

DICKINSON INDEPENDENT SCHOOL DISTRICT

Tom Mooney

Director of Purchasing

2218 FM 517

Dickinson, Texas 77539

Notice to Bidders

BID/PROPOSAL NUMBER: #21-07-1142
OPENING DATE: August 25, 2021
OPENING TIME: 10:00 am
SUBJECT OF PROPOSAL: Purchase of Plants and Trees

Proposals are solicited for the purchase of plants and trees as set forth herein. Complete and signed Proposal documents must be received at the Dickinson ISD Educational Support Center, Attention: Tom Mooney, 2218 FM 517, Dickinson, Texas 77539 before the opening date and time shown above. Proposals will be opened publicly and names of bidders disclosed.

Proposals must be in a sealed envelope and marked properly with the proposal Number and date and time of opening. Proposals received later than the specified time, whether mailed, delivered by courier, or hand-delivered, will be disqualified and returned unopened to the bidder.

The District reserves the right to reject any or all proposals, to accept any proposal deemed advantageous to the District, and to waive any informality in bidding.

If you have questions about the proposal contact me by email at tmooney@dickinsonisd.org or by phone at 281-229-6160 or Alyse Howell by email at ahowell@dickinsonisd.org or by phone at 281-229-6007. Thanks for your interest in this proposal.

Sincerely,

A handwritten signature in black ink that reads "Tom Mooney". The signature is stylized with a large, sweeping "T" and a cursive "Mooney".

Tom Mooney

General Conditions

Scope of the Proposal:

- 1.1 The purchase of plants and trees.
- 1.2 This Proposal is in multiple parts: Notice to Bidders, General Conditions, Special Conditions, Proposal Price Sheets, Bid Acknowledgement Form, EDGAR Certifications, Non-Collusive Bidding Certificate, Criminal Notification/Felony Conviction Notification, Conflict of Interest Form, W-9 Form, instructions for filing Form 1295 with the Texas Ethics Commission, and confirmation of the requirements of Texas House Bill 89 and Texas Senate Bill 252.
- 1.3 The District may award a contract for any or all sections of this Proposal.
- 2.0 The use of the District's specifications is to be considered informative, giving the bidder the information as to the exact quality and value requirements. The bidder shall note in writing any deviations from specifications and shall submit those changed specifications as alternates.
- 3.0 In evaluating qualified bids/proposals, the following considerations will be taken into account for award recommendations:
 - 3.0.1 The purchase price.
 - 3.0.2 The reputation of the vendor and of the vendor's goods and services.
 - 3.0.3 The quality of the vendor's goods or services.
 - 3.0.4 The extent to which the goods or services meet the District's needs.
 - 3.0.5 The vendor's past relationship with the District.
 - 3.0.6 The impact on the District to comply with laws and rules relating to historically underutilized businesses (HUBS).
 - 3.0.7 The total long-term cost to the district to acquire the vendor's goods or services.
 - 3.0.8 For contracts for goods and services other than those related to telecommunications and information services, building construction and maintenance; whether the vendor or vendor's parent company or majority owner has its principal place of business in Texas, or employs at least 500 people in Texas.
 - 3.0.9 Compatibility of goods/products purchased with those already in the District.
 - 3.0.10 It is not the policy or practice of Dickinson ISD to purchase on the basis of low bid alone.
 - 3.0.11 Any other relevant factor included in the RFP or BID.
- 4.0 Contracts for purchase will be put into effect by means of a purchase order executed by the DISD Business Office after proposals have been awarded. All contracts and

agreements between merchants and the District shall adhere to the statutes of the Uniform Commercial Code, official text. The parties agree that the laws of the State of Texas shall govern the rights of the parties and the validity and interpretation of any purchase order contract or service agreement.

- 5.0 Dickinson Independent School District will pay all invoices for accepted merchandise or service no later than 30 days from date of acceptance or delivery as set forth in the specifications for this bid.
- 6.0 All deliveries (if applicable) shall be freight prepaid F.O.B. destination (inside delivery) to the appropriate site in Dickinson ISD. Bids shall include freight and delivery charges. All deliveries are to be made between 8 am and 3 pm Monday through Friday. Title does not transfer to the District until appropriately received. Bid prices must include all related costs for delivery to the appropriate site or sites in the District. No tailgate deliveries will be accepted. Delivery sites will be noted on purchase orders or separate written instructions.
- 7.0 Quantities required are substantially correct but the District's estimate of anticipated needs is subject to change depending upon budgetary adjustments. The District reserves the right to purchase more or less than the estimated quantities on a unit basis at the unit bid price unless otherwise specified by the bidder.
- 8.0 Pricing on purchases shall remain firm for the duration of the contract or as specified by the bidder.
- 9.0 The District is exempt from all Federal, State, and Local taxes.
- 10.0 Dickinson ISD does not accept faxed or email bids. An original signature on the Bid Acknowledgement Form and the Proposal Price List included in the sealed envelope is the only acceptable form of proposal submittal.
- 11.0 In the event of any claim by any unsuccessful bidder concerning or relating to the issue of "equal or better," or "equal," or "non-specified alternate," the unsuccessful bidder agrees, at his own cost and expense, to defend such claim or claims and agrees to hold Dickinson ISD free and harmless from any loss or damage arising from this transaction.
- 12.0 All proposals shall be deemed conclusive and irrevocable, and no proposal shall be subject to correction or amendment for errors or miscalculations by the bidder.
- 13.0 Bidders are invited to be present at the opening of the proposals on the date and time specified, however are not required to be present.
- 14.0 The District reserves the right to award contracts for any, all, or none of the parts and/or items of the proposal request.

Special Conditions

- 1.0 The purchase of plants and trees.
- 2.0 The District reserves the right to award this proposal for any, all, or none of the parts and/or items of this bid request and to award the proposal in the best interest of the Dickinson ISD.
- 3.0 The initial agreement period will be for one year, beginning September 14, 2021, through September 2022, and will renew automatically for an additional four (4) years unless terminated in writing by Dickinson or the vendor.
- 4.0 Any quantities are estimates and could vary. Dickinson ISD reserves the right to purchase additional items as needed at the proposal price unless the bidder indicates that this is not acceptable.
- 5.0 If at any time the vendor awarded this proposal fails to fulfill or abide by the terms, conditions, or specifications of this proposal, or fails to meet the quality standards of Dickinson ISD for the goods or service, Dickinson ISD reserves the right to cancel the contract and/or re-issue the Request for Proposal.
- 6.0 Bidders must complete, sign, and return all attached forms as applicable.
- 7.0 Dickinson ISD does not award proposals for low price only. Additional criteria (as per General Conditions) will be used in the best interest of Dickinson ISD.

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Acknowledgment Form

The undersigned bidder's agent hereby proposes and agrees to furnish supplies or services in compliance with the specifications at the prices quoted.

If you cannot comply with any of the items or terms of the Proposal, please state your

reasons here: _____

Vendor/Company Name: _____

Address: _____

Phone: _____ Fax: _____

Email: _____

Signature of Company Official Authorizing Bid/Proposal: _____

Printed Name of Company Official: _____

Official Position: _____

Date: _____

Dickinson ISD
Proposal Price Sheet

To Bidders: This form must be completed and signed as part of the bidder's Proposal.
You may attach additional page(s) for an explanation of the total costs of this Proposal.
If you are offering catalog pricing, please attach a copy of your catalog and include any specific discounts or special pricing.

Pricing: Please provide itemized cost for this proposal and any other information necessary to fully explain the details of your proposal pricing.

Other costs associated with this Proposal:

Total Cost of Proposal: _____

Signature of Bidder: _____



EDGAR CERTIFICATIONS ADDENDUM FOR PROCUREMENT CONTRACTS

The following certifications and provisions are required and apply when Dickinson Independent School District ("DISD") expends federal funds for any contract resulting from this procurement process. Accordingly, the parties agree that the following terms and conditions apply to the Contract between the District and ("Vendor") in all situations where Vendor has been paid or will be paid with federal funds and also includes terms and conditions which apply where Vendor has been paid or will be paid with State and Local funds:

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

- (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 DISD expends federal funds, DISD 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 _____ Initials of Authorized Representative of Vendor

- (B) Termination for cause and for convenience by the grantee or sub-grantee 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 DISD expends federal funds, DISD 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. DISD also reserves the right to terminate the contract immediately, with written notice to vendor, for convenience, if DISD believes, in its sole discretion that it is in the best interest of DISD to do so. Vendor will be compensated for work performed and accepted and goods accepted by DISD as of the termination date if the contract is terminated for convenience of DISD. Any award under this procurement process is not exclusive and DISD reserves the right to purchase goods and services from other vendors when it is in DISD's best interest.

Does Vendor agree? YES _____ 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 DISD expends federal funds on any federally assisted construction contract, the equal opportunity clause is incorporated by reference herein.

Does Vendor agree? YES _____ 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 sub-contract 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 sub-recipient 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 DISD expends federal funds during the term of an award for all contracts and sub-grants for construction or repair, Vendor will be in compliance with all applicable Davis-Bacon Act provisions.

Does Vendor agree? YES _____ 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 DISD expends federal funds, Vendor certifies that Vendor will be in compliance with all applicable provisions of the Contract Work Hours and Safety Standards Act during the term of an award for all contracts by DISD resulting from this procurement process.

Does Vendor agree? YES _____ 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 sub-recipient 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 sub-recipient 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 DISD, Vendor certifies that during the term of an award for all contracts by DISD resulting from this procurement process, Vendor agrees to comply with all applicable requirements as referenced in Federal Rule (F) above.

Does Vendor agree? YES _____ 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 sub-grants 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 DISD, Vendor certifies that during the term of an award for all contracts by DISD resulting from this procurement process, Vendor agrees to comply with all applicable requirements as referenced in Federal Rule (G) above.

Does Vendor agree? YES _____ 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 DISD, Vendor certifies that during the term of an award for all contracts by DISD resulting from this procurement process, Vendor certifies that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation by any federal department or agency.

Does Vendor agree? YES _____ 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 by DISD, Vendor certifies that during the term and after the awarded term of an award for all contracts by DISD 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 _____ Initials of Authorized Representative of Vendor

RECORD RETENTION REQUIREMENTS FOR CONTRACTS INVOLVING FEDERAL FUNDS

When federal funds are expended by DISD for any contract resulting from this procurement process, Vendor certifies that it will comply with the record retention requirements detailed in 2 CFR § 200.333. Vendor further certifies that it 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 _____ Initials of Authorized Representative of Vendor

CERTIFICATION OF COMPLIANCE WITH THE ENERGY POLICY AND CONSERVATION ACT

When DISD expends federal funds for any contract resulting from this procurement process, Vendor certifies that it will comply with the 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 CFR. Part 18).

Does Vendor agree? YES _____ Initials of Authorized Representative of Vendor

CERTIFICATION OF EQUAL EMPLOYMENT STATEMENT

It is the policy of DISD not to discriminate on the basis of race, color, national origin, gender, limited English proficiency or handicapping conditions in its programs. Vendor agrees not to discriminate against any employee or applicant for employment to be employed in the performance of this Contract, with respect to hire, tenure, terms, conditions and privileges of employment, or a matter directly or indirectly related to employment, because of age (except where based on a bona fide occupational qualification), sex (except where based on a bona fide occupational qualification) or race, color, religion, national origin, or ancestry. Vendor further agrees that every subcontract entered into for the performance of this Contract shall contain a provision requiring non-discrimination in employment herein specified, binding upon each subcontractor. Breach of this covenant may be regarded as a material breach of the Contract.

Does Vendor agree? YES _____ 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 _____ Initials of Authorized Representative of Vendor

CERTIFICATION OF ACCESS TO RECORDS – 2 C.F.R. § 200.336

Vendor agrees that the District's Inspector General or any of their duly authorized representatives shall have access to any books, documents, papers and records of Vendor that are directly pertinent to Vendor's discharge of its obligations under the Contract for the purpose of making audits, examinations, excerpts, and transcriptions. The right also includes timely and reasonable access to Vendor's personnel for the purpose of interview and discussion relating to such documents.

Does Vendor agree? YES _____ Initials of Authorized Representative of Vendor

CERTIFICATION OF PROCUREMENT OF RECOVERED MATERIALS – 2 CFR §200.322

A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and

resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

Does Vendor agree? YES _____ Initials of Authorized Representative of Vendor

CERTIFICATION OF EMPLOYMENT VERIFICATION FAR 22.18

As applicable, and as a condition for the award of any Federal contract at \$150,000 or greater, Vendor certifies that vendor is enrolled in, and is currently participating in, E-Verify or any other equivalent electronic verification of work authorization program operated by the U.S. Department of Homeland Security and does not knowingly employ any person who is an unauthorized alien in conjunction with the contracted services. A breach in compliance with immigration laws and regulations shall be deemed a material breach of the contract and may be subject to penalties up to and including termination of the contract.

Does Vendor agree to? YES _____ Initials of Authorized Representative of Vendor

CERTIFICATION OF HEALTH AND SAFETY CERTIFICATIONS, LICENSING, AND REGULATIONS

As applicable to federal funds contracts, all contractors must meet applicable local, state, and federal health and safety certifications, licensing, or regulations which include, but are not limited, to facility use, food establishment, and authorized providers.

Does Vendor agree to? YES _____ Initials of Authorized Representative of Vendor

CERTIFICATION OF COMPLIANCE WITH S/M/WBE/LABOR SURPLUS, 2 CFR 200.321

As applicable with certain federal funds contracts, requires contractors to encourage and facilitate participation by small businesses, minority owned firms, and women’s business enterprises, whenever to the maximum extent possible

Does Vendor agree to? YES _____ Initials of Authorized Representative of Vendor

CERTIFICATION OF COMPLIANCE WITH TEXAS FAMILY CODE

Pursuant to Texas Family Code, Section 231.006, a child support obligor who is more than thirty (30) days delinquent in paying child support or a business entity in which the child support obligor is a sole proprietor, partner, shareholder, or owner with an ownership interest of at least twenty-five percent (25%) is not eligible to receive payments from State funds under a contract to provide property, materials, or services until all arrearages have been paid; the obligor is in compliance with a written repayment agreement or court order as to the existing delinquency; or a court of continuing jurisdiction over the child support order has granted the obligor an exemption as part of a court-supervised effort to improve earnings and child support payments. The undersigned proposer certifies that he or she, as the proposing individual, or the proposing business entity named in this contract, bid or application, is not ineligible under Section 231.006 of the Texas Family Code, to receive the specified grant, loan or payment, and acknowledges that a contract resulting from this solicitation may be terminated and payment may be withheld if the certification provided herein is found to be inaccurate. NOTE: Owners not owning at least twenty-five percent (25%) of the business entity submitting this proposal need not execute this certification and acknowledgement.

Does Vendor agree? YES _____ Initials of Authorized Representative of Vendor

CERTIFICATION OF HOUSE BILL 89 SECTION 2270.001 TEXAS GOVERNMENT CODE

Vendor agrees that, under the provisions of Subtitle F, Title 10, and Government Code Chapter 2270:
Vendor does not boycott Israel currently; and will not boycott Israel during the term of the contract.

“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

“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.

Does Vendor agree? YES _____ Initials of Authorized Representative of Vendor

CERTIFICATION OF SENATE BILL 252, SECTION 2252 TEXAS GOVERNMENT CODE

Vendor agrees that, under the provisions of Subtitle F, Title 10, and Government Code Chapter 2270:

Vendor does not engage in business with Iran, Sudan, or foreign terrorist organizations and will not during the term of the contract.

Does Vendor agree? YES _____ Initials of Authorized Representative of Vendor

CERTIFICATION OF APPLICABILITY TO SUBCONTRACTORS

Vendor agrees that all contracts it awards pursuant to the Contract shall be bound by the foregoing terms and conditions.

Does Vendor agree? YES _____ Initials of Authorized Representative of Vendor

VENDOR AGREES TO COMPLY WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS, RULES, REGULATIONS, AND ORDINANCES. IT IS FURTHER ACKNOWLEDGED THAT VENDOR CERTIFIES COMPLIANCE WITH ALL PROVISIONS, LAWS, ACTS, REGULATIONS, ETC. AS SPECIFICALLY NOTED ABOVE.

Vendor’s 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: _____



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DEVIATION AND COMPLAINT SIGNATURE FORM

If your company intends to deviate from the General Terms and Conditions, Item Specifications or other requirements associated with this Proposal Invitation, you must list all such deviations on this form, and provide complete and detailed information regarding the deviations on this form, an attachment to this form, or elsewhere in your Proposal. (If you do not provide the information on or as an attachment to this form, the information must be clearly identified in your Proposal.) Dickinson ISD will consider any deviations in its contract award decision, and reserves the right to accept or reject a proposal based upon any submitted deviation.

In the absence of any deviation identified and described in accordance with the above, your company must fully comply with the General Terms and Conditions, Item Specifications and all other requirements associated with this Proposal Invitation if awarded a contract under this Proposal Invitation.

☐ **No;** Deviations

☐ **Yes;** Deviations

List and fully explain any deviations you are submitting:

PLEASE PROVIDE THE FOLLOWING INFORMATION:

1. Shipping Via: ☐ Common Carrier ☐ Company Truck ☐ Prepaid and Add to Invoice ☐ Other:

2. Payment Terms: ☐ Net 30 days ☐ 1% in 10/Net 30 days ☐ Other:

3. Number of Days for Delivery: _____ ARO

4. Vendor Reference/Quote Number: _____

5. State your return policy:

6. Are electronic payments acceptable? ☐ Yes ☐ No

7. Are credit card payments acceptable? ☐ Yes ☐ No

Company Name

Signature of Authorized Company Official

Printed Name



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FELONY CONVICTION DISCLOSURE

Subsection (a) of Section 44.034 of the Texas Education Code (Notification of Criminal History of Contractor) 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 has been convicted of a felony. The notice must include a general description of the conduct resulting in the conviction of a felony."

Section 44.034 further states in Subsection (b): "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."

Please check (v) one of the following:

- ☐ My company is a publicly-held corporation. (Advance notice requirement does not apply to publicly-held corporation.)
- ☐ My company is not owned or operated by anyone who has been convicted of a felony.
- ☐ My Company is owned/operated by the following individual(s) who has/have been convicted of a felony:

Name of Felon(s): _____

Details of Conviction(s): _____

By signature below, I certify that the above information is true, complete and accurate and that I am authorized by my company to make this certification.

Company Name

Signature of Authorized Company Official

Printed Name

DEBARMENT CERTIFICATION

Neither my company nor an owner or principal of my company has been debarred, suspended or otherwise made ineligible for participation in Federal Assistance programs under Executive Order 12549, "Debarment and Suspension," as described in the Federal Register and Rules and Regulations.

By signature below, I certify that the above is true, complete and accurate and that I am authorized by my company to make this certification.

Company Name

Signature of Authorized Company Official

Printed Name



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RESIDENT/NONRESIDENT CERTIFICATION

Chapter 2252, Subchapter A, of the Texas Government Code establishes certain requirements applicable to proposers, who are not Texas residents. Under the statute, a “resident” proposer is a person whose principal place of business is in Texas, including a person whose ultimate parent company or majority owner has its principal place of business in Texas. A “nonresident” proposer is a person who is not a Texas resident. Please indicate the status of your company as a “resident” proposer or a “nonresident” proposer under these definitions. **Please check (v) one of the following.**

☐ I certify that my company is a **Resident Proposer**.

☐ I certify that my company is a **Nonresident Proposer**.

If your company is a Nonresident Proposer, you must provide the following information for your resident state (the state in which your company’s principal place of business is located):

Company Name

Address

City

State

Zip Code

- A. Does your resident state require a proposer whose principal place of business is in Texas to underprice proposers whose resident state is the same as yours by a prescribed amount or percentage to receive a comparable contract?

☐ Yes ☐ No

- B. What is the prescribed amount or percentage? \$ _____ or _____ %

VENDOR EMPLOYMENT CERTIFICATION

Section 44.031 (b) of the Texas Education Code establishes certain criteria that a school district must consider when determining to whom to award a contract. Among the criteria for certain contracts is whether the vendor or vendor’s ultimate parent or majority owner (1) has its principal place of business in Texas; or (2) employs at least 500 people in Texas.

If neither your company nor the ultimate parent company or majority owner has its principal place of business in Texas, does your company, ultimate parent company, or majority owner employ at least 500 people in Texas?

Please check (v) one of the following. ☐ Yes ☐ No

By signature below, I certify that the information in Resident/Nonresident Certification and Vendor Employment Certification above is true, complete and accurate and that I am authorized by my company to make this certification.

Company Name

Signature of Authorized Company Official

Printed Name

Non-Collusive Bidding Certification:

By submission of this bid or proposal, the Bidder certifies that:

- a. This bid or proposal has been independently arrived at without collusion with any other bidder or with any competitor.
- b. This bid or proposal has not been knowingly disclosed and will not be knowingly disclosed prior to the opening of bids or proposals for this project to any other bidder, competitor, or potential competitor.
- c. No attempt has been or will be made to induce any other person, partnership, or corporation to submit or not to submit a bid or proposal.
- d. The person signing this bid or proposal certifies that he/she has fully informed himself/herself regarding the accuracy of the statements contained in this certification, and under the penalties being applicable to the bidder as well as to the person signing in its behalf.

Printed Name: _____

Authorized Signature: _____

Company: _____

Title: _____

Date: _____

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor doing business with local governmental entity

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

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

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

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

OFFICE USE ONLY

Date Received

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

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

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

Name of Officer

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

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

☐ Yes ☐ No

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

☐ Yes ☐ No

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

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

7

Signature of vendor doing business with the governmental entity

Date

Request for Taxpayer Identification Number and Certification

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

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type. See Specific Instructions on page 3.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
	2 Business name/disregarded entity name, if different from above	
	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____ Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. <input type="checkbox"/> Other (see instructions) ► _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <i>(Applies to accounts maintained outside the U.S.)</i>
	5 Address (number, street, and apt. or suite no.) See instructions.	Requester's name and address (optional)
	6 City, state, and ZIP code	
	7 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 generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

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); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

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 for Part II, later.

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

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

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

DICKINSON INDEPENDENT SCHOOL DISTRICT

Confirmation for All Bids/RFPs to be Considered

As required by Texas House Bill 89 and Chapter 2270 of the Texas Government Code and as per Texas Senate Bill 252 and Chapter 2252 Texas Government Code:

Responding vendors must verify that the vendor is not a company identified on the Texas Comptroller's list of companies known to have contracts with, or provide supplies or services to, a foreign organization designated as a Foreign Terrorist organization by the U.S. Secretary of State. By signing below, a company official of the responding prospective vendor verifies that the vendor does not engage in business with any Foreign Terrorist organization.

_____	_____	_____
Company Official/Title	Printed Name	Date

If (a) Vendor is not a sole proprietorship; (b) Vendor has ten (10) or more full-time employees; and (c) this Agreement has a value of \$100,000 or more, the following certification shall apply, otherwise, this certification is not required. Pursuant to Chapter 2270 of the Texas Government Code, the Vendor hereby certifies and verifies that the Vendor, including any affiliate, subsidiary, or parent company of the Vendor, will not boycott Israel during the term of this Agreement. For purposes of this Agreement, the term "boycott" shall mean and include refusing to deal with, terminating business activities with, or otherwise taking action that is intended to penalize, inflict economic harm on, or limit commercial relations 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.

_____	_____	_____
Company Official/Title	Printed Name	Date

DICKINSON INDEPENDENT SCHOOL DISTRICT

Certificate of Interested Parties — Form 1295

Dickinson ISD is required to comply with House Bill 1295, which amended the Texas Government Code by adding Section 2252.908, Disclosure of Interested Parties. Section 2252.908 prohibits Dickinson ISD from entering into a contract resulting from this RFP with a business entity unless the business entity submits a Disclosure of Interested Parties — Form 1295 to Dickinson ISD at the time the business entity submits the signed contract. Dickinson ISD is requesting that the business entity include a copy of the submitted Form 1295 along with other documents being provided to Dickinson ISD in the proposal. 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, 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/filinginfo/1295/>.

- Proposers must use the filing application on the Texas Ethics Commission's website to enter the required information on Form 1295.
- Proposers must print a copy of the completed form, which will include a certification number.
- The Form 1295 must be printed and signed by an agent of the business entity.
- The completed form 1295 with the certification number must be filed with Dickinson ISD by including a copy of the completed form with the proposal response.
- Dickinson ISD must acknowledge 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.
- After Dickinson ISD acknowledges the Form 1295, the Texas Ethics Commission will post the completed form 1295 to its website within seven (7) business days.

Instructions to Vendors:

1. Texas Ethics Commission website: <https://www.ethics.state.tx.us> and click on LOGIN to Electronic Filing Application.
2. Click the option if you do not currently have a user ID.
3. Register and complete Form 1295 — include the proposal number and RFP name.
4. Print a copy of the submitted Form 1295 with certification number.
5. Include a copy of the completed and signed Form 1295 with the proposal response to Dickinson ISD.

Resources:

https://www.ethics.state.tx.us/resources/FAQs/FAQ_Form1295.php

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

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