



TOMBALL INDEPENDENT SCHOOL DISTRICT
RFQ #988-25 CM-AGENT / PROGRAM MANAGER

ISSUED: March 28, 2025
REQUEST FOR QUALIFICATIONS FOR CONSTRUCTION MANAGER-AGENT /
PROJECT MANAGER SERVICES

Addendum No. 01
April 3, 2025

Questions and Clarifications to the RFQ Document:

1. Not able to locate forms for Conflict-of-Interest Disclosure, Felony Conviction Notification and Certification of Residency.
 - a. Response: Forms attached to Addendum #1.

TISD CONFLICT OF INTEREST DISCLOSURE STATEMENT

Tomball Independent School District (TISD) is required to comply with Texas Local Government Code Chapter 176, Disclosure of Certain Relationships with Local Government Officers. House Bill 23 significantly changed Chapter 176 as well as the required disclosures and the corresponding forms. As of September 1, 2015, any vendor who does business with TISD or who seeks to do business with TISD must fill out the new Conflict of Interest Questionnaire (CIQ) whether or not a conflict of interest exists. A conflict of interest exists in the following situations:

- 1) If the vendor has an employment or other business relationship with a local government officer of TISD or a family member of the officer, as described by section 176.003(a)(2)(A) of the Texas Local Government Code; or
- 2) If the vendor has given a local government officer of TISD, or a family member of the officer, one or more gifts with the aggregate value of \$100, excluding any gift accepted by the officer or a family member of the officer if the gift is: (a) a political contribution as defined by Title 15 of the Election Code; or (b) a gift of food accepted as a guest; or
- 3) If the vendor has a family relationship with a local government officer of TISD.

“Vendor” means a person who enters or seeks to enter into a contract with a local governmental entity. The term includes an agent of a vendor. The term includes an officer or employee of a state agency when that individual is acting in a private capacity to enter into a contract. The term does not include a state agency except for Texas Correctional Industries. *Texas Local Government Code 176.001(7)*.

“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. *Texas Local Government Code 176.001(3)*.

“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. *Texas Local Government Code 176.001(2-a)*.

“Local government officer” means: (A) a member of the governing body of a local governmental entity; (B) a director, superintendent, administrator, president, or other person designated as the executive officer of a local governmental entity; or (C) an agent of a local governmental entity who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. *Texas Local Government Code 176.001(4)*.

• ***TISD Board of Trustees and Superintendent include:***

Mr. John E. McStravick	Mr. Coco White
Mr. Mark Lewandowski	Mrs. Amanda Bass
Dr. Michael J. Pratt	Mrs. Jennifer Kratky
Mrs. Tina Salem	Dr. Martha Salazar-Zamora, Superintendent

If no conflict of interest exists, you must fill out Box 1 and type N/A on Box 3 of the CIQ form, sign and date it. In the event of changed circumstances, an updated CIQ must be filed within seven (7) business days after the vendor becomes aware that a conflict of interest exists.

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

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

2 **Check this box if you are filing an update to a previously filed questionnaire.** (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

Name of Officer

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

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

Yes No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

Yes No

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

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

7

Signature of vendor doing business with the governmental entity

Date

FELONY CONVICTION NOTIFICATION

Section 44.034, Texas Education Code, Notification of Criminal History, Subsection (a), states "A person or business entity that enters into a contract with a school district must give advance notice to the district if the person or an owner or operator of the business entity has been convicted of a felony. The notice must include a general description of the conduct resulting in the conviction of a felony."

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

Subsection (c) states "This section does not apply to a publicly held corporation."

Please complete the information below:

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.

Vendor's Name: _____

Authorized Company Official's Name (please print or type): _____

Authorized Company Official must check one option (A, B, or C) and sign below:

A. The contractor/firm is not owned nor operated by anyone who has been convicted of a felony.
Signature of Company Official: _____ Date: _____

B. The contractor/firm is owned or operated by the following individual(s) who has/have been convicted of a felony:
Name of Individual(s): _____
Details of Conviction(s): _____

Signature of Company Official: _____ Date: _____

C. My firm is a publicly held corporation, therefore, the above reporting requirement does not apply per Section 44.034, Texas Education Code, Subsection (c).
Signature of Company Official: _____ Date: _____

CH. 22 CRIMINAL HISTORY RECORDS CONTRACTOR CERTIFICATION: CONTRACTOR/SUBCONTRACTOR EMPLOYEES

Background: Texas Education Code Chapter 22 requires that criminal history records be obtained regarding covered employees of entities that contract with a school district to provide services to the school district ("Contractors") and entities that contract with school district contractors ("Subcontractors"). Covered employees with disqualifying criminal histories are prohibited from serving at a school district. Contractors/Subcontractors shall (1) complete this form certifying compliance with the requirements of Texas Education Code Chapter 22 to TISD; and (2) require that each of their subcontractors complies with the requirements of Texas Education Code Chapter 22.

Criminal history records will be obtained by either the Contractor/Subcontractor or TISD, as follows:

(1) **Contractor/Subcontractor:** The only Contractors/Subcontractors who will be granted access to obtain criminal history record information are those "qualified school contractors" that (1) contract or subcontract to provide services to TISD; and (2) are determined eligible by the Texas Department of Public Safety (DPS) to obtain criminal history record information under the National Child Protection Act of 1993 (34 U.S.C. § 40101 *et seq.*) (NCPA), specifically, those contractors/subcontractors who provide "care or care placement services" and are based in Texas, for an employee, applicant for employment, or volunteer of the "qualified school contractor." All "qualified school contractors" are required to obtain their covered employees' criminal histories, certify compliance to TISD, and obtain similar certifications from their subcontractors. Before or immediately after employing or securing the services of a person who is a "covered employee" (as defined below) the Contractor/Subcontractor shall send or ensure that the employee sends to DPS all information that is required by DPS for obtaining the person's national criminal history record information, which may include (but is not limited to) a complete set of the person's fingerprints and a recent electronic digital image photograph of the person, as required by DPS. DPS shall obtain the person's national criminal history record information and report the results through the criminal history clearinghouse as provided by Texas Government Code 411.0845. For more information or to set up an account, Contractor/Subcontractor should contact the Texas Department of Public Safety's Crime Records Service at 512.424.2474. Contractor/Subcontractor shall obtain all criminal history record information that relates to all covered employees through the criminal history clearinghouse as provided by Texas Government Code 411.0845. In addition, Contractor/Subcontractor shall require that each of its subcontracting entities obtains all criminal history record information that relates to its covered employees, if the subcontracting entity is also a "qualified school contractor." Contractor/Subcontractor shall: (1) provide TISD with a fitness determination (as set forth below) as to each covered employee, based on all criminal history record information obtained; and (2) certify to TISD that Contractor/Subcontractor has received all criminal history record information relating to a person who is employed by or under a current offer of employment by Contractor/Subcontractor.

(2) **TISD:** All Contractors/Subcontractors who are not "qualified school contractors" (in other words, all Contractors/Subcontractors who do not provide "care or care placement services" or are not based in Texas) are required to follow the instructions listed below, so that TISD may obtain their covered employees' criminal history record information, as applicable. Contractor/Subcontractor shall also require that any of its subcontracting entities that are not "qualified school contractors" follow the instructions listed below, so that TISD may obtain their covered employees' criminal history record information.

Contractor/Subcontractor is responsible for the payment of all fingerprinting costs. Should TISD pay any costs of fingerprinting Contractor/Subcontractor employees, Contractor agrees to reimburse TISD for such costs; in the event Contractor fails to reimburse TISD for the costs of fingerprinting Contractor/Subcontractor employees, Contractor agrees that TISD may deduct such costs from any payment due and owing by TISD to Contractor.

Definitions:

- **Covered employees:** Employees of a Contractor/Subcontractor who have or will have continuing duties related to the service to be performed at a school district and have or will have direct contact with students. TISD will be the final arbiter of what constitutes *continuing duties* and *direct contact* with students.
- **Continuing duties related to contracted services:** Work duties that are performed pursuant to a contract to provide services to a school entity on a regular, repeated basis rather than infrequently or one-time only. See 19 Tex. Admin. Code §153.1101(2).
- **Direct contact with students:** The contact that results from activities that provide substantial opportunity for verbal or physical interaction with students that is not supervised by a certified educator or other professional district employee. Contact with students that results from services that

do not provide substantial opportunity for unsupervised interaction with a student or students, such as addressing an assembly, officiating a sports contest, or judging an extracurricular event, is not, by itself, direct contact with students. However, direct contact with students does result from any activity that provides substantial opportunity for unsupervised contact with students, which might include, without limitation, the provision of coaching, tutoring, or other services to students. See 19 Tex. Admin. Code § 153.1101(7).

- **Public Works Contractor:** An entity that contracts directly or subcontracts with an entity that contracts with a school district to provide construction services to the school district.
- **Exception for Certain Public Works Contractors' Employees and Applicants:** The criminal history record information requirements outlined above do not apply to an employee or applicant for employment of a public works contractor (as defined above) if: (1) the public work does not involve the construction, alteration, or repair of an instructional facility as defined by Texas Education Code Section 46.001; (2) the employee's duties will be completed not later than the seventh (7th) day before a new instructional facility will be used for instruction; or (3) for an existing instructional facility, the work area contains sanitary facilities and is separated from all areas used by students by a secure barrier fence at least six (6) feet high, and the Contractor adopts, informs employees of, and enforces a policy prohibiting employees and any subcontractor's employees from interacting with students or entering areas used by students.

Disqualifying criminal history:

- (1) A conviction or other criminal history information designated by TISD; or (2) a felony or misdemeanor offense that would prevent a person from being employed under Texas Education Code § 22.085(a), that is: (a) conviction of a felony offense under Title 5, Texas Penal Code if at the time of the offense, the victim was under 18; (b) conviction of or placement on deferred adjudication community supervision for an offense for which a defendant is required to register as a sex offender under Chapter 62, Texas Code of Criminal Procedure; or (c) conviction of an offense under federal law or the laws of another state that is equivalent to (a) or (b).

Types of Criminal History Record Information:

- National criminal history record information from the Texas Department of Public Safety criminal history clearinghouse. TISD and/or Contractor/Subcontractor may obtain from any law enforcement or criminal justice agency all criminal history record information that relates to a covered employee.

On behalf of _____ ("Contractor/Subcontractor"), I, the undersigned authorized signatory for Contractor/Subcontractor, certify to Tomball Independent School District ("TISD") (and, in the case of a Subcontractor, certify to Contractor and TISD) that [**check one**]:

OPTION A: Contractor/Subcontractor certifies that none of the employees of Contractor/Subcontractor are covered employees, as defined above. For each covered employee who is employed by or under a current offer of employment by Contractor/Subcontractor, Contractor/ Subcontractor certifies to TISD that it will timely complete the "Contractor Criminal History Background Check Certification" form and submit such to TISD. If this box is checked, I further certify that Contractor/Subcontractor has taken precautions or imposed conditions to ensure that its employees will not become *covered employees*. Contractor/Subcontractor will ensure that these precautions or conditions continue to exist throughout the time that the contracted services are provided. If TISD, in its sole discretion, determines that employees of Contractor/Subcontractor are *covered employees*, as defined above, Contractor/Subcontractor will provide TISD with the name, date of birth, and any other requested information of such covered employees so that TISD may obtain criminal history record information on the covered employees, upon request by TISD.

Or

OPTION B: Contractor/Subcontractor certifies that some or all of the employees of Contractor/Subcontractor are covered employees, but the criminal history record information requirements do not apply to its employees or applicants for employment because:

- (1) Contractor/Subcontractor is a public works contractor (an entity that contracts directly or subcontracts with an entity that contracts with a school district to provide construction services to the school district); **and**
- (2) the public work does not involve the construction, alteration, or repair of an instructional facility as defined by Texas Education Code Section 46.001; the employee's duties will be completed not later than the seventh (7th) day before a new instructional facility will be used for instruction; **or** for an existing

instructional facility, the work area contains sanitary facilities and is separated from all areas used by students by a secure barrier fence at least six (6) feet high, and the Contractor adopts, informs employees of, and enforces a policy prohibiting employees and any subcontractor's employees from interacting with students or entering areas used by students.

If this option is selected, Contractor/Subcontractor further certifies to TISD that:

- (a) Contractor/Subcontractor shall ensure that the conditions or precautions that resulted in the determination that the criminal history record information requirements do not apply to its employees or applicants for employment continue to exist throughout the time that the contracted services are provided;
- (b) For each covered employee who is employed by or under a current offer of employment by Contractor/Subcontractor, Contractor/Subcontractor will timely complete the "Contractor Criminal History Background Check Certification" form and submit such to TISD; and
- (c) If TISD, in its sole discretion, determines that the conditions in paragraph (1) and/or (2) above are not satisfied as to Contractor/Subcontractor, Contractor/Subcontractor will provide TISD with the name, date of birth, and any other requested information of its covered employees so that TISD may obtain criminal history record information on the covered employees, upon request by TISD.

Or

OPTION C: Contractor /Subcontractor certifies that some or all of the employees of Contractor/Subcontractor are covered employees, and Contractor/ Subcontractor is a "qualified school contractor." For each covered employee who is employed by or under a current offer of employment by Contractor/Subcontractor, Contractor/Subcontractor certifies to TISD that it will timely complete the "Contractor Criminal History Background Check Certification" form and submit such to TISD. If this option is selected, I further certify that:

- (1) Contractor/Subcontractor certifies to TISD that Contractor/Subcontractor has received all criminal history record information relating to a person who is employed by or under a current offer of employment by Contractor/Subcontractor. Contractor/Subcontractor provides TISD with the following fitness determination as to each covered employee, based on all criminal history record information obtained: None of the covered employees has a disqualifying criminal history.
- (2) If Contractor/Subcontractor at any time receives information that a covered employee subsequently has a reported disqualifying criminal history, Contractor/Subcontractor will immediately remove the covered employee from contract duties and notify TISD in writing within 3 business days.
- (3) Upon request by TISD, Contractor/Subcontractor will provide TISD with the name, date of birth, and any other requested information of covered employees so that TISD may obtain criminal history record information on the covered employees.

Or

OPTION D: Contractor/Subcontractor certifies that some or all of the employees of Contractor/Subcontractor are covered employees, and Contractor/Subcontractor is not a "qualified school contractor." If this option is selected, I further certify that:

- (1) For each covered employee who is employed by or under a current offer of employment by Contractor/Subcontractor, Contractor/Subcontractor certifies to TISD that will timely complete the "Contractor Criminal History Background Check Certification" form and submit such to TISD, providing the following information regarding each covered employee as required by DPS in order to provide criminal history record information, so that TISD may obtain the covered employees' criminal history record information: (a) Full name (first, middle, and last); (b) Date of birth; (c) Sex; (d) Social Security number; (e) number assigned to any form of unexpired identification card issued by Texas or another state, the District of Columbia, or a U.S. territory that includes the person's photograph; (f) if the employee has ever been fingerprinted by a public school district in Texas (and if so, the name of the school district); and (g) the person's written consent to the release of his or her criminal history record information.
- (2) Contractor/ Subcontractor shall provide TISD's "Texas Fingerprint Service Code Form" document to all covered employees and ensure that they schedule fingerprinting appointments in a timely manner. Contractor/Subcontractor shall be solely responsible to send or ensure that each covered employee sends to DPS all information that may be required by DPS for obtaining national criminal history record information, which may include, but is not limited to, a complete set of the person's fingerprints and a recent electronic digital image photograph of the person. Any covered employee whose criminal history record information is not received by TISD at least ten (10) TISD business days prior to the start of the

services to be performed by Contractor/Subcontractor at TISD is subject to exclusion from service, in TISD's sole discretion, until his or her criminal history record information can be obtained and reviewed by TISD. Contractor/Subcontractor is responsible for the payment of all fingerprinting costs. Because Contractor/Subcontractor is not a "qualified school contractor," it will not be permitted to view the criminal history record information obtained by TISD.

- (3) DPS shall obtain the person's national criminal history record information and report the results through the criminal history clearinghouse as provided by Texas Government Code 411.0845. Contractor/Subcontractor agrees that TISD will obtain all criminal history record information that relates to a covered employee through the criminal history clearinghouse as provided by Texas Government Code 411.0845. Contractor/Subcontractor agrees that TISD will review each covered employee's criminal history record information, together with the employee's qualifications, background, and experience, based on information gathered by TISD through the procurement and/or contracting processes, to determine, in TISD's sole discretion, whether any covered employee(s) should be prohibited from serving at TISD. TISD will notify Contractor/Subcontractor of its determination.
- (4) If TISD at any time receives information that a covered employee subsequently has a reported disqualifying criminal history or should be prohibited from serving at TISD, in TISD's sole discretion, for any other reason, including, but not limited to, the employee's qualifications, background, and experience, based on information gathered by TISD through the procurement and/or contracting processes, TISD will notify Contractor/Subcontractor of its determination. Contractor/Subcontractor will immediately remove the covered employee from contract duties.

Upon contract award and/or initiation of PO/contract from TISD, the winning proposer/Contractor shall complete TISD's "Contractor Criminal History Background Check Certification" form, providing the following information regarding each covered employee as required by DPS in order to provide criminal history record information, so that TISD may obtain the covered employees' criminal history record information: (a) Full name (first, middle, and last); (b) Date of birth; (c) Sex; (d) Social Security number; (e) number assigned to any form of unexpired identification card issued by Texas or another state, the District of Columbia, or a U.S. territory that includes the person's photograph; (f) if the employee has ever been fingerprinted by a public school district in Texas (and if so, the name of the school district); and (g) the person's written consent to the release of his or her criminal history record information. Contractor/ Subcontractor shall be solely responsible to send or ensure that each covered employee sends to DPS all information that may be required by DPS for obtaining national criminal history record information, which may include, but is not limited to, a complete set of the person's fingerprints and a recent electronic digital image photograph of the person.

If, during the term of the contract with TISD, Contractor/Subcontractor employs additional covered employees or assigns new covered employees to perform services at TISD, Contractor shall immediately notify TISD and provide TISD with all of the information listed in the preceding paragraph as to each additional covered employee, so that TISD may obtain the additional covered employees' criminal history record information. If, during the term of the contract with TISD, Contractor/Subcontractor ceases to employ a covered employee in connection with an TISD contract, whose information was previously provided to TISD, Contractor/Subcontractor shall immediately notify TISD of the same and provide TISD with each former covered employee's (a) Full name (first, middle, and last); (b) Date of birth; (c) Sex; (d) Social Security number; and (e) number assigned to any form of unexpired identification card issued by Texas or another state, the District of Columbia, or a U.S. territory that includes the person's photograph, so that TISD may unsubscribe from that individual's criminal history record.

If TISD, in its sole discretion, objects to the assignment of a covered employee for any reason, including, but not limited to, on the basis of the covered employee's criminal history record information and/or insufficient qualifications, lack of experience, and the like, based on information gathered by TISD through the procurement and/or contracting processes, Contractor/Subcontractor agrees to discontinue using that covered employee to provide services at TISD.

I also certify to TISD (and, in the case of a Subcontractor, certify to Contractor and TISD) on behalf of Contractor/Subcontractor that Contractor/Subcontractor has required its subcontractors to comply with Texas Education Code, Chapter 22 and obtained certifications from its subcontractors of such compliance. Noncompliance or misrepresentation regarding this certification may be grounds for contract termination.

Signature

Title

Date

CERTIFICATE OF RESIDENCY

The State of Texas has passed a law concerning non-resident contractors. This law can be found in Texas Government Code under Chapter 2252, Subchapter A. This law makes it necessary for the Tomball Independent School District to determine the residency of its offerors. In part, this law reads as follows:

Section: 2252.001

- 1) 'Non-resident bidder' refers to a person who is not a resident.
- 2) 'Resident bidder' refers to a person whose principal place of business is in this state, including a contractor whose ultimate parent company or majority owner has its principal place of business in this state.

Section: 2252.002

A governmental entity may not award a governmental contract to a nonresident bidder unless the nonresident underbids the lowest proposal submitted by a responsible resident bidder by an amount that is not less than the amount by which a resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located."

I certify that _____
(Name of Company)

is, under Section: 2252.001 (3) and (4), a

_____ Resident Bidder _____ Non-resident Bidder

My or Our principal place of business under Section: 2252.001 (3) and (4), is in the city of

_____ in the state of _____.

Signature of Authorized Company Representative

Print Name

Title

Date