurred in a situation in which a contract has not been awarded, then the SAISD shall inform the protesting party, the State Agency, and other interested parties of that determination by letter that details the reasons for the determination and the appropriate remedy.
3. If the SAISD determines that a violation of any statutory or regulatory provisions has occurred in a situation in which a contract has been awarded, then the SAISD shall inform the protesting party, the State Agency, and other interested parties of that determination by letter that details the reasons for the determination. This letter may include an order that declares the contract void.

F. The SAISD shall maintain all documentation on the purchasing process that is the subject of a protest or appeal in accordance with the retention schedule of SAISD

San Angelo Independent School District

2017 Texas House Bill 89 Verification

I, _____, the undersigned representative of

_____ (hereafter referred to as company) do hereby depose and verify that the aforementioned company, under the provisions of Subtitle F, Title 10, Government Code Chapter 2270 and Chapter, 2252 Subchapter F of the Texas Government Code:

- 1. Does not boycott Israel currently; and
- 2. Will not boycott Israel during the term of patronage by SAISD
- 3. Does not engaged in business with Iran, Sudan, or Foreign Terrorist Organizations.

Pursuant to Section 2270.001, Texas Government Code:

- 1. "Boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes; and
- 2. "Company" means a for-profit sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership liability partnership or any limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of those entities or business associations that exist to make a profit.

Pursuant to Section 2252.152-2252.153, Texas Government Code:

Sec. 2252.152. CONTRACTS WITH COMPANIES ENGAGED IN BUSINESS WITH IRAN, SUDAN, OR FOREIGN TERRORIST ORGANIZATION PROHIBITED. A governmental entity may not enter into a governmental contract with a company that is identified on a list prepared and maintained under Section 806.051, 807.051, or 2252.153.

Sec. 2252.153. LISTED COMPANIES. The comptroller shall prepare and maintain, and make available to each governmental entity, a list of companies known to have contracts with or provide supplies or services to a foreign terrorist organization.

Sec. 2252.154. EXCEPTION. Notwithstanding any other law, a company that the United States government affirmatively declares to be excluded from its federal sanctions regime relating to Sudan, its federal sanctions regime relating to Iran, or any federal sanctions regime relating to a foreign terrorist organization is not subject to contract prohibition under this subchapter.

Signature

Date

THIS DOCUMENT MUST BE COMPLETED, SIGNED AND RETURNED IN SEALED PROPOSAL PACKAGE

NO BID NOTIFICATION

VENDOR NAME _____ AGENT'S NAME _____

ADDRESS _____ BID NUMBER _____

_____ DESCRIPTION _____

The San Angelo Independent School District is interested in receiving competitive pricing on all items bid. We also desire to keep your firm as a bidder and supplier of materials and equipment. Therefore, it is important for us to determine why you are not bidding on this item. We will analyze your input carefully and try to determine if future changes are needed in our specifications and/or procedures.

I did not bid for the following reason: (PLEASE CHECK ONE OF THE LISTED REASONS)

- _____ Do not supply the requested product
- _____ Quantities offered are too small or too large to be supplied by my company.
(please circle one of the underlined)
- _____ Specifications are "too tight" or written around a particular product.
(Please elaborate on this item) _____

- _____ Cannot bid against manufacturer or jobber on this item.
(please circle one of the underlined)
- _____ Time frame for bidding was too short for my organization.
- _____ Not awarded a contract by SAISD when you felt you were low bidder.
- _____ Other... _____

Please indicate your choice for remaining on San Angelo ISD's bid list.

_____ I wish to remain on bid list.

_____ I do not wish to remain on bid list.

VENDOR'S SIGNATURE

DATE

Bid Questionnaire

1. Will you be able to accommodate every other day delivery to all our schools? Yes No
2. Will you be able to make delivery corrections within 24 hours? Yes No
3. Are you bidding with an Escalation? Yes No
If yes, please submit your actual escalator clause including ALL calculations used in establishing your prices and the market used to establish pricing.
No bids will be accepted without this documentation.
4. If bidding with an escalation, will your bid price stay firm through August Deliveries? Yes No

Nutritional Labels and Ingredient Labels **MUST** be attached for **ALL** products bid

Company _____

THIS DOCUMENT MUST BE COMPLETED, SIGNED, AND RETURNED IN SEALED PROPOSAL PACKAGE

**NOTARIZED STATEMENT VALIDATING PROPOSAL CONTENTS
NON COLLUSION STATEMENT**

Vendor shall not prepare this Proposal in collusion with any other *Vendors* and the contents of this Proposal as to prices, terms or conditions may not be communicated by this organization nor by an employee or agent of this organization to any other *Vendor* or to any other persons engaged in this type of business activity prior to the official Proposal due date. However, the authorized agent or officer signing this Proposal is not and has not been, for six months, directly or indirectly concerned in any agreement to control the conditions and/ or prices of services proposed, or has not influenced any person to propose or not purpose thereon.

I have read the complete Proposal for **Dairy Products RFP #21-1** and verify the accuracy of all information contained in the Proposal.

Authorized Vendor Officer

Signature

Typed name

Date

NOTARY PUBLIC

Name

Date

My commission expires on the _____ day of _____, _____.

COMPANY _____

THIS DOCUMENT MUST BE COMPLETED, SIGNED AND RETURNED IN SEALED PROPOSAL PACKAGE