



NOTICE TO BIDDERS

**RFQ #17-21 Administrative and Instructional Contracted Educational Services
ADD-ON VENDORS**

Firm Name _____ Date _____

Address _____ Phone _____

1. Additional awards will be made to multiple vendors on an incremental basis during the offering period. The District may approve additional vendors for the same or similar services during the agreement period, if it is determined to be in the best interest of the District. Respondents are encouraged to submit responses as soon as possible. As responses are received, they will be evaluated and either accepted or rejected by the District. Applicants will then be notified of the District's decision. Sealed proposals must be properly labeled on the **OUTSIDE** of the envelope as follows:

RFQ #17-21 – Administrative and Instructional Contracted Educational Services

Randy Reagan, Director of Purchasing
Administration Building
Purchasing Department
1849A Central Drive
Bedford, TX 76022

2. Any requests for additional information pertaining to these specifications, should be directed in writing by fax or email to Randy Reagan at fax number – 817-354-3558 or email – randyreagan@hebid.edu
3. No proposal will be considered which is not submitted on the attached “Bid Document” form signed by a proper official of the supplier and submitted in a sealed envelope. **No emailed, telephone, or faxed proposals will be accepted.**
4. **Number of Submittals.** One (1) executed original marked “Original”. The submittal must be marked clearly with “ORIGINAL” and **RFQ #17-21**.
5. **YOU MUST COMPLETE AND SIGN FORM F.**
6. **PLEASE SUBMIT YOUR FORM 1295 WITH YOUR PROPOSAL**

➤ **Note: If you are a publicly owned company, you are exempt from this requirement.**

➤ **PLEASE SUBMIT YOUR FORM 1295 WITH YOUR PROPOSAL**

9. Included in this proposal are the forms required to be Education Department General Administrative Regulations(EDGAR) compliant. Those forms are identified as **FORM H. Should the respondent not return these forms signed, no federal funds may be expended with that Vendor by the district.**
10. **Reimbursable Costs:** If the Vendor requires reimbursement for costs (e.g. air travel, lodging, per diem, handouts, and all other District authorized expenses) associated with the services provided, the Vendor must identify this requirement within their response. If such costs are included within the services fee, the Vendor is not required to include this information. For contracts requiring reimbursement, receipts are required and the District will only pay the actual costs incurred by the Vendor.
11. **Criminal History Background Searches:** Senate Bill 9 directs school district contractors to obtain state and national criminal history background searches on their employees who will have direct contact with students. HEB ISD requires ALL vendors who will be working directly around or with students to have a completed background search on file. Attached is the professional contracted services pre-approval application. Each employee of your company who will service HEB ISD will need to complete this form. Please return the completed forms with your submittal. If you are unsure of who will be performing services for HEB ISD, the application may be filled out at a later date.

RESPONSE FORM

RFQ #17-21 Administrative and Instructional Educational Services

An extended Response Form is posted on the District website at <https://www.hebisd.edu/page.cfm?p=1953>. This response form is intended to allow the district evaluation team to determine your qualifications to provide services or training that benefit the district. Many Vendors have pre-printed available documentation which adequately describes the services and training expertise they provide. Providing that information in lieu of answering the questions on the response form is an acceptable response to this RFQ. If you do submit the District response form, only respond to the areas particular to your expertise.

How long have you been providing services?

Have you previously provided educational services in the HEB ISD? No Yes
If yes, describe the services:

RETURN THIS DOCUMENT IN QUALIFICATION PACKAGE

HEB ISD
House Bill 89 Verification

I, _____ (Person name), the undersigned representative of _____ (Company or Business name)

_____ (hereafter referred to as company) being an adult over the age of eighteen (18) years of age, after being duly sworn by the undersigned notary, do hereby depose and verify under oath that the company named-above, under the provisions of Subtitle F, Title 10, Government Code Chapter 2270:

1. Does not boycott Israel currently; and
2. Will not boycott Israel during the term of the contract.

Pursuant to Section 2270.001, Texas Government Code:

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

DATE

SIGNATURE OF COMPANY REPRESENTATIVE

On this the _____ day of _____, 20____, personally appeared _____, the above-named person, who after by me being duly sworn, did swear and confirm that the above is true and correct.

NOTARY SEAL

NOTARY SIGNATURE

Date

RETURN THIS DOCUMENT IN QUALIFICATION PACKAGE

REFERENCES

Please provide at least four (4) references (co. name, address, telephone no., e-mail address and contact) that have used your company for services HEB ISD is requesting in this RFQ. List those companies that have used your services in the last 1-5 years.

1. Co. Name _____
Contact _____
Address _____
Phone # _____ Fax # _____
E-mail Address _____

2. Co. Name _____
Contact _____
Address _____
Phone # _____ Fax # _____
E-mail Address _____

3. Co. Name _____
Contact _____
Address _____
Phone # _____ Fax # _____
E-mail Address _____

4. Co. Name _____
Contact _____
Address _____
Phone # _____ Fax # _____
E-mail Address _____

RETURN THIS DOCUMENT IN QUALIFICATION PACKAGE

FORM A

Felony Conviction Notice

Statutory citation covering notification of criminal history of contractor is found in the Texas Education Code §44.034.

FELONY CONVICTION NOTIFICATION

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

THIS NOTICE IS NOT REQUIRED OF A PUBLICLY-HELD CORPORATION

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

PROPOSER'S NAME: _____

AUTHORIZED COMPANY OFFICIAL'S NAME: _____

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

Signature of Company Official: _____

B. My firm is not 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 of Felon(s): _____

(attach additional sheet if necessary)

Details of Conviction(s): _____

(attach additional sheet if necessary)

Signature of Company Official: _____

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor or other person doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 1491, 80th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code by a person who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the person 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 person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code.

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

OFFICE USE ONLY

Date Received

1 Name of person 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 the originally filed questionnaire becomes incomplete or inaccurate.)

3 Name of local government officer with whom filer has employment or business relationship.

Name of Officer

This section (item 3 including subparts A, B, C & D) must be completed for each officer with whom the filer 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 filer of the questionnaire?

Yes No

B. Is the filer of the questionnaire 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 of 10 percent or more?

Yes No

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

4

Signature of person doing business with the governmental entity

Date

FORM C- (IF NOT A CURRENT DISTRICT VENDOR)

Form W-9 (Rev. October 2007) Department of the Treasury Internal Revenue Service	<h2 style="margin:0;">Request for Taxpayer Identification Number and Certification</h2>	Give form to the requester. Do not send to the IRS.
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Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return)	
	Business name, if different from above	
	Check appropriate box: <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Limited liability company. Enter the tax classification (D=disregarded entity, C=corporation, P=partnership) ▶ <input type="checkbox"/> Exempt payee <input type="checkbox"/> Other (see instructions) ▶	
	Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
	City, state, and ZIP code	
List account number(s) here (optional)		

Part I Taxpayer Identification Number (TIN)						
Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see <i>How to get a TIN</i> on page 3. Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Social security number</td> </tr> <tr> <td style="text-align: center;">: : :</td> </tr> <tr> <td style="text-align: center;">or</td> </tr> <tr> <td style="text-align: center;">Employer identification number</td> </tr> <tr> <td style="text-align: center;">: : :</td> </tr> </table>	Social security number	: : :	or	Employer identification number	: : :
Social security number						
: : :						
or						
Employer identification number						
: : :						

Part II Certification	
Under penalties of perjury, I certify that:	
1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and 2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and 3. I am a U.S. citizen or other U.S. person (defined below).	
Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. See the instructions on page 4.	
Sign Here	Signature of U.S. person ▶
	Date ▶

General Instructions

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

Purpose of Form

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

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

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

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

Definition of a U.S. person.

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

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

Special rules for partnerships.

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

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,

FORM D



EPCNT

Educational Purchasing Cooperative of North Texas

INTERLOCAL AGREEMENT CLAUSE

Several governmental entities around the Hurst-Euless-Bedford Independent School District have indicated an interest in being included in this contract. Should these governmental entities decide to participate in this contract, would you, (the vendor) agree that all terms, conditions, specifications, and pricing would apply?

Yes _____

No _____

If you (the Vendor) checked yes, the following will apply:

Governmental entities utilizing interlocal agreements with the Hurst-Euless-Bedford Independent School District will be eligible, but not obligated, to purchase materials/services under the contract(s) awarded as a result of this solicitation. All purchases by governmental entity other than Hurst-Euless-Bedford Independent School District will be billed directly to that governmental entity and paid by that governmental entity. Hurst-Euless-Bedford Independent School District will not be responsible for another governmental entity's debts. Each governmental entity will order its own material/service as needed.

For information regarding the Educational Purchasing Cooperative of North Texas, please visit their website at the following address: <http://www.epcnt.com/INDEX.htm>.

Company Name:

(Typed or printed)

Title of Authorized Representative:

(Typed or printed)

Signature of Authorized Company Official:

Date Signed:

FORM E

DEVIATION/COMPLIANCE SIGNATURE FORM

COMPANY NAME

ADDRESS

CITY

STATE

PHONE NUMBER

FAX NUMBER

If the undersigned bidder intends to deviate from the General Conditions Standard Terms and Conditions or Item Specifications listed in this bid invitation, all such deviations must be listed on this page, with complete and detailed conditions and information included or attached. The District will consider any deviations in its bid award decisions, and the District reserves the right to accept or reject any bid based upon any deviations indicated below or in any attachments or inclusions.

In the absence of any deviation entry on this form, the bidder assures the District of their full compliance with the Standard Terms and Conditions, Item Specifications, and all other information contained in this Bid Invitation.

No Deviation

Yes Deviations

If yes is checked, please list below.

FORM F

Request for Proposal Certification

The undersigned, by signing and executing this proposal, certifies and represents to the Hurst-Eules-Bedford Independent School District that the Proposer 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 proposal; the Proposer also certifies and represents that Proposer has not offered, conferred or agreed to confer any pecuniary benefit or other things of value as consideration for the recipient's decision, opinion, recommendation, vote or other exercise of discretion concerning this proposal; the Proposer certifies and represents that Proposer has neither coerced nor attempted to influence the exercise of discretion by any officer, trustee's agent or employee of the Hurst-Eules-Bedford Independent School District concerning this proposal on the basis of any consideration not authorized by law; the Proposer also certifies and represents that Proposer has not received any information not available to other Proposers so as to give the undersigned a preferential advantage with respect to this proposal; the Proposer further certifies and represents that Proposer has not violated any state, federal or local law, regulation or ordinance relating to bribery, improper influence, collusion or the like and that Proposer will not in the future, offer, confer, or agree to confer any pecuniary benefit or other thing of value of any officer, trustees agent or employee of the Hurst-Eules-Bedford Independent School District in return for the person having exercised the person's official discretion, power or duty with respect to this proposal. The Proposer 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 Hurst-Eules-Bedford Independent School District in connection with information regarding this proposal, the submission of this proposal, the award of this proposal or the performance, delivery or sale pursuant to this proposal.

FAILURE TO SIGN AND SUBMIT THIS DOCUMENT WILL BE GROUNDS FOR DISQUALIFICATION.

Firm Name: _____	Telephone: 1-800 - _____
Address: _____	Or _____
City: _____	
State: _____ Zip: _____	email: _____
_____	Date: _____
(Signature of Person Authorized to Sign Proposal)	
Printed Name: _____	Title: _____
(Please print or type)	

FORM G

The United States Department of Education added new general administrative regulations regarding certain expenditures with federal funds. Since it is unknown the amount of federal funds to be spent under this contract, the required contract terms have been added to this proposal.

PROPOSER/VENDOR CERTIFICATION FORMS

REQUIRED CONTRACT PROVISIONS FOR NON-FEDERAL ENTITY CONTRACTS UNDER FEDERAL AWARDS – APPENDIX II TO 2 CFR PART 200

The following provisions are required and apply when federal funds are expended by Hurst-Euleless Bedford ISD for any contract resulting from this procurement process.

(A) Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

Pursuant to Federal Rule (A) above, when federal funds are expended, Hurst-Euleless-Bedford ISD reserves all rights and privileges under the applicable laws and regulations with respect to this procurement in the event of breach of contract by either party.

Does vendor agree? YES _____ (If yes, insert initials of Authorized Representative of vendor.)

(B) Termination for cause and for convenience by the grantee or subgrantee including the manner by which it will be effected and the basis for settlement. (All contracts in excess of \$10,000)

Pursuant to Federal Rule (B) above, when federal funds are expended, Hurst-Euleless-Bedford ISD reserves the right to immediately terminate any agreement in excess of \$10,000 resulting from this procurement process in the event of a breach or default of the agreement by Vendor, in the event vendor fails to: (1) meet schedules, deadlines, and/or delivery dates within the time specified in the procurement solicitation, contract, and/or a purchase order; (2) make any payments owed; or (3) otherwise perform in accordance with the contract and/or the procurement solicitation. Hurst-Euleless-Bedford ISD also reserves the right to terminate the contract immediately, with written notice to vendor, for convenience, if Hurst-Euleless-Bedford believes, in its sole discretion that it is in the best interest of Hurst-Euleless-Bedford ISD to do so. The vendor will be compensated for work performed and accepted and goods accepted by Hurst-Euleless-Bedford ISD as of the termination date if the contract is terminated for convenience of Hurst-Euleless-Bedford ISD. Any award under this procurement process is not exclusive and Hurst-Euleless-Bedford ISD reserves the right to purchase goods and services from other vendors when it is in the best interest of Hurst-Euleless-Bedford ISD to do so.

Does vendor agree to abide by the above?
YES _____ (If yes, insert initials of Authorized Representative of vendor.)

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”

Pursuant to Federal Rule (C) above, when federal funds are expended by Hurst-Euleless-Bedford ISD on any federally assisted construction contract, the equal opportunity clause is incorporated by reference herein.

Does vendor agree to abide by the above?

YES _____ (If yes, insert initials of Authorized Representative of vendor.)

(D) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

Pursuant to Federal Rule (D) above, when federal funds are expended by Hurst-Euleless-Bedford ISD, during the term of an award for all contracts and subgrants for construction or repair, the vendor will be in compliance with all applicable Davis-Bacon Act provisions.

Does vendor agree? YES _____ (If yes, insert initials of Authorized Representative of vendor.)

(E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

Pursuant to Federal Rule (E) above, when federal funds are expended by Hurst-Euleless-Bedford ISD, the vendor certifies that during the term of an award for all contracts by Hurst-Euleless-Bedford ISD resulting from this procurement process, the vendor will be in compliance with all applicable provisions of the Contract Work Hours and Safety Standards Act.

Does vendor agree? YES _____ (If yes, insert initials of Authorized Representative of vendor.)

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of “funding agreement” under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

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

Does vendor agree? YES _____ (If yes, insert initials of Authorized Representative of vendor.)

(G) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251- 1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

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

Does vendor agree? YES _____ (If yes, insert the initials of Authorized Representative of vendor.)

(H) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the government wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

Pursuant to Federal Rule (H) above, when federal funds are expended by Hurst-Euleless-Bedford ISD, the vendor certifies that during the term of an award for all contracts by Hurst-Euleless-Bedford ISD resulting from this procurement process, the vendor certifies that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation by any federal department or agency.

Does vendor agree? YES _____ (If yes, insert the initials of Authorized Representative of vendor.)

(I) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency,

a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

Pursuant to Federal Rule (I) above, when federal funds are expended Hurst-Euless-Bedford ISD, the vendor certifies that during the term and after the awarded term of an award for all contracts by Hurst-Euless-Bedford ISD resulting from this procurement process, the vendor certifies that it is in compliance with all applicable provisions of the Byrd Anti-Lobbying Amendment (31 U.S.C. 1352). The undersigned further certifies that:

- (1) No Federal appropriated funds have been paid or will be paid for on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of Congress in connection with the awarding of a Federal contract, the making of a Federal grant, the making of a Federal loan, the entering into a cooperative agreement, and the extension, continuation, renewal, amendment, or modification of a Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.
- (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.

Does vendor agree? YES _____ (If yes, insert the initials of Authorized Representative of vendor.)

**RECORD RETENTION REQUIREMENTS FOR CONTRACTS PAID FOR WITH FEDERAL FUNDS –
2 CFR § 200.333**

When federal funds are expended by Hurst-Euless-Bedford ISD for any contract resulting from this procurement process, the vendor certifies that it will comply with the record retention requirements detailed in 2 CFR § 200.333. The vendor further certifies that vendor will retain all records as required by 2 CFR § 200.333 for a period of three years after grantees or sub-grantees submit final expenditure reports or quarterly or annual financial reports, as applicable, and all other pending matters are closed.

Does vendor agree? YES _____ (If yes, insert the initials of Authorized Representative of vendor.)

CERTIFICATION OF COMPLIANCE WITH THE ENERGY POLICY AND CONSERVATION ACT

When federal funds are expended by Hurst-Euless-Bedford ISD for any contract resulting from this procurement process, the vendor certifies that the vendor will be in compliance with mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (42 U.S.C. 6321, et seq.; 49 C.F.R. Part 18).

Does vendor agree? YES _____ (If yes, insert the initials of Authorized Representative of vendor.)

CERTIFICATION OF COMPLIANCE WITH BUY AMERICA PROVISIONS

Vendor certifies that vendor is in compliance with all applicable provisions of the Buy America Act. Purchases made in accordance with the Buy America Act must still follow the applicable procurement rules calling for free and open competition.

Does vendor agree? YES _____ (If yes, insert the initials of Authorized Representative of vendor.)

CERTIFICATION OF NON-COLLUSION STATEMENT

Vendor certifies under penalty of perjury that its response to this procurement solicitation is in all respects bona fide, fair, and made without collusion or fraud with any person, joint venture, partnership, corporation or other business or legal entity.

Does vendor agree? YES _____ (If yes, insert the initials of Authorized Representative of vendor.)

Vendor agrees to comply with all federal, state, and local laws, rules, regulations and ordinances, as applicable. It is further acknowledged that vendor certifies compliance with all provisions, laws, acts, regulations, etc. as specifically noted above under Proposer/Vendor Certification Forms.

Vendor's Name/Company Name: _____

Address, City, State, and Zip Code: _____

Phone Number: _____ Fax Number: _____

Printed Name and Title of Authorized Representative: _____

Email Address: _____

Signature of Authorized Representative: _____

Date: _____

DISCLOSURE OF INTERESTED PARTIES. In accordance with LGC 2252.908, the awarded Vendor is required to submit to the Texas Ethics Commission a fully executed Form 1295 electronically at https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm. The Texas Ethics Commission WILL NOT accept a paper submittal. Upon submittal of that form to the Texas Ethics Commission, the awarded Vendor MUST download the completed form, print it, then forward a copy of the submitted form to the Director of Purchasing. The District must then go to the Texas Ethics Commission and acknowledge that you have submitted Form 1295. We have 30 days from Board award date to have this process completed. NO CONTRACT CAN/WILL BE SIGNED OR EXECUTED UNTIL THIS PROCESS HAS BEEN COMPLETED.

Please note on the form 1295 item number 2 is the school district (HEB ISD) and item number 3 is the RFP #.

PLEASE DO NOT RETURN THIS PAGE. READ AND FOLLOW THE INSTRUCTIONS ABOVE.

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

OFFICE USE ONLY

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.

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.

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 services, goods, or other property to be provided under the contract.

4 Name of Interested Party	City, State, Country (place of business)	Nature of Interest (check applicable)	
		Controlling	Intermediary

5 Check only if there is NO Interested Party.

6 UNSWORN DECLARATION

My name is _____, and my date of birth is _____.

My address is _____, _____, _____, _____, _____.
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in _____ County, State of _____, on the _____ day of _____, 20____.
(month) (year)

 Signature of authorized agent of contracting business entity
 (Declarant)

ADD ADDITIONAL PAGES AS NECESSARY

Frequently Asked Questions For Disclosure of Interested Parties (Form 1295)

1. Changes to Form 1295 since December 2017

Changes to the law requiring certain businesses to file a Form 1295 are in effect for contracts entered into or amended on or after January 1, 2018. The changes exempt businesses from filing a Form 1295 for certain types of contracts and replace the need for a completed Form 1295 to be notarized. Instead, the person filing a 1295 needs to complete an "unsworn declaration."

2. Why do I need to include my date of birth and address when I sign Form 1295? Was this always the case?

In 2017, the legislature amended the [law to require Form 1295 to include an "unsworn declaration"](#) which includes, among other things, the date of birth and address of the authorized representative signing the form. The change in the law applies to contracts entered into, renewed, or amended on or after January 1, 2018. The unsworn declaration, including the date of birth and address of the signatory, replaces the notary requirement that applied to contracts entered into before January 1, 2018.

3. Will my date of birth and address appear on the TEC's website when I file the form?

No. The TEC filing application does not capture the date of birth or street address of the signatory and it will not appear on forms that are filed using the TEC filing application.

Although the TEC does not capture the date of birth and street address of the signatory, the contracting state agency or governmental agency will have a physical copy of the form that includes the date of birth and address of the signatory. The TEC cannot answer whether the contracting state agency or governmental agency may release such information. Questions regarding the Texas Public Information Act may be directed to the Office of the Attorney General. See also [Paxton v. City of Dall., No. 03-13-00546-CV, 2015 Tex. App. LEXIS 5228, at *10-11 \(App.-Austin May 22, 2015\) \(mem. op.\) \(pet. denied\)](#).

4. Who is considered an "interested party"?

An interested party is: (1) a person who has a **controlling interest** in a business entity with whom a governmental entity or state agency contracts; or (2) an **intermediary**.

(1) Controlling Interest: An interested party has a controlling interest in the business entity if the interested party meets one or more of the following conditions:

- (a) has an ownership interest or participating interest in a business entity by virtue of units, percentage, shares, stock, or otherwise that exceeds 10 percent;

(b) is a member of 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

(c) serves as an officer of a business entity that has four or fewer officers, or serves as one of the four officers most highly compensated by a business entity that has more than four officers. Subsection (c) of this section does not apply to an officer of a publicly held business entity or its wholly owned subsidiaries.

(2) Intermediary Interest: An interested party has an intermediary interest in a contract if the person actively participates in facilitating a contract or negotiating the terms of a contract with a governmental entity or state agency, including a broker, intermediary, advisor, attorney, or representative of or agent for the business entity who meets all of the following conditions:

(a) receives compensation from the business entity for the person's participation;

(b) communicates directly with the governmental entity or state agency on behalf of the business entity regarding the contract; and

(c) is not an employee of the business entity or of an entity with a controlling interest in the business entity.

The definitions are located at <https://www.ethics.state.tx.us/legal/ch46.html>.

5. **Who is required to file Form 1295?**

In 2015, the Texas Legislature adopted House Bill 1295, which added section 2252.908 of the Government Code. The law states that a governmental entity or state agency may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties (Form 1295) to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency.

The Texas Ethics Commission has adopted rules requiring the business entity to file Form 1295 electronically with the Commission. The state agency or governmental entity must use the filing application to acknowledge the receipt of Form 1295.

6. **To what contracts does Form 1295 apply?**

The law applies only to a contract between a governmental entity or state agency and a business entity at the time it is voted on by the governing body or at the time it binds the governmental entity or state agency, or whichever is earlier, including an amended, extended, or renewed contract, of a governmental entity or state agency that either:

(1) requires an action or vote by the governing body of the entity or agency before the contract may be signed; or

(2) has a value of at least \$1 million.

[Gov't Code § 2252.908](#); [Texas Ethics Commission Rules §§ 46.1\(b\), 46.3\(a\)](#). The disclosure requirement applies to a contract entered into on or after January 1, 2016.

A contract does not require an action or vote by the governing body of a governmental entity or state agency if:

- (1) the governing body has legal authority to delegate to its staff the authority to execute the contract;
- (2) the governing body has delegated to its staff the authority to execute the contract; and
- (3) the governing body does not participate in the selection of the business entity with which the contract is entered into.

[Texas Ethics Commission Rules § 46.1\(c\)](#).

7. Are there certain contracts that do not require Form 1295?

Yes. Form 1295 is not required for the following contracts if entered into or amended on or after January 1, 2018:

- (1) a sponsored research contract of an institution of higher education;
- (2) an interagency contract of a state agency or an institution of higher education;
- (3) a contract related to health and human services if:
 - (a) the value of the contract cannot be determined at the time the contract is executed; and
 - (b) any qualified vendor is eligible for the contract;
- (4) a contract with a publicly traded business entity, including a wholly owned subsidiary of the business entity;*
- (5) a contract with an electric utility, as that term is defined by [Section 31.002, Utilities Code](#);* or
- (6) a contract with a gas utility, as that term is defined by [Section 121.001, Utilities Code](#).*

8. What if there is a change to an existing contract?

The law also applies to a change made to an existing contract, which includes an amendment, change order, or extension of a contract.

If the business entity has not submitted a disclosure of interested parties form for the existing contract, a new disclosure is required if: (1) the changed contract requires an action or vote by

the governing body of the entity, or (2) agency or the value of the changed contract is at least \$1 million.

If the business entity submitted a disclosure of interested parties form for the existing contract, a new disclosure is required if either: (1) there is a change to the disclosure of interested parties; (2) the changed contract requires an action or vote by the governing body of the entity or agency; or (3) the value of the changed contract is at least \$1 million greater than the value of the existing contract.

[Texas Ethics Commission Rules § 46.4.](#)

9. What if the contract is renewed?

See "[What if there is a change to an existing contract?](#)" for information about a renewed contract.

10. Can I file Form 1295 with the Commission on paper?

No. A business entity must file Form 1295 electronically with the Texas Ethics Commission using the [online filing application](#). The business entity must print the copy of the form filed with the Commission and submit the signed copy to the contracting state agency or governmental entity. See "[How do I log in to the filing application?](#)" for information about logging in to the online filing application.

11. How do I log in to the filing application?

If this is your first time logging in, you will need to create an account in order to register and receive a password. Once you have registered, you will receive an email containing a password setup link. Click on the link to set your password. After you have established an account, you will use your email address, password, and user type (either "Business Entity" or "Governmental Entity/State Agency") to log in to the [Form 1295 filing application](#). Watch our short videos on "[Logging In The First Time](#)" on the [Form 1295 File Reports Electronically](#) web page.

12. Is there a mobile version?

Yes. You can submit and acknowledge certificates using mobile devices.

13. Help! I can't log in!

The Email (User ID) is case sensitive. If you cannot remember the correct case of your email, you will need to call the Texas Ethics Commission at 512-463-5800. If you forgot your password, see "[Help! I forgot my password!](#)".

14. Help! I forgot my password!

If you forgot your password, you can reset your password by clicking the "Forgot Password?" link on the [Form 1295 filing application login screen](#). Once you enter your email address (case sensitive) and filer type and successfully answer the security questions, you will receive an

email containing a password reset link. If you cannot successfully answer your security questions, you will need to call the Texas Ethics Commission at 512-463-5800.

15. What is my "ID" when I click "Forgot Password" on the login page?

Provide a Filer ID (000xxxxx) of a registered TEC filer or an email address (case sensitive) for 1295 and local filers along with a filer type.

A screenshot of a web form for logging in. The form has a light yellow background. At the top left, there is a label "ID *" with a red circle around it. To the right of the label is a text input field. Below the input field is a dropdown menu labeled "Select Filer Type: *". At the bottom right of the form is a button labeled "Next".

"ID" is the email address that you used to create your account. Your ID is case sensitive. When you enter your email address in the "ID" field, you must enter the exact upper and lower case letters, numbers, and special characters that you used when you created your account. For example, if you created your account as MyEmail@doesnotexist.com, you must enter the "M" in "My" and the "E" in "Email" as upper case and all other letters as lower case.

16. Can I have multiple accounts?

You can have a separate account associated with each unique email address. However, once an account is established, there is no way to combine it with another account. You can only view those certificates created under your own unique email address. If you want to view all your certificates together in one account, we highly encourage you to setup a specific email address to register your account and use that email address each time you log in to the filing application.

17. Do I send a copy of the signed Form 1295 to the Texas Ethics Commission?

No. Do not send a paper copy of the signed Form 1295 to the Texas Ethics Commission. If you are with a state agency or other governmental entity, you will log in to the [filing application](#) and acknowledge receipt of Form 1295 electronically. See ["How do I log in to the filing application?"](#) for more information about logging into the [filing application](#).

18. Why is my Form 1295 certificate status "Pending" in my "Completed Certificates" table?

Any submitted 1295 certificate that has been signed must be sent to the governmental entity/state agency for acknowledgment. The certificate status will remain pending until the governmental entity/state agency acknowledges the certificate online. Once the 1295 certificate is acknowledged by the governmental entity/state agency, the status will change to "Acknowledged".

19. I still am not sure if anyone in my company qualifies as a controlling interest or intermediary. Can you give me some examples?

For example, Joe is filling out a Form 1295 for his company's contract with a governmental entity. Joe owns 50% of the company and his wife, Jane, owns 50% of the company. They have

no officers or board members. Joe would list both his name and his wife's name as controlling interests because they each have an ownership interest of greater than 10 percent.

Joe also hired a lawyer to help facilitate his company's contract with the governmental entity. Joe paid the lawyer a fee, the lawyer contacted the governmental entity, and the lawyer is not Joe's employee. Joe would list the lawyer as an intermediary because the lawyer is a non-employee paid by the company to make a direct communication with the governmental entity to negotiate or facilitate the contract.

20. I submitted a Form 1295 and realized there is an error. Can I edit it?

No. Once a Form 1295 has been submitted by the business entity, it can no longer be edited. If you found an error, you will need to start a new certificate and re-enter all the required information.

21. How do I correct an error in a 1295 certificate after it has been acknowledged?

It is not possible to correct a submitted and acknowledged 1295 certificate. If you find that the acknowledged 1295 certificate has an error, you need to create a new certificate. This new certificate must include all of the required information from the original certificate plus the changes to correct the error. In Box 3, enter this string at the very beginning of the description field:

"This supercedes certificate 2016-####."

where 2016-#### is the certificate number in the "OFFICE USE ONLY" box on the certificate that contains the error.

When you have completed the data entry for the replacement certificate, submit the certificate. Print the new certificate and sign it -- completing the unsworn declaration -- and provide the signed certificate to your governmental entity or state agency to acknowledge using the [1295 filing application](#).

Both the original certificate and the replacement certificate will be available on the TEC website.

22. What if the contract associated with the Form 1295 is never fulfilled?

All certificates that are filed with the Texas Ethics Commission and acknowledged by a governmental entity will be posted to the Commission's website regardless of the eventual outcome of the contract associated with the certificate.

23. I represent a state agency or governmental agency. How much time do I have to acknowledge a Form 1295?

A state agency or other governmental entity must acknowledge the receipt of the filed Form 1295 not later than the 30th day after the date the governing body or state agency receives the Form 1295. Once a Form 1295 is acknowledged, it will be posted to the Texas Ethics Commission's website within seven business days.

24. What if I accidentally acknowledge the wrong Form 1295?

Before you acknowledge a Form 1295, you should double check that you are acknowledging the correct one. If you acknowledge a Form 1295 in error, you cannot undo the certification. Contact the Texas Ethics Commission at 512-463-5800 and ask to speak with Technical Support.

25. The filing application says this Form 1295 has already been acknowledged. What do I do now?

First, you should double check that you are entering the correct certification number. If you still receive an error, contact the Texas Ethics Commission at 512-463-5800 and ask to speak to technical support.

26. Why am I not receiving email messages from the Texas Ethics Commission?

All password reset links will be sent to the email address you provided when you registered. This should be an email address that is current and that you check often. You can verify and update your email address right after you log in. Also, be sure to "whitelist" or mark as "safe" emails that come from "do-not-reply@ethics.state.tx.us" and be sure to check your Spam or Junk folder for any missing messages.

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**HURST-EULESS-BEDFORD ISD
PURCHASING DEPARTMENT
1849 CENTRAL DR.
BEDFORD, TX 76022**

**RFQ #17-21 Administrative and Instructional
Contracted Educational Services**