

# How to Do Business with Spring Branch ISD

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## Vendor Relations and Purchasing Procedures

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2020 - 2021



**Spring Branch**  
Independent School District

*Inspiring minds. Shaping lives.*

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## Foreword

This booklet was created by Spring Branch Independent School District's Purchasing Department as a guide to SBISD's purchasing policies and procedures.

The primary function of the Purchasing Department is to meet SBISD's product and service needs by:

- Meeting all local, state, and federal ordinances, statutes, regulations, Board of Education policies, and sound business practices.
- Providing all persons an opportunity to respond to SBISD procurements on an equitable basis.
- Allowing fair competition among prospective respondents to SBISD procurements.
- Obtaining the best product and service offerings for the lowest cost or best value to SBISD.
- Providing to all respondents SBISD's procurement evaluation criteria and basis of contract award.
- Constantly seeking to identify and implement strategies and techniques that will enhance the level of service and integrity provided by the Purchasing Department.

## Spring Branch Independent School District

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Finance	Christine L. Porter
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Manager of Purchasing Operations and Records	Edna E. Johnson
Purchasing Buyer Supervisor	Cesar Rodriguez
Administrative Bid Specialist and Buyer	Joel Cardona
Construction Buyer (Bond Funded)	Monica Landaeta
Senior Buyer	Cristina Varisco
Textbook Specialist and Central Warehouse Buyer	Emilyn Verdinez
MUNIS Support and Records Specialist	Sarah Llamas
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**Phone Number:** 713-251-1100

**Fax Number:** 713-251-9030

**Office Hours:** 7:30 A.M. – 4:30 P.M. (Monday – Thursday)  
7:30 A.M. – 4:00 P.M. (Friday)

**Website:** <https://www.springbranchisd.com/about/departments/finance/purchasing>

## **Texas School Laws: Purchasing**

SBISD contracts valued at \$50,000 or more in the aggregate for each 12-month period shall be made by one of the following methods that provides the best value for SBISD:

1. Competitive bidding
2. Competitive sealed proposals
3. Request for proposals
4. An Interlocal contract
5. A method provided by Chapter 2267, Government Code, for construction services
6. Reverse Auction
7. Political subdivision

*Education Code 44.031(a)*

## **Education Department General Administrative Regulations (EDGAR)**

The new regulations from the Office of Management and Budget (OMB), codified as Title 2 of the Code of Federal Regulations (2 CFR) Part 200, were incorporated into general federal regulation on Dec. 26, 2014. The new regulations govern all federal grants awarded by the US Department of Education (USDE) to the state or to an LEA on or after that date.

When SBISD seeks to procure goods and services using funds under a federal grant or contract, specific federal laws, regulations, and requirements may apply in addition to those under state law.

This includes, but is not limited to, the procurement standards of the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, 2 C.F.R. 200 (sometimes referred to as the "Uniform Guidance" or new "EDGAR").

## Procurement Solicitations

Spring Branch Independent School District solicits for goods and services with "the method" that provides the best value for SBISD, as required by Section 44.031 of the Texas Education Code.

SBISD's procurement solicitations are located on the Purchasing Department's Bids & Proposals webpage at:

<https://www.springbranchisd.com/about/departments/finance/purchasing/bids-proposals>

The Purchasing Department is pleased to announce that we are implementing an electronic bidding system. During this implementation phase, solicitations will be available both offline and online solicitations (electronic bidding system).

### Offline Solicitations

- Offline solicitations will be available in PDF format on the Bids & Proposals web page.
- A response to an offline solicitation must be submitted via hand delivery or mail by the date and to the location specified in the solicitation.

### Online Solicitations

- Those interested in responding to an online solicitation **MUST** register in our electronic bidding system.
- Once registered, bidders/proposers will be notified via email when a solicitation that relates to the product or service it provides is posted in the electronic bidding system.
- Thereafter, respondents may submit sealed responses to an online solicitation via the electronic bidding system.

NOTICE: Often times, an addendum or change in the specifications is released before the solicitation is due. These documents, if released, will be posted to the Bids & Proposals webpage as well.

Solicitations will be posted/issued in sufficient time as to permit full and free competition.

## **Code of Silence**

SBISD has adopted a “Code of Silence” policy to enforce its commitment to ethical contracting standards and improve accountability and public confidence.

The Code of Silence is the prohibition on any communication regarding a competitive procurement solicitation between:

1. Any person who seeks an award from SBISD, including potential vendors or vendor’s representative, and
2. Board members, the Superintendent of Schools, senior staff members, principals, department heads, directors, managers, or other SBISD representatives who have influence in the evaluation or selection process.

SBISD’s Code of Silence for competitive procurements begins the day the solicitation is posted to the Bids & Proposals webpage (or the electronic bidding software) and ends after the Board of Trustees has approved the project, or upon the execution of the contract, whichever occurs first.

Questions concerning the solicitation should be addressed to the Director of Purchasing Services, or the Buyer identified in the solicitation, no later than the deadline identified in the solicitation.

## **Advertising of Solicitations**

As required by Texas law, Spring Branch Independent School District publishes notification of when and where bids will be opened in a county newspaper (*Houston Chronicle*) once a week for at least two separate weeks prior to the time set for receiving bids, proposals, or responses.

The advertisement includes the following information:

- Type of commodity, equipment, or service requested.
- Contact phone number and address for information on the solicitation invitation.
- Solicitation/contract number.
- Date, time, and place of the solicitation opening.

*Education Code 44.031(g)*



## Solicitation Criteria

Spring Branch Independent School District continuously solicits prospective respondents on categories of personal property as required by *Section 44.31* of the *Texas Education Code*.

Solicitation documents contain:

- The item or service to be purchased with specifications.
- The quantity to be purchased.
- Any installation, maintenance, or repair services to be provided with the item.
- The name and location to which delivery is to be made.
- The date or dates of delivery.
- Date, time, and place of the solicitation opening.
- The right of the Board of Trustees to reject any and/or all responses and to accept the response, which appears to be in the best interest of SBISD.
- Any other terms and conditions as stated in the solicitation.

Everyone has an opportunity to respond to the items or services requested in the solicitation. Specifications, restrictions, and conditions that have the effect of limiting bidding will be avoided. The Purchasing Department will NOT be responsible for the rejection of a response for failure to follow instructions contained in an addendum and/or if incomplete or inaccurate information is supplied by the Respondent. Additionally, changed or modified specifications will be rejected.

SBISD has selected vendor qualification criteria that includes, but is not limited to, the following:

- Past experience with SBISD,
- Cost of goods and services, including future costs of maintenance,
- Respondent's financial stability and position as it relates to the ability to provide the goods and/or services,
- Small, minority, woman-owned, or labor surplus area firms

SBISD shall not restrict competition by requiring any of the following as selection criteria:

- Unreasonable requirements, such as excessive experience or bonding, brand name products or geographic preferences that would unduly restrict competition among qualified respondents.
- Arbitrary restrictions that are not essential to the solicitation specifications.

## Supplier Diversity Program

The SBISD Supplier Diversity Program (SDP) ensures that SBISD will use its best efforts to encourage small, minority and women-owned businesses to participate in current and future purchasing of all goods and services.

**Certification:** Any business wishing to be identified by SBISD as a small, women-owned or minority business shall be certified as such either:

- By the State of Texas or Texas Local Government which conducts a certification program; or
- By “self-certification” of a business entity under one of the definitions listed above.

All solicitations, including construction projects, issued by SBISD include a Historically Underutilized Business Questionnaire that is to be completed and submitted with the solicitation response.

The Questionnaire asks for the supplier diversity classification of the business entity. The form also asks each business entity to state if it will be performing alone or will be using subcontractors.

## House Bill 1295 – Certificate of Interested Parties

Spring Branch ISD 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 SBISD from entering into a Board approved contract with a business entity unless the business entity submits a Disclosure of Interested Parties (Form 1295) to SBISD at the time business entity submits the signed contract.

**"Interested Party"** means a person:

- a) Who has a controlling interest in a business entity with whom SBISD contracts; or
- b) Who actively participates in facilitating the contract or negotiating the terms of the contract, including a broker, intermediary, adviser, or attorney for the business entity.

**"Business Entity"** means an entity recognized by law through which business is conducted, including a sole proprietorship, partnership, or corporation.

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

Respondents must file Form 1295 electronically with the Texas Ethics Commission using the online filing application, which can be found at:

[https://www.ethics.state.tx.us/whatsnew/elf\\_info\\_form1295.htm](https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm)

Respondents must use the filing application on the Texas Ethics Commission's website to enter the required information on Form 1295. Respondents 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 signed by an authorized agent of the business entity.

The completed Form 1295 with the certification of filing must be filed with SBISD by attaching the completed form to the vendor's solicitation response.

SBISD 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 SBISD receives the Form 1295. After SBISD acknowledges the Form 1295, the Texas Ethics Commission will post the completed Form 1295 to its website within seven business days.

## **Respondent's Checklist**

It is critical that responses are completed in every detail. Respondents should review the following checklist prior to submitting a solicitation response.

- Has the response been filled out completely, including all forms and attachments?
- Has the unit price been provided?
- Has the extension been calculated?
- Have you included the description of the product or services?
- Has the delivery time been noted?
- Have you provided warranty information?
- If product, commodity, or equipment deviates from the specifications or Design Guide, have you listed the deviations?
- If descriptive literature has been requested, has it been attached to response?
- Have you completed the requested identification data on the response?
- Has the response been signed?
- Has the response been submitted in the manner specified in the solicitation?

Failure to complete any of the requested items may result in disqualification of the response.

## Submission of Solicitation Responses

Responses **MUST** be submitted according to the instructions provided in the solicitation document furnished by the Purchasing Department.

Responses may **NOT** be submitted via any means other than those outlined in the solicitation invitation by the Purchasing Department.

## Appeal Process

The SBISD Office of Purchasing intends the appeal process to resolve contract disputes in a manner consistent with the effort to promote fair and open competition. Any bidder objecting to the recommendation for award or award of contract may appeal the action to the Office of Purchasing by formally notifying the designated Buyer no later than seven days after the basis for appeal is known. The bidder shall have an opportunity to meet with the Buyer to present the issues. A formal written response to the appeal shall be issued by the Buyer in a timely manner.

For an appeal of recommendation of award of contract, the decision of the Buyer shall be reviewed by the Director, Office of Purchasing. The Director, Office of Purchasing may approve, modify or disapprove the decision of the Buyer. In disapproving the decision, the appeal will be remanded to the Buyer for resolution. In all other cases, the decision of the Director, Office of Purchasing is the final action by SBISD. The decision shall include a statement of the decision, with supporting material. Bidders receiving a decision on an appeal of recommendation of award shall forfeit the right to continue the appeal process of the award of contract.

In the event a bidder determines cause to appeal an award of contract which has been approved by the Spring Branch Board of Trustees, said action must be filed in writing to the Associate Superintendent of Financial Services. This action shall occur not later than seven days from the date of award of contract. The Associate Superintendent of Financial Services reserves the right to meet with the Bidder as part of the appeal investigation. A formal written decision will be issued by the Associate Superintendent of Financial Service in a timely manner.

Should the Bidder wish to pursue the appeal of award of contract further, administrative procedures have been established for such action, which will be outlined at the time of the event.

Appeal of Termination for Non-Appropriation of Funds or for loss of Appropriated Funds: NONE

Any costs incurred in the appeal process will be borne by the bidder(s) in all instances.

## Opening Procedures for Solicitations

All solicitation openings are open to the public at the date and time specified in each solicitation. The opening will be conducted by the Director of Purchasing Services, or his designee.

Respondents or other interested persons are invited to be present at solicitation openings. Any response may be withdrawn prior to the scheduled time for opening. A response that has been opened may not be changed for the purpose of correcting an error in the bid price. Responses received after the specified date and time will not be considered and will be returned to the respondent unopened.

*Local Government Code 271.026*

The Board shall have the right to reject any and/or all responses.

*Local Government Code 271.027(a)*

Sealed responses will be tabulated for comparison purposes. The public may record any information read aloud at the opening. After responses are read and tabulated, the solicitation will then go into an evaluation stage until an award is made by the Board of Trustees.

In awarding a contract, SBISD shall consider:

1. Purchase price
2. The reputation of the vendor and of the vendor's goods and services
3. The quality of the vendor's goods or services
4. The extent to which the goods or services meet SBISD's needs
5. The vendor's past relationship with SBISD
6. The impact on the ability of SBISD to comply with laws and rules relating to historically underutilized businesses
7. The total long-term cost to SBISD to acquire the vendor's goods or services
8. 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
9. Any other relevant factor specifically listed in the request for bids or proposals

*Education Code 44.031(b)*

## Vendor Registration

The following documentation may be required prior to any business opportunity with SBISD:

- W-9 form
- Electronic Funds Transfer (EFT) Authorization Form
- Conflict of Interest Questionnaire
- Local Criminal Background Check
- Fingerprinting Affidavit
- Certificate of Insurance

Please [contact](#) the Purchasing Department for assistance with registering as an SBISD vendor.

## Tax Exemption

Spring Branch Independent School District is exempt from payment of taxes under *Chapter 20, Title 122A, Article 20.04, Revised Civil Statutes of Texas*, for the purchase of tangible personal property. The Texas Sales Tax Exemption Certificate may be requested from the Accounts Payable Department at 713-251-2224.

## Processing Vendor Payments

Payment for purchased goods or services is initiated only after goods have been received or services rendered.

Invoices are submitted to the Accounts Payable Department where they are matched with a copy of the purchase order; therefore, it is essential for the purchase order number to appear on the invoice for verification of delivery and approval for payment. Upon receipt by the Accounts Payable Office, the invoice will be processed for payment within thirty (30) days of its receipt, if services are complete. **Electronic invoices may be sent to [accountspayable@springbranchisd.com](mailto:accountspayable@springbranchisd.com).**

Vendors may select one of the following methods by which SBISD will process payments:

- CARD (Ghost Card)—SBISD's preferred method of payment  
Card payments are made available to the vendor immediately after file payment submission.
- Automatic Clearing House (ACH)—Electronic Fund Transfer to vendor's bank account

**For inquiries regarding the methods of payments, email [accountspayable@springbranchisd.com](mailto:accountspayable@springbranchisd.com)**



## **Conflict of Interest Disclosure Statement**

Effective January 1, 2006, any person or entity who contracts or seeks to contract with SBISD for the sale or purchase of property, goods, or services (as well as agents of such persons) (hereafter referred to as Vendors) is required to file a Conflict of Interest Questionnaire with SBISD. Each covered person or entity who seeks to or who contracts with SBISD is responsible for complying with any applicable disclosure requirements. SBISD will post the completed questionnaires on its website.

*Local Government Code 176*

The Conflict of Interest Questionnaire may be downloaded from the SBISD website at:

<https://www.springbranchisd.com/about/departments/finance/purchasing/informationforvendors>

Completed forms should be sent to:

**SBISD Purchasing Department  
1031 Witte Road, Building T-1A  
Houston, TX 77055-6016**

## **Vendor Background Checks**

An approved criminal history background check conducted by SBISD's Police Department is required for all vendors whose services will be performed on SBISD property. **NOTE:** SBISD reserves the right to request a criminal history background check for vendors who provide services outside of SBISD (i.e., prom and after-prom activities).

Additionally, vendors who will have "direct contact" with SBISD students must also pass a Texas DPS Criminal History Background Search under Senate Bill 9.

## **Vendor Delivery Responsibilities**

Failure to meet delivery dates specified in solicitation documents may be a factor in subsequent award determinations. It is the responsibility of the supplier to notify the appropriate campus/department when a delay in delivery is anticipated or occurs. Information of a new anticipated delivery date and the reason for the delay should also be given.

## **Vendor Insurance Requirements**

Vendors are required to provide SBISD with copies of certificates of insurance, naming SBISD as additional insured's for Texas Workers Compensation and General Liability Insurance, within 14 business days of a contract award and/or prior to the commencement of any work on SBISD property.

## **Gifts and Gratuities**

SBISD officials and employees cannot accept anything of value from a vendor, such as personal gifts or gratuities. Although such practices are legitimate and generally accepted in the private sector, there is substantial possibility that both giving and receiving of such “hospitality” constitutes a Class A misdemeanor offense of “Gift to a Public Servant” if the recipient is a government employee who exercises some influence in the purchasing process of the governmental body.

## SBISD Purchasing Department



Every Child



Collective  
Greatness



Collaborative  
Spirit



Limitless  
Curiosity



Moral  
Compass

## How To Do Business with Spring Branch ISD

1031 Witte Road, Building T-1A  
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