

SOLE SOURCE AFFIDAVIT

Before me, the undersigned official, on this day, personally appeared _____ a person known to me to be the person whose signature appears below, whom after being duly sworn upon his oath deposed and said:

1. My name is _____, I am over 18, have never been convicted of a crime and being competent to make affidavit.

2. I am an authorized representative of the following company or firm:

3. The above named company or firm is the sole source of the following item(s), and no other company or firm in the United States of America sales or distributes the products listed below :

4. Competition in providing the above named item(s) or product is precluded by the existence of a patent, copyright, secret process, or monopoly.

5. There is no other like item(s) or product(s) available for purchase that would serve the same purpose or function and there is only one price for the above named item(s) or product(s) because of exclusive distribution or marketing rights.

Signature of Authorized Official

Title of Authorized Signature

Affidavit will be valid for two (2) years from date subscribed and sworn.

SUBSCRIBED AND SWORN to before me on this _____ day of _____, _____.

Notary Public Signature

Print Name _____

My Commission Expires: _____

Vendor Information:

Company: _____

Address: _____

City, State, and Zip: _____

Telephone Number: _____ Fax: _____

Contact Person: _____

E-mail Address: _____

REPRESENTATIONS AND CERTIFICATIONS FORM

This sheet must be filled out completely and returned with your submittal.

By submitting this offer, the vendor certifies that he/she is a responsible authorized officer of the company, can sign for and enter into binding contracts on behalf of the company, and certifies the accuracy of the following statements:

- a. Represents that to the best of its knowledge it is not indebted to the Waco Independent School District. Indebtedness to the District may be basis for non-award and/or cancellation of any award.
- b. Certifies that no suspension or debarment is in place, which would preclude receiving a federally funded contract.
- c. Section 44.034 Subsection (a) of the Texas Education Code requires a person or business entity that enters into a contract with a school district must give advance notice to the district if the person and/or an owner or operator of the business entity has been convicted of a felony. The notice must include a general description of the conduct resulting in the conviction of a felony. Subsection (b) states "a school district may terminate a contract with a person or business entity if the district determines that the person or business entity failed to give notice as required by Subsection (a) or misrepresented the conduct resulting in the conviction. The district must compensate the person or business entity for services performed before the termination of the contract." Subsection (c) this notice is not required of a publicly held corporation.

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

1. ☐ My firm is a publicly held corporation, therefore, this reporting requirement is not applicable.
2. ☐ My firm is not owned nor operated by anyone who has been convicted of a felony.
3. 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): _____
- d. "Non-Collusion Statement": "The undersigned affirms that they are duly authorized to execute this contract, that this company, corporation, firm, partnership, etc., or individual has not prepared this bid in collusion (An agreement between two or more persons to deceive the school district or defraud the school district of its rights) with any other bidder, school board member, or school district employee, and that the contents of this bid as to prices, quality of product, terms and/or conditions, etc., have not been communicated by the undersigned nor by any other employee, agent and/or representative of the company, corporation, firm, partnership, etc., or individual to any other person engaged in this type of business prior to the official opening of this bid for the intent or purpose of collusion."
- e. The terms and conditions as set forth in this bid/proposal are understood and acceptable. Agree to the attached "General Conditions" and any "Special Conditions" (if special conditions are provided) of this bid. Any exceptions shall be noted on a separate piece of paper and submitted with the response.
- f. The undersigned attests that they are a duly authorized employee by their company to bind said company to the prices offered and to the terms and conditions of this bid.

- g. No employee of the District shall have a direct financial interest in any contract with the district, nor shall any employee have a direct financial interest in the sale of any land, equipment, supplies, materials, or service. Any violation of this policy will render the contract null and void unless such contract is approved by the WISD Board of Trustees after full disclosure. Therefore, vendor shall note any and all relationships that might be a conflict of interest and shall include such information with the bid/proposal response by completing the attached vendor affidavit form.
- h. This district has implemented a "no contact" policy during the bidding process. This means that from the date the bid is issued until the date the bid is awarded by the board, there shall be no contact by any vendor to any district employee (excluding the purchasing agent, or purchasing supervisor) or board member in relation to this bid, unless authorized by the purchasing agent. The undersigned attests that no employee or representative of the company has violated W.I.S.D.'s "No Contact" procedure.

i. Affirm the following:

 No employee of the above named company has any financial relationship and/or familial relationship by birth or marriage (spouse, children, parents, sibling, grandparents, grandchildren, aunts, uncles, cousins, etc.) with any employee/trustee of Waco ISD.

 Yes, a company employee so named has a financial and/or familial relationship with an employee/trustee of Waco ISD as noted below.

Name of the vendor employee _____

Title _____

Name of Waco ISD Employee/Trustee _____

Relationship to Waco ISD Employee/Trustee _____

j. During the performance of any contract awarded, the Seller will not discriminate against any employee or applicant for employment because of race, religion, color, sex or national origin, or handicaps, except where religion, sex or national origin is a bona fide occupational qualification reasonable necessary to the normal operations of the Seller. The Seller agrees to post in conspicuous places, available to employee and applicants for employment, notices setting forth the provisions of this non-discrimination clause. The Seller, in all solicitations or advertisements for employees placed by or on behalf of the Seller, will state that such Seller is an equal opportunity employer. Notices, advertisements and solicitations placed in accordance with Federal Law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section. The Seller shall include the provisions of the foregoing in every subcontract or purchase order over \$10,000.00 so that the provisions will be binding upon each subcontractor or vendor.

k. In accordance with Article 601g. as adopted by the 1985 Texas Legislature the following will apply. The pertinent portion of the Act has been extracted and is as follows:

Article 601g. State of Political Subdivision Contracts for Construction, Supplies, Services, Proposals by Non resident Section 1(a) in this Act:

(1) "Governmental agency of the state" means: (A) an incorporated city or town, a county, a public school district, a special-purpose district or authority, or a district, county, or justice of the peace court;

(2) "Nonresident Proposer" means a Proposer whose principal place of business is not in this state, but excludes a contractor whose ultimate parent company or majority owner has its principal place of business in this state.

(3) "Texas residential Proposer" means a Proposer whose principal place of business is in this state, and includes a contractor whose ultimate parent company or majority owner has its principal place of business in this state.

(B) The state or governmental agency of the state may not award a contract for general

construction, improvements, services, or public works projects or purchase of supplies, material, or equipment to a nonresident Proposer unless the nonresident's Proposal is lower than the lowest Proposal submitted by a responsible Texas resident Proposer by the same amount that a Texas resident Proposer would be required to under Proposal a nonresident Proposer to obtain a comparable contract in the state in which the nonresident's principal place of business is located.

I certify that as defined in Article 601g. that:

____ Yes, I am a Texas Resident Proposer

____ No, I am a _____ Resident Proposer.

- l. I have completed and returned Form CIQ as requested in this packet.
- m. The Waco ISD would like to track participation by economically disadvantaged business enterprises (DBE's) in all District competitive procurement. Are you a qualified economically disadvantaged business enterprise?
(check one) _____ Yes _____ No
Type of Certification: _____
Issued by: _____ Date of Issue: _____
Please attach proof of certification to this submittal.
- n. The Waco ISD would like to track participation by historically underutilized businesses (HUB's) in all District competitive procurement. Are you a qualified historically underutilized business?
(check one) _____ Yes _____ No
If yes, are you a minority owned business? _____ A woman owned business? _____
Issued by: _____ Date of Issue: _____
Please attach proof of certification to this submittal.
- o. I certify that my company does not and will not boycott Israel and that my company is in compliance with House Bill 89 from the 85(R) Legislative Session which adds Government Code Sec. 2270.002 that states "A governmental entity may not enter into a contract with a company for goods or services unless the contract contains a written verification from the company that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract." The code further defines this as "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.
- p. I certify that my company name is not on the Texas Comptroller's list of companies known to have contracts with or provide supplies or services to a foreign terrorist organization as per the addition of Government Code Sec. 2252.152 from Senate Bill 252 from the 85(R) Legislative Session. Contracts with companies engaged in business with Iran, Sudan, or foreign terrorist organizations are 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. "Foreign terrorist organization" means an organization designated as a foreign terrorist organization by the United States secretary of state as authorized by 8 U.S.C. Section 1189.
- q. Yes, I have read and agree to the Terms & Conditions as posted on Waco ISD's Business Services Webpage. Click on link below to view document.

[Terms and Conditions](#)

By signing below, you agree to participate in this bid with the Waco ISD and you attest to the above Representations and Certifications (a-o) of this bid.

Company Name: _____

Submitter's Name: _____

Submitter's Title: _____

Submitter's Signature: _____

Date: _____

Address/City/State/Zip: _____

Phone #/Fax #: _____

E-Mail Address: _____

Request for Taxpayer Identification Number and Certification

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

Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return)	
	Business name/disregarded entity name, if different from above	
	Check appropriate box for federal tax classification (required): ☐ Individual/sole proprietor ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate ☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____ ☐ Other (see instructions) ▶ _____	
	☐ Exempt payee	
	Address (number, street, and apt. or suite no.) City, state, and ZIP code List account number(s) here (optional)	
Requester's name and address (optional)		

Part I Taxpayer Identification Number (TIN)

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

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

Social security number								
				-				
Employer identification number								
				-				

Part II Certification

Under penalties of perjury, I certify that:

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

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

Sign Here	Signature of U.S. person ▶	Date ▶
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General Instructions

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

Purpose of Form

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

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

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

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

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

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

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