

BROWNSVILLE INDEPENDENT SCHOOL DISTRICT
PURCHASING DEPARTMENT

COMPETITIVE SEALED PROPOSALS
HIGH SCHOOL MARCHING BAND SHOW WRITING SERVICES DISTRICT-WIDE
CSP# 16-024

Sealed CSP will be received by the Brownsville Independent School District at the office of MRS. ROSARIO PEÑA, RTSBA, ADMINISTRATOR OF PURCHASING, 1900 PRICE RD. SUITE 107, BROWNSVILLE, TEXAS 78521-2417 (956) 548-8361 for HIGH SCHOOL MARCHING BAND SHOW WRITING SERVICES DISTRICT-WIDE. The CSP will be received until Wednesday Mar 30, 2016 5:00 pm, Central Standard Time (CST). CSP received after this time will not be considered. Interested Firms may obtain specifications and information for bidding at the B.I.S.D. Purchasing Department's web page at www.bisd.us/purchasing.

1. CSP OPENING: Firms are invited to attend the CSP opening at the office of the Purchasing Department on Thursday, Mar 31, 2016, at 9:00 am, Central Standard Time (CST) at which time the CSP will be opened. Firms presence is not mandatory.
2. CSP SUBMISSION: CSP should be submitted on this form and continued on any attached list(s) of CSP items and submitted in a sealed envelope. EACH CSP SHALL BE PLACED IN A SEPARATE ENVELOPE, SEALED AND PROPERLY IDENTIFIED WITH THE COMPANY'S NAME, CSP TITLE, CSP NUMBER AND DATE TO BE OPENED. The District will not be held responsible for missing, lost or late mail. Brownsville Independent School District WILL NOT ACCEPT ANY FACSIMILE (FAX) ON SEALED CSP.
3. TENTATIVE AWARD DATE: May 3, 2016.
4. TERM OF CONTRACT: This contract will be valid for a twelve (12) month period following the School Board award date with an option to extend for up to a six (6) month period after expiration date; unless otherwise noted on Scope of Work included in these specifications. The six (6) month extension will be done in writing and will be submitted for School Board approval as needed and only after mutual agreement between the District and the awarded vendors.
5. QUANTITIES: Brownsville Independent School District reserves the right to increase or decrease the number of units of each item on the basis of the unit price quoted, unless to do so will increase unit CSP. In CSP, stipulate whether the increase or decrease will affect CSP price. The CSP prices will remain firm for twelve (12) months from date of Board Approval, unless otherwise stipulated.
6. ITEM DESCRIPTION: Firms shall submit complete data on each item contained in the CSP. Such data shall show and identify, by manufactures number, (catalog) or other illustrations, the brand and mode on which the CSP is based and so marked as to be identified with the CSP item. FAILURE TO SUBMIT THE ABOVE INFORMATION WITH SEALED CSP WILL DISQUALIFY CSP.
7. CASH DISCOUNTS: The Brownsville Independent School District considers cash discounts or discounts for prompt payment when evaluating CSP.
8. PURCHASE ORDERS: The District is not responsible for orders placed by individuals, without an appropriate purchase order issued by B.I.S.D. The District will not make cash advances to the award vendors. Payment will be promptly made after all goods have been

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received and all services have been rendered by the awarded vendors.

9. VENDOR REPRESENTATIVE: The successful vendor agrees to send a personal representative with binding authority for the company to the district upon request to make adjustments and/or assist with coordination of all transactions as needed.
10. QUALITY OF PRODUCTS: All products must be delivered in the quality as specified, all items must be new, in first class condition, including containers suitable for shipment and storage, unless otherwise indicated on the CSP. No substitution in standard grades or lesser quality will be accepted. If the awarded vendor continues to deliver a lesser quality and continues not to meet the stated specifications, BISD will seek the following remedies: Disbarment of the vendor for up to three years, notification to the Better Business Bureau, and a negative performance would be documented in the vendor performance tracking system in the State of Texas VPTS system.
11. DETERMINING FACTORS FOR AWARD: Firms net price on CSP items, stock availability, reputation of brand names offered, and reputation and location of the bidder. Information must be made available upon request.
12. PRICING: CSP unit price on quantity specified, extend and show total. In case of errors in extension, unit prices shall govern.
13. SIGNING OF CSP: Failure to manually sign CSP may disqualify it. Person signing CSP should show title or authority to bind their firm to a contract.
14. TAXES: The district is exempt from Federal Excise Tax, State Tax and Local Taxes. Do not include tax in the CSP. If it is determined that tax was included in the CSP it will not be included in the tabulation or any awards. Tax exemption certificates will be furnished upon request.
15. OR EQUAL: Any catalog, brand name or manufacturer's reference used in the CSP request is descriptive - not restrictive - it is intended to indicate type and quality desired. CSP on brands of like nature and quality will be considered. If bidding on other than reference specifications, CSP must show manufacturer, brand, model, etc. of article offered. If brand other than that specified is offered, complete descriptive information of said article must be included with the CSP. If bidder takes no exception to specifications of reference data, brand names, models, etc. as specified, must be furnished.
16. SAMPLES: When requested, must be furnished within five working days of the request at no cost to the district. If not destroyed in examination they will be returned to the bidder on request at the vendor's expense.
17. EEOC GUIDELINES: During the performance of this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of race, color, national origin, age, religion, gender, marital or veteran status, or handicapping

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condition.

18. AS NEEDED BASIS: Quantities shown are estimates only. They are based on prior yearly usage. Items are to be ordered "as needed" over a period of 1 year.
19. QUESTIONS ON SPECIFICATIONS: All questions regarding CSP specifications must be addressed (7) seven days prior to CSP submission in writing.
20. The Brownsville Independent School District has the right to reject or rebid if only one CSP/proposal is received by "submission date" or extend the submission date by an additional two (2) weeks.
21. RECORDS PERTAINING TO THIS CSP: VENDOR MUST SUBMIT A PUBLIC INFORMATION REQUEST FORM THROUGH PUBLIC INFORMATION DEPARTMENT. PHONE NUMBER (956) 548-8000
22. CONTACT WITH BUYER: The Propser/Bidder should be advised that all end users or Board Member may not communicate with any potential Propser/Bidder and may only communicate with the designated buyer on any matter related to the proposal/CSP. The includes technical questions on the Scope of Work. The buyer will not respond to the technical question until first contacting an end user for input and concurrence and then submit an addendum to all potential Propser/Bidder. A Propser/Bidder should not contact any end user directly and should refer all question in writing to the designated buyer. Continued non-compliance of the requirement is ground for rejection of the proposal/CSP.
23. ETHICS & CONDUCT: No person shall participate or assume a responsibility in the implementation and execution of this procedure including, but not limited to, the evaluation of proposals/CSP and selection of contractors, when such participation of proposals/CSP and selection of contractors, when such participation constitutes a conflict of interest as defined by law.
24. CRIMINAL BACKGROUND CHECKS: Respondent agrees by signing and executing this solicitations to provide assurance that all employees, subcontractors and volunteers of the Provider who have contact with students have passed a criminal history background check current within the last year as per defined in Senate Bill 9.
25. WEBSITE DISCLAIMER: All solicitation postings on BISD website are provided as an added public services and are not intended for official use. Every effort has been made to provide specifications that are up to date, but information provided herein may change without notice or further posting. Any information presented here is subject to revision at any time and is reproduce from official documents of the Purchasing Department.
26. BISD does not discriminate on the basis of race, color, national rigin, sex, religion, age, disability or genetic information in

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employment or provision of services, programs or activities.
BISD no discrimina a base de raza, color, origen nacional, sexo, religion, edad, incapacidad o informacion genetica en el empleo o la disposicion de servicios, programas, o actividades.

27. Purchasing Ethics: It is not our practice to solicit any type of gifts, favors, or sample of products (samples only if the bid specification call for). If any purchasing employee implies this type of solicitation to you or your company please feel free to inform the Purchasing Administrator at rpena@bisd.us. It will be held in confidence.

28. Subcontracting Program (HUBs)-Good Faith Effort: Brownsville ISD is required to make a good faith effort to assist Historically Underutilized Businesses (HUBs). The goal of this program is to promote fair and competitive business opportunities for all businesses contracting with Brownsville ISD. Vendors please submit your HUB certification with proposal.

The Brownsville Independent School District reserves the right to reject any/or all CSP and to make awards as they may appear to be advantageous to the School District, to hold CSP for 120 days from submission date with out action, and to waive all formalities in bidding. The bidder must indicate "all or none" in the CSP if the above-stated condition is not acceptable.

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

The HIGH SCHOOL MARCHING BAND SHOW WRITING SERVICES DISTRICT-WIDE shall be delivered FOB Brownsville Independent School District, Brownsville, Texas 78521. A contract for the HIGH SCHOOL MARCHING BAND SHOW WRITING SERVICES DISTRICT-WIDE will be placed into effect by means of a purchase order issued by the District after evaluation and final approval by the Board of Trustees.

MRS. ROSARIO PEÑA, RTSBA
Administrator of Purchasing
Brownsville I.S.D.

Brownsville Independent School District
Purchasing Department
CPS # 16-024

HANNA HIGH SCHOOL

All areas must be custom material designed as per director specifications.

Custom Music Arrangement - Title: Music selections as per director specifications. Contact director for details. 956-698-1406 Full score, individual parts, scored as per ensemble instrumentation.

Custom drill package – Coordinated and choreographed for selected music, 190 members, coordinate sheets and video included

Custom Guard choreography - Coordinated and choreographed for selected music and drill, video included

Guard Costumes and Silks – Coordinated with drill & guard designs

Please indicate the area of the marching show for which you are proposing services. Place a check mark beside the designated area of the marching drill service/equipment you wish to propose.

- | | | |
|-----------------------------|-------|----------|
| 1. Music Arrangement | _____ | \$ _____ |
| 2. Percussion Arrangement | _____ | \$ _____ |
| 3. Marching Drill | _____ | \$ _____ |
| 4. Color Guard Choreography | _____ | \$ _____ |
| 5. Guard Costumes and Silks | _____ | \$ _____ |

Brownsville Independent School District
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LOPEZ HIGH SCHOOL

All areas must be custom material designed as per director specifications.

Custom Music Arrangement - Title: Music selections as per director specifications. Contact director for details. 956-982-7460 Full score, individual parts, scored as per ensemble instrumentation

Custom drill package – Coordinated and choreographed for selected music, 130 members, coordinate sheets and video included

Custom Guard choreography - Coordinated and choreographed for selected music and drill, video included

Custom Drum line and Frontal ensemble arrangements – Coordinated with music and drill

Please indicate the area of the marching show for which you are proposing services. Place a check mark beside the designated area of the marching drill service/equipment you wish to propose.

6. Music Arrangement	_____	\$ _____
7. Marching Drill	_____	\$ _____
8. Color Guard Choreography	_____	\$ _____
9. Drumline Music Arrangements	_____	\$ _____
10. Frontal Ensemble Arrangements	_____	\$ _____
11. Colorguard Tech	_____	\$ _____
12. Costume Design	_____	\$ _____
13. Copyright Service	_____	\$ _____

Brownsville Independent School District
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PACE HIGH SCHOOL

All areas must be custom material designed as per director specifications.

Custom Music Arrangement – TITLE: **"TBA"** Full score, individual parts, scored as per ensemble instrumentation

Custom drill package – Coordinated and choreographed for selected music, **135** members, coordinate sheets and video included

Custom Guard choreography - Coordinated and choreographed for selected music and drill, video included

Marching Technician services (band techs, color guard techs, percussion techs)

Please indicate the area of the marching show for which you are proposing services. Place a check mark beside the designated area of the marching drill service/equipment you wish to propose.

14. Color Guard Choreography _____ \$_____

15. Marching Technician _____ \$_____

16. Guard Technician _____ \$_____

17. Colorguard Costumes _____ \$_____

18. Marching Consultation _____ \$_____

Brownsville Independent School District
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PORTER HIGH SCHOOL

Custom Music Arrangement – Title: Music selections as per director specifications. Contact director for details. 956-371-8822. Full score, individual parts, scored as per ensemble instrumentation

Custom drill package – Coordinated and choreographed for selected music, 90 members, coordinate sheets and video included

Custom Guard Choreography - Coordinated and choreographed for selected music and drill, video included

Custom Guard Costumes - Coordinated for selected music, drill, and show design

Custom Drum line and Frontal ensemble arrangements – Coordinated with music and drill

Marching Technicians Services

Please indicate the area of the marching show for which you are proposing services. Place a check mark beside the designated area of the marching drill service/equipment you wish to propose.

19. Music Arrangement	_____ \$ _____
20. Percussion Music Arrangement	_____ \$ _____
21. Marching Drill	_____ \$ _____
22. Color Guard Choreography	_____ \$ _____
23. Color Guard Costumes	_____ \$ _____
24. Color Guard Technician	_____ \$ _____
25. Percussion Technician	_____ \$ _____
26. Marching Technicians	_____ \$ _____
27. Set Materials/Prop Production	_____ \$ _____

Brownsville Independent School District
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RIVERA HIGH SCHOOL

All areas must be custom material designed as per director specifications.

Custom drill package – Coordinated and choreographed for selected music, 130 members, coordinate sheets and video included

Custom Guard choreography - Coordinated and choreographed for selected music and drill, video included

Custom Drum line and Frontal ensemble arrangements – Coordinated with music and drill

Custom Guard costumes - Coordinated for selected music, drill and show design

Custom Guard Flag design - Coordinated for selected music, drill and show design

Percussion Technician services

Custom Prop Design - Coordinated for selected music, drill and show design

Please indicate the area of the marching show for which you are proposing services. Place a check mark beside the designated area of the marching drill service/equipment you wish to propose.

28. Color Guard Choreography	_____	\$ _____
29. Front Ensemble Arrangements	_____	\$ _____
30. Marching Technician Services	_____	\$ _____
31. Guard Technician Services	_____	\$ _____
31. Guard Costumes	_____	\$ _____
32. Guard Flags/design	_____	\$ _____
33. Set Prop Materials/fabrics/Design	_____	\$ _____

Brownsville Independent School District
Purchasing Department
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Veterans Memorial High School

All areas must be custom material designed as per director specifications. Custom Music Arrangement - Music selections as per director specifications. Contact director for details 956-574-5611. Full score, individual parts, scored as per ensemble instrumentation

Custom drill package – Coordinated and choreographed for selected music, 140 members, coordinate sheets and video included

Custom Guard choreography - Coordinated and choreographed for selected music and drill, video included

Custom Drum line and Frontal ensemble arrangements – Coordinated with music and drill

Guard Technician Services / Custom Guard Costumes

Marching Technician Services

Please indicate the area of the marching show for which you are proposing services. Place a check mark beside the designated area of the marching drill service/equipment you wish to propose.

34. Music Arrangement	_____	\$ _____
35. Marching Drill	_____	\$ _____
36. Color Guard Choreography	_____	\$ _____
37. Drum line Music Arrangements	_____	\$ _____
38. Frontal Ensemble Arrangements	_____	\$ _____
39. Guard Technician Services	_____	\$ _____
40. Marching Technician Services	_____	\$ _____
41. Guard Flag design	_____	\$ _____
42. Color Guard Costume Design	_____	\$ _____
43. Prop Design/Materials	_____	\$ _____

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44. Color Guard supply: %_____ catalog discount, award to several vendors
45. Marching Band equipment: %_____ catalog discount, award to several vendors

BROWNSVILLE INDEPENDENT SCHOOL DISTRICT CERTIFICATE OF INTERESTED PARTIES – FORM 1295

Definitions and Instructions for Completing Form 1295

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

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

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

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

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

Instructions to Vendors:

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

Definitions:

- **Interested Party:** a person who:
 - 1) has controlling interest in a business entity with whom BISD and/or its cooperative members contracts; or
 - 2) actively participates in facilitating the contract or negotiating the terms of the contract, including a broker, intermediary, adviser, or attorney for the business entity.
- **Controlling Interest means:**
 - 1) an ownership interest or participating interest in a business entity by virtue of units, percentage, shares, stock, or otherwise that exceeds 10 percent;
 - 2) membership on the board of directors or other governing body of a business entity of which the board or other governing body is composed of not more than 10 members; or
 - 3) service as an officer of a business entity that has four or fewer officers, or service as one of the four officers most highly compensated by a business entity that has more than four officers.
- **Intermediary:** a person who actively participates in the facilitation of the contract or negotiation the contract, including a broker, advisor, attorney, or representative of or agent for the business entity who:
 - 1) receives compensation from the business entity for the person's participation;
 - 2) communicates directly with the governmental entity or state agency on behalf of the business entity regarding the contract; and
 - 3) is not an employee of the business entity.
- **Business Entity:** includes an entity through which business is conducted with a governmental entity or state agency, regardless of whether the entity is a for-profit or nonprofit entity.

Resources:

Form 1295 Frequently Asked Questions:

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

Instructional Video – First Time Business User:

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

Instructional Video – How to Create a Certificate:

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

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

CERTIFICATE OF INTERESTED PARTIES		FORM 1295																																			
Complete Nos. 1 - 4 and 6 if there are interested parties. Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.		OFFICE USE ONLY																																			
1 Name of business entity filing form, and the city, state and country of the business entity's place of business.																																					
2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.																																					
Brownsville ISD																																					
3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the goods or services to be provided under the contract.																																					
Vendor must enter the bid number and name that was submitted to Brownsville ISD																																					
4	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2" style="width: 30%;">Name of Interested Party</th> <th rowspan="2" style="width: 25%;">City, State, Country (place of business)</th> <th colspan="2" style="width: 40%;">Nature of Interest (check applicable)</th> </tr> <tr> <th style="width: 20%;">Controlling</th> <th style="width: 20%;">Intermediary</th> </tr> </thead> <tbody> <tr> <td colspan="4" style="text-align: center; padding: 20px;"> SAMPLE ONLY! Vendor must complete form electronically on Texas Ethics Commission's website: https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm </td> </tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	Name of Interested Party	City, State, Country (place of business)	Nature of Interest (check applicable)		Controlling	Intermediary	SAMPLE ONLY! Vendor must complete form electronically on Texas Ethics Commission's website: https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm																													
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5 Check only if there is NO Interested Party. <input type="checkbox"/>																																					
6 AFFIDAVIT I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.																																					
_____ Signature of authorized agent of contracting business entity																																					
AFFIX NOTARY STAMP / SEAL ABOVE																																					
Sworn to and subscribed before me, by the said _____, this the _____ day of _____, 20_____, to certify which, witness my hand and seal of office.																																					
<table style="width: 100%;"> <tr> <td style="width: 33%;">_____ Signature of officer administering oath</td> <td style="width: 33%;">_____ Printed name of officer administering oath</td> <td style="width: 33%;">_____ Title of officer administering oath</td> </tr> </table>				_____ Signature of officer administering oath	_____ Printed name of officer administering oath	_____ Title of officer administering oath																															
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ADD ADDITIONAL PAGES AS NECESSARY																																					

Instructions for the Conflict of Interest Questionnaire

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

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

1 Name of person doing business with the District. If the business is a corporation, partnership, etc., then each person who acts as an agent for the business in dealings with Brownsville ISD must complete the form. Also state company name.

2 Check the box if you are filing an update to a previously filed questionnaire. Updates are required by law by September 1 of each year in which the person submits a proposal or bid, or begins contract discussions or negotiations with the District. Updates are also required by the 7th business day after an event that makes a statement in a previously filed questionnaire incomplete or inaccurate.

3 Describe how you are affiliated or related to a BISD employee or school board member who may make recommendations to the District regarding expenditures of money. Name the District employee or school board member with whom you have a relationship; if there is no relationship in question, state "NONE". Answer questions A, B, C, and D with "Yes" or "No", as applicable.

Examples:

If your spouse, parent, or child is the District's Director of Purchasing and a bid is being submitted to the Purchasing Department, this relationship must be reported.

If your spouse, parent, or child is the Principal at a school and your business may sell items directly to that school, this relationship must be reported.

If you or your spouse, parent, or child is in business with a District employee that would be making a recommendation concerning a purchase or sales transaction involving you, the relationship must be reported.

If you employ or do business with a spouse, parent, or child of a District employee that would be making a recommendation concerning a purchase or sales transaction involving you, the relationship must be reported.

If you are a District employee and would be making a recommendation concerning a purchase or sales transaction involving you, the relationship must be reported.

If your neighbor or friend is a District employee that would be making a recommendation concerning a purchase or sales transaction involving you and you feel that your relationship with this employee could affect their recommendation, this relationship must be reported.

If any other situation exists that would result in a conflict of interest, the relationship must be reported.

If your spouse, parent, or child is a teacher that does not make recommendations concerning purchasing or sales transactions, this relationship should not be reported. If your spouse, parent, or child is a Principal at a school and a bid is being considered by a separate department such as Facilities & Planning (Construction Department), this relationship should not be reported.

4. Signature Box: Date and Sign the form. A signature is required from the person completing the form even if "No" is entered in Box 3, A, B, C, or D.

What is a Class C misdemeanor?

§ 12.23. CLASS C MISDEMEANOR.

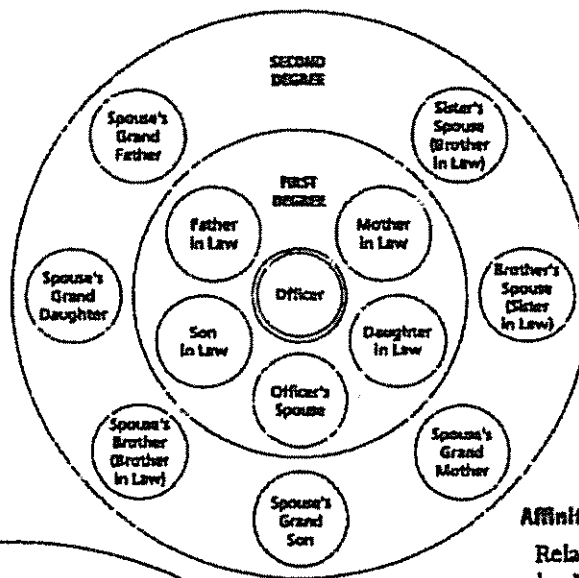
An individual adjudged guilty of a Class C misdemeanor shall be punished by a fine not to exceed \$500.

Please review Appendix 7 (Charts of Kinship)



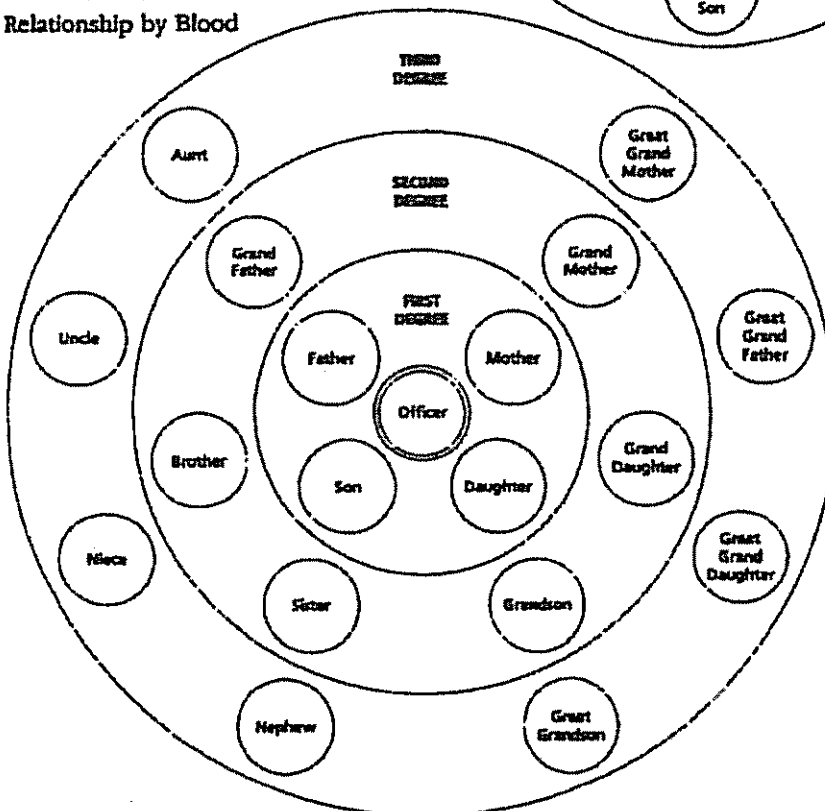
Appendix 7 Charts of Kinship

Chart Showing **Affinity Kinship**
(Relationship by Marriage) and
Consanguinity Kinship
(Relationship by Blood)
for Purposes of Interpreting
the Government Code,
Chapter 573,
Degrees of Relationship,
Nepotism Prohibitions.



Affinity Kinship
Relationship
by Marriage

Consanguinity Kinship
Relationship by Blood



CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

FORM CIQ

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

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

Name of Officer

This section (item 3 including subparts A, B, C, & D) must be completed for each officer with whom the vendor has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer named in this section 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 named in this section AND the taxable income is not received from the local governmental entity?

☐ Yes

☐ No

C. Is the filer of this questionnaire employed by 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?

☐ Yes

☐ No

D. Describe each employment or business and family relationship with the local government officer named in this section.

4

Signature of vendor doing business with the governmental entity

Date

Adopted 8/7/2015

Filed 17 JUL 38

EXHIBIT D

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 INSTRUCTIONS ON NEXT PAGE)

- (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 participant shall attach an explanation to this proposal.

Organization Name

PR/Award Number or Project Name

Name of Authorized Representative

Title

Signature

Date

Exhibit D (Continued)

Instructions for Certification

1. By signing and submitting this form, the prospective lower tier participant is providing the certification set out on the form in accordance with these instructions.
2. The certification in this clause is a material representation of fact upon which reliance was placed when the transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction", "debarred", "suspended", "ineligible", "lower tiered covered transaction", "participant", "person", "primary covered transaction", "principal", "proposal", and "voluntarily excluded" as used in this clause, have the meanings set out in the definitions and coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this form that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tiered covered transaction with a person who is debarred, suspended, declared ineligible or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this form that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions", without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible or voluntarily excluded from that covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Excluded Parties Lists System (EPLS).

Exhibit D (Continued)

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

EXHIBIT E
CERTIFICATION REGARDING LOBBYING
PROCUREMENT

Certification Regarding Lobbying

Applicable to Grants, Sub-grants, Cooperative Agreements, and Contracts Exceeding \$100,000 in Federal funds.

Submission of this 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 than \$100,000 for each such failure.

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 any agency, a Member of Congress, an officer or employee of Congress, an employee of a Member of Congress, or any Board Member, officer, or employee of [School] Independent School District 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, an employee of a Member of Congress, or any Board Member, officer, or employee of [School] Independent School District 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.

Exhibit E (cont.)

Name/Address of Organization

Name/Title of Submitting Official

Signature

Date

EXHIBIT F
STANDARD FORM-LLL, DISCLOSURE FORM TO REPORT LOBBYING

PROCUREMENT

Disclosure of Lobbying Activities

*Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See next page for public burden disclosure.)*

Approved by OMB

0348-0046

1. Type of Federal Action: <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	2. Status of Federal Action: <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	3. Report Type: <input type="checkbox"/> a. initial offering <input type="checkbox"/> b. material change For Material Change Only: Year _____ Quarter _____ Date of last report _____
4. Name and Address of Reporting Entity: <input type="checkbox"/> Prime <input type="checkbox"/> Sub-awardee Tier _____, if known: Congressional District, if known: _____	5. If Reporting Entity in No. 4 is Sub-awardee, Enter Name & Address Of Prime: Congressional District, if known: _____	
6. Federal Department/Agency:	7. Federal Program Name/Description: CFDA Number, if applicable: _____	
8. Federal Action Number, if known:	9. Award Amount, if known: \$ _____	
10. a. Name and Address of Lobbying Entity <i>(If individual, last name, first name, MI):</i> (Attach continuation sheet(s) if necessary)	b. Individuals Performing Services <i>(Incl. Address if different from No. 10a) (last name, first name, MI):</i>	

Exhibit F (Cont.)

<p>11. Amount of Payment (check all that apply):</p> <p>\$ _____</p> <p style="text-align: center;">Actual Planned</p>	<p>13. Type of Payment (check all that apply):</p> <p>_____ a. retainer</p> <p>_____ b. one-time fee</p> <p>_____ c. commission</p> <p>_____ d. contingent fee</p> <p>_____ e. deferred</p> <p>_____ f. other; specify: _____</p>
<p>12. Form of Payment (check all that apply):</p> <p>_____ a. cash</p> <p>_____ b. in-kind; specify: nature</p> <p>value _____</p>	
<p>14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or member(s) contacted for Payment Indicated in Item 11:</p> <p style="text-align: center;">(Attach continuation sheet(s) if necessary)</p>	
<p>15. Continuation Sheet(s) attached: Yes No</p>	
<p>16. Information requested through this form is authorized by article 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.</p>	<p>Signature: _____</p> <p>Print Name: _____</p> <p>Title: _____</p> <p>Telephone No: _____ Date: _____</p>
<p>Federal Use Only:</p> <p>Reproduction of: _____</p> <p style="text-align: right;">Authorized for Local Standard Form - LLL</p>	

Instructions for Completion of SF-LLL, Disclosure of Lobbying Activities

This disclosure form shall be completed by the reporting entity, whether sub-awardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity 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 a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal Action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal Action.
2. Identify the status of the covered Federal Action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal Action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or sub-award recipient. Identify the tier of the sub-awardee, e.g., the first sub-awardee of the prime is the 1st tier. Sub-awards include but are not limited to subcontracts, subgrants, and contract awards under grants.
5. If the organization filing the report in item 4 checks "sub-awardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal Agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal Action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal Action identified in item 1 (e.g., **Request for Proposal** (RFP) number; Invitation For Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal Action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a.) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal Action.
(b.) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter last name, first name, and middle initial (MI).

Exhibit F (cont.)

11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.
14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.
15. Check whether or not a SF-LLL-A continuation sheet(s) is attached.
16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

Exhibit G
Clean Air and Water

(Applicable only if the contract exceeds \$100,000 or the Contracting Officer has determined that the orders under an indefinite quantity contract in any one year will exceed \$100,000, or a facility to be used has been the subject of a conviction under the Clean Air Act [41 USC 1857c-8(c)(1) or the Federal Water Pollution Control Act [33 USC 1319(c)] and is listed by EPA, or the contract is not otherwise exempt.)

a) The contractor agrees as follows:

- i) To comply with all the requirements of Section 114 of the Clean Air Act, as amended [41 USC 1857, et seq., as amended by Public Law 91-604] and Section 308 of the Federal Water Pollution Control Act [33 USC 1251, et seq., as amended by Public Law 92-500], respectively, relating to inspection, monitoring, entry, reports and information as well as other requirements specified in Section 114 and Section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued hereunder before the award of this contract.
- ii) That no portion of the work required by this contract will be performed in a facility listed on the Environmental Protection Agency List of Violating Facilities on the date when this contract was awarded unless and until the EPA eliminates the name of such facility or facilities from such listing.
- iii) To use his best efforts to comply with clean air standards and clean water standards at the facilities in which the contract is being performed.
- iv) To insert the substance of the provisions of this clause in any nonexempt subcontract, including this paragraph (a)(4).

b) The terms used in this clause have the following meanings:

- i) The term "Air Act" means the Clean Air Act, as amended [41 USC 1857 et seq., as amended by Public Law 91-604].
- ii) The term "Water Act" means Federal Water Pollution Control Act, as amended [33 USC 1251 et seq., as amended by Public Law 92-500].
- iii) The term "Clean Air Standards" means any enforceable rules, regulations, guidelines, standards, limitations, orders, controls, prohibitions, or other requirements which are contained in, issued under, or otherwise adopted pursuant to the Air Act or Executive Order 11738, an applicable implementation plan as described in Section 110(d) of the Clean Air Act [42 USC 1857c-5(d)], an approved implementation procedure or plan under Section 111(c) or Section 111(d), respectively, of the Air Act [42 USC 1857c-6(c)(c)] or Section 111(d), respectively, of the Air Act [42 USC 1857c-6(c)(d)], or an approved implementation procedure under Section 112(d) of the Air Act [42 USC 1857c-7(d)].

Exhibit G (cont.)

- iv) The term "Clean Water Standards" means any enforceable limitation, control, condition, prohibition, standard, or other requirement which is promulgated pursuant to the Water Act or contained in a permit issued to a discharger by the Environmental Protection Agency or by a State under an approved program, as authorized by Section 402 of the Water Act [33 USC 1342] or by local government to ensure compliance with pretreatment regulations, as required by Section 307 of the Water Act [33 USC 1317].
- v) The term "compliance" means compliance with clean air or water standards. Compliance shall also mean compliance with a schedule or plan ordered or approved by a court of competent jurisdiction, the Environmental Protection Agency or an Air or Water Pollution Control Agency in accordance with the requirements of the Air Act or Water Act and regulations issued pursuant thereto.
- vi) The term "facility" means any building, plant, installation, structure, mine, vessel, or other floating craft, location or sites of operations, owned, leased or supervised by a contractor or subcontractor to be utilized in the performance of a contract or subcontracts. Where a location or site of operations contains or includes more than one building, plant, installation, or structure, the entire location or site shall be deemed to be a facility except where the Director, Office of Federal Activities, Environmental Protection Agency, determines that independent facilities are co-located in one geographical area.

Clean Air and Water Certification

The bidder certifies as follows:

- a) Any facility to be utilized in the performance of this proposed contract has ☐, has not ☐ been listed on the Environmental Protection Agency List of Violating Facilities.
- b) He will promptly notify the Contracting Officer, prior to award, of the receipt of any communication from the Director, Office of Federal Activities, U. S. Environmental Protection Agency, indicating that any facility which he proposes to use for the performance of the contract is under consideration to be listed on the EPA List of Violating Facilities.
- c) He will include substantially this certification, including this paragraph c) in every nonexempt subcontract.

(Date)

Signature of Authorized Representative, Bidder

Exhibit H

Schedule of Applicable Laws

1. Contractor shall comply with the mandatory standards and policies relating to energy efficiency that are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (P.L. 94-163, 89 Stat. 871).

2. Contractor shall comply with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (the "Act"), 40 U.S.C. § 327-330, as supplemented by Department of Labor regulations, 29 CFR Part 5. Under Section 103 of the Act, FSMC shall be required to compute the wages of every laborer on the basis of a standard workweek of 40 hours. Work in excess of the standard workweek is permissible provided that the worker is compensated at a rate of not less than 1 ½ times the basic rate of pay for all hours worked in excess of 40 hours in any workweek. Section 107 of the Act provides that no laborer or mechanic shall be required to work in surroundings or under working conditions, which are unsanitary, hazardous or dangerous to his health and safety as determined under construction, safety and health standards promulgated by the Secretary of Labor.

3. Contractor shall comply with Executive Order 11246, entitled Equal Employment Opportunity, as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations, 41 CFR Part 60.

4. Contractor has signed the Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion, Exhibit D, which is attached herein and is incorporated by reference and made a part of this Contract. (Reference 7 CFR § 3017.)

5. Contractor has signed the Lobbying Certification, Exhibit E, which is attached herein and is incorporated and made a part of this Contract. If applicable, FSMC has also completed and submitted Standard Form-LLL, Disclosure Form to Report Lobbying, Exhibit F herein, or will complete and submit as required in accordance with its instructions included in Exhibit F.

6. Contractor shall comply with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act (42 U.S.C. 1857[h]), Section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency (EPA) regulations (40 CFR Part 15), Exhibit G, which is attached herein and is incorporated by reference and made a part of this Contract.



**BROWNSVILLE INDEPENDENT SCHOOL DISTRICT
SB9 CONTRACTOR CERTIFICATION
CONTRACTOR EMPLOYEES**

Introduction: Texas Education Code Chapter 22 requires entities that contract with school districts to obtain criminal history records on covered employees. Covered employees with disqualifying criminal histories are prohibited from serving at a school district. Contractors must certify to the district that they have complied and must obtain similar certifications from their subcontractors.

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

Definitions:

Covered employees: Employees of a contractor who have or will have continuing duties related to the service to be performed at the District and have or will have direct contact with students. The District will be the final arbiter of what constitutes *continuing duties* or *direct contact* with students.

Disqualifying criminal history: (1) a conviction or other criminal history information designated by the District; (2) a felony or misdemeanor offense that would prevent a person from obtaining certification as an educator under Texas Education Code § 21.060, including an offense listed at 19 Tex. Admin. Code § 249.16; or (3) one of the following offenses, if at the time of the offense, the victim was under 18 or enrolled in a public school: (a) a felony offense under Title 5, Texas Penal Code; (b) an offense for which a defendant is required to register as a sex offender under Chapter 62, Texas Code of Criminal Procedure; (c) an equivalent offense under federal law or the laws of another state.

On behalf of _____ ("Contractor"), I, the undersigned authorized signatory for Contractor, certify to _____ Independent School District ("District") that [check one]:

☐ None of Contractor's employees are *covered employees*, as defined above. If this box is checked, I further certify that Contractor has taken precautions or imposed conditions to ensure that its employees will not become *covered employees*. Contractor will maintain these precautions or conditions throughout the time the contracted services are provided.

Or

☐ Some or all of Contractor's employees are *covered employees*. If this box is checked, I further certify that:

NOTE: PLEASE COMPLETE, SIGN, AND SUBMIT THIS
FORM WITH YOUR BID OR COMPANY MAY BE DISQUALIFIED

- (1) Contractor has obtained all required criminal history record information regarding its covered employees. None of the covered employees has a disqualifying criminal history.
- (2) If Contractor receives information that a covered employee subsequently has a reported criminal history, Contractor will immediately remove the covered employee from contract duties and notify the District in writing within 3 business days.
- (3) Upon request, Contractor will provide the District with the name and any other requested information of covered employees so that the District may obtain criminal history record information on the covered employees.

If the District objects to the assignment of a covered employee on the basis of the covered employee's criminal history record information, Contractor agrees to discontinue using that covered employee to provide services at the District.

I also certify to the District on behalf of Contractor that Contractor has obtained certifications from its subcontractors of compliance with Education Code, Chapter 22.

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

Signature

Title: _____

Date

NOTE: PLEASE COMPLETE, SIGN, AND SUBMIT THIS
FORM WITH YOUR BID OR COMPANY MAY BE DISQUALIFIED



**BROWNSVILLE INDEPENDENT SCHOOL DISTRICT
SB9 CONTRACTOR CERTIFICATION
SUBCONTRACTOR**

Introduction: Texas Education Code Chapter 22 requires entities that contract with school district contractors to obtain criminal history record information regarding covered employees. Covered employees with disqualifying criminal histories are prohibited from serving at a school district. Subcontractors must certify to the district and to the contractor that they have complied.

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

Definitions:

Covered employees: Employees of a subcontractor who have or will have continuing duties related to the service to be performed at the District and have or will have direct contact with students. The District will be the final arbiter of what constitutes *continuing duties* or *direct contact* with students.

Disqualifying criminal history: (1) a conviction or other criminal history information designated by the District; (2) a felony or misdemeanor offense that would prevent a person from obtaining certification as an educator under Texas Education Code § 21.060, including an offense listed at 19 Tex. Admin. Code § 249.16; or (3) one of the following offenses, if at the time of the offense, the victim was under 18 or enrolled in a public school: (a) a felony offense under Title 5, Texas Penal Code; (b) an offense for which a defendant is required to register as a sex offender under Chapter 62, Texas Code of Criminal Procedure; (c) an equivalent offense under federal law or the laws of another state.

Subcontractor has entered into a contract with _____
("Contractor") to provide services in connection with the contract between
_____ Independent School District ("District") and Contractor. On
behalf of _____ ("Subcontractor"), I, the authorized signatory
for Subcontractor, certify to the District and Contractor that [check one]:

- ☐ None of Subcontractor's employees are *covered employees*, as defined above. If this box is checked, I further certify that Subcontractor has taken precautions or imposed conditions to ensure that its employees will not become *covered employees*. Subcontractor will maintain these precautions or conditions throughout the time the contracted services are provided.

Or

NOTE: PLEASE COMPLETE, SIGN, AND SUBMIT THIS
FORM WITH YOUR BID OR COMPANY MAY BE DISQUALIFIED

[] Some or all of Subcontractor's employees are *covered employees*. If this box is checked, I further certify that:

- (1) Subcontractor has obtained all required criminal history record information regarding its covered employees. None of the covered employees has a disqualifying criminal history.
- (2) If Subcontractor receives information that a covered employee subsequently has a reported criminal history, Subcontractor will immediately remove the covered employee from contract duties and notify the District in writing within 3 business days.
- (3) Upon request, Subcontractor will provide the District with the name and any other requested information of covered employees so that the District may obtain criminal history record information on the covered employees.

If the District objects to the assignment of a covered employee on the basis of the covered employee's criminal history record information, Subcontractor agrees to discontinue using that covered employee to provide services at the District.

I also certify to the District and Contractor on behalf of Subcontractor that Subcontractor has obtained certifications from its subcontractors of compliance with Education Code, Chapter 22.

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

Signature

Title: _____

Date

NOTE: PLEASE COMPLETE, SIGN, AND SUBMIT THIS
FORM WITH YOUR BID OR COMPANY MAY BE DISQUALIFIED



**BROWNSVILLE INDEPENDENT SCHOOL DISTRICT
SB9 CONTRACTOR CERTIFICATION
INDEPENDENT CONTRACTOR**

Introduction: Texas Education Code Chapter 22 requires an independent contractor who provides services to a school district to submit to a criminal history review if the independent contractor will have continuing duties related to the contracted services and direct student contact. Each independent contractor must certify to the District that the contractor has complied.

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

A covered independent contractor with a disqualifying criminal history is prohibited from serving at a school district. The following offenses are disqualifying: (1) a conviction or other criminal history information designated by the District; (2) a felony or misdemeanor offense that would prevent a person from obtaining certification as an educator under Texas Education Code § 21.060, including an offense listed at 19 Tex. Admin. Code § 249.16; or (3) one of the following offenses, if at the time of the offense, the victim was under 18 or enrolled in a public school: (a) a felony offense under Title 5, Texas Penal Code; (b) an offense for which a defendant is required to register as a sex offender under Chapter 62, Texas Code of Criminal Procedure; (c) an equivalent offense under federal law or the laws of another state.

I certify to _____ Independent School District ("District") that I have obtained all required criminal history record information regarding myself through the Texas Department of Public Safety's Fingerprint-based Applicant Clearinghouse of Texas (FACT). I further certify to the District that I do not have a disqualifying criminal history. I agree to notify the District in writing within 3 business days if I am arrested or adjudicated for a disqualifying reason during the contract term.

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

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

Signature

Date

NOTE: PLEASE COMPLETE, SIGN, AND SUBMIT THIS
FORM WITH YOUR BID OR COMPANY MAY BE DISQUALIFIED



**Brownsville Independent School District
Purchasing Department**

1900 Price Road Brownsville, Texas 78521 (956)548-8361 (956)548-8367

Specifications for CSP # 16-024

FELONY CONVICTION NOTICE

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

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

**THIS NOTICE IS NOT REQUIRED OF A PUBLICLY-HELD
CORPORATION**

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

VENDOR'S NAME: _____

AUTHORIZED COMPANY OFFICIAL'S NAME (PRINTED) _____

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

Signature of Company: _____

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

Signature of Company Official: _____

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

Name: _____

Felon(s): _____

Details of Conviction(s): _____

Signature of Company Official: _____

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



**Brownsville Independent School District
Purchasing Department**

1900 Price Road Brownsville, Texas 78521 (956)548-8361 (956)548-8367

Specifications for CSP # 16-024

NON-COLLUSIVE AFFIDAVIT

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

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

Print Name: _____

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



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Specifications for CSP # 16-024

AFFIDAVIT

State of Texas
County of Cameron

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

(_____ name and address of Business or description of property).

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

CHECK ALL THAT APPLY

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

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

Signed this _____ day of _____, 20 _____

Signature of Official

Title

ACKNOWLEDGEMENT

State of Texas
County of Cameron

BEFORE ME, the undersigned authority, this day personally appeared

My commission
expires: _____

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



Brownsville Independent School District Purchasing Department

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Specifications for CSP # 16-024

Acknowledgement Form

PLEASE MAKE SURE THAT YOU HAVE DONE THE FOLLOWING:

1. YOU MUST COMPLETE AND RETURN THE TWO (2) AFFIDAVITS AND FELONY CONVICTION NOTICE. ☐ YES ☐ NO
2. YOU MUST INCLUDE INSURANCE WITH THE CSP (IF REQUIRED)! ☐ YES ☐ NO
3. YOU MUST INCLUDE ANY SAMPLES THAT ARE REQUIRED? ☐ YES ☐ NO
4. YOU MUST INCLUDE ANY STATE CERTIFICATE OR LICENSE WITH THE CSP (IF REQUIRED)? ☐ YES ☐ NO
5. YOU MUST VERIFY UNIT PRICE TO TOTAL PRICE? ☐ YES ☐ NO
6. YOU MUST INCLUDE A W-9 IRS FORM (DOWNLOADABLE AT WWW.BISD.US/PURCHASING) ☐ YES ☐ NO
7. YOU MUST COMPLETE AND RETURN FORM 1295 ☐ YES ☐ NO
FAILURE TO SUBMIT WILL CAUSE DISQUALIFICATION
8. YOU MUST COMPLETE AND RETURN SB9 FORMS (ALL THAT APPLY) ☐ YES ☐ NO
9. IF YOUR COMPANY IS NOT BIDDING ON THIS CSP/PROPOSAL, PLEASE STATE THE REASON.

Deviations from specifications if any: _____

I have read all of the specifications and general CSP requirements and do hereby certify that all items submitted meet all specifications, conditions, and instructions of said CSP, and will follow District policy DBD (Local). The signature below confirms that our company will enter into a binding contract with Brownsville I.S.D. for item(s) awarded to our company.

Company Name: _____ Agent Name: _____

Print Name: _____ Authorized Signature: _____

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

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

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

Address for Purchase Order:

Address for Payment:

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