



**REQUEST FOR QUALIFICATIONS**

**INSTRUCTIONS  
AND  
SPECIFICATIONS  
FOR:**

#1803-03

**Construction Manager at Risk-2018**

**DEADLINE:**

**MARCH 7, 2018 @ 2:00 P.M.**

**\*\*\*\*\* IMPORTANT SUBMITTAL INFORMATION \*\*\*\*\***



Please duplicate the following label and affix to the outside of your sealed submittal envelope. Vendor's name and return address should be printed on the submittal envelope.

**FOR U.S. MAIL** ✂

**DENTON ISD PURCHASING DEPARTMENT**  
**1213 N. Locust St.**  
**DENTON, TX 76201**  
**RFQ #1803-03 – Construction Manager at Risk-2018**  
**DO NOT OPEN UNTIL: Wednesday, March 7, 2018 @ 2:00 P.M.**

**FOR HAND DELIVERY/COURIER SERVICES** ✂

**DENTON ISD PURCHASING DEPARTMENT**  
**1213 N. Locust St.**  
**DENTON, TX 76201**  
**RFQ #1803-03 – Construction Manager at Risk-2018**  
**DO NOT OPEN UNTIL: Wednesday, March 7, 2018 @ 2:00 P.M.**

It is your responsibility to meet the submittal requirements. We recommend that you verify the label data with the title page; the latter prevails.



## Legal Notice

### Request for Qualifications

#### RFQ 1803-03 - Construction Manager at Risk-2018

The Denton Independent School District will accept Sealed Qualifications for RFQ# 1803-03 Construction Manager at Risk-2018 services at:

Denton ISD

Purchasing Department

1213 N. Locust

Denton, TX 76201

until 2:00 P.M. on March 7, 2018. The Construction Manager(s), selected in a two-step process, will provide construction services at a contracted fee and provide consultation to the school district during and after the design of new facilities and renovations of existing facilities.

The Request for Qualifications (RFQ) packet may be obtained by contacting the following District office:

Cindy Willis

Denton ISD Purchasing Department

1213 N. Locust

Denton, Tx 76201

Email: [cwillis2@dentonisd.org](mailto:cwillis2@dentonisd.org)

Or via website:

[www.Dentonisd.org](http://www.Dentonisd.org), Departments: Purchasing, Bids being Accepted (Left side column)

Denton I.S.D. reserves the right to waive any informality and to reject any or all Proposals.

The district may wish to award to more than one company and no guarantee of projects awarded.

**\*\*NO faxed or emailed responses will be accepted\*\***



### *PROJECT AND ANTICIPATED SCHEDULE*

The following project narratives are to assist you in responding to the RFQ.

Denton ISD includes four comprehensive high schools, eight middle schools, 23 elementary schools, two early childhood centers, an alternative high school, an advanced technology complex and other specialized schools and centers.

Below is data from the District's last demographic report:

- Denton ISD will enroll more than 30,000 students by 2018
- 5 year growth = 4,296 students
- 2021/22 enrollment = 32,958 students
- 10 year growth = 8,873 students
- 2026/27 enrollment = 37,535 students

### **The bond election has been called for May 5, 2018.**

The bond package totals \$750.5 million and covers 109 proposed projects, including:

- New elementary school to accommodate growth in the district
  - New middle school to accommodate growth in the district
  - A replacement school for Denton High School to create equity
  - A replacement school for Newton Rayzor Elementary School to create equity
  - A replacement school for Woodrow Wilson Elementary School to create equity
  - Renovations and upgrades to 25 schools to update aging facilities
  - Expansion and updates to Career & Technical Education classrooms and facilities
  - Safety and security improvements at every school campus
  - Updates to facilities used for athletics and fine arts
-



## *CONSTRUCTION MANAGER*

### ***SELECTION SCHEDULE***

- Request for Sealed Proposal
  - First Advertisement February 18, 2018
  - Second Advertisement February 25, 2018
- Receive Sealed Proposal March 7, 2018
  
- Interview(qualified only) March, 2018
  
- Receive sealed proposal March, 2018
  
- Recommend Construction Manager(s) April, 2018  
to Board of School Trustees



## **REQUEST FOR QUALIFICATIONS**

Pursuant to the provisions of the Government Code Section 2269.056, it is the intention of the Denton Independent School District to select one or more Construction Manager at Risk-2018 firms in a two-step process. Sealed submittals are to include the information requested in this package in the sequence and format prescribed. In addition to and separate from the requested information, submitting organizations may provide supplementary materials further describing their capabilities and experience (under separate cover).

**An original & two copies along with a flash drive of the documents are to be submitted to:**

Cindy Willis

D.I.S.D Purchasing Department

1213 N. Locust St.

Denton, Texas 76201

no later than: **2:00 P.M. on March 7, 2018.**

Immediately thereafter, the District will review the information. The district will use a two-step selection process. At a time to be determined, the District will review and rank the qualification information through an Administrative Committee.

Questions about the Projects and Request for Qualification Packages should be addressed to:

Cindy Willis

Denton ISD Purchasing Department

1213 N. Locust

Denton, Tx 76201

Email: [cwillis2@dentonisd.org](mailto:cwillis2@dentonisd.org)



## ***REQUEST FOR SEALED QUALIFICATIONS QUESTIONNAIRE***

**Please provide the following information in the sequence and format prescribed by this questionnaire.** Supplemental materials providing additional information may be included under separate cover attached, but the information requested below is to be provided in this format.

### **1. Firm Information:**

Name of firm:

Address of principal office:

Phone:

Fax:

Form of Business Organization (Corporation, Partnership, Individual, and Joint Venture, other?):

Year Founded:

Primary Individual to Contact:

### **2. Organization**

2.1 How many years has your organization been in business in its current capacity?

2.2 How many years has your organization been in business under its present name?

Under what other or former names has your organization operated?

2.3 If your organization is a corporation, please provide date of incorporation, State of incorporation and list all officers of the corporation.

2.4 If your organization is a partnership, answer the following: Date of organization, type of partnership (if applicable), and names of managing partner.

2.5 If your organization is individually owned, answer the following: Date of organization, name of owner.

- 2.6 If the form of your organization is other than those listed above, describe it and name the principals.
- 2.7 What has been your organizations principle project pursuit over the last ten (10) years?
- 2.8 Please enclose a copy of your current organizational chart.

### **3. Licensing**

- 3.1 List jurisdictions and trade categories in which your organization is legally qualified to do business and indicate registration or license numbers, if applicable.
- 3.2 List jurisdictions in which your organization's partnership or trade name is filed.

### **4. Experience**

- 4.1 List the categories of work that your organization performs with its own forces.  
Will you propose to do any work with your own forces or to bid all work to subcontractors?
- 4.2 List any subcontractors in which your organization has some ownership and list the categories of work those subcontractors normally perform.
- 4.3 Claims and suits (If the answer to any of the questions below is yes, please attach details).
  - 4.3.1 Has your organization ever failed to complete any work awarded to it?
  - 4.3.2 Are there any judgments, claims, arbitration proceedings or suits filed or outstanding against your organization or its officers for the last eight (8) years?
  - 4.3.3 Has your organization filed any lawsuits or requested arbitration with regards to construction contracts within the last eight (8) years?
- 4.4 Within the last eight (8) years, has any officer or principal of your organization ever been an Officer, executive or principal of another organization when it failed to complete a construction Contract on time as per the contract?  
(If the answer is yes, please attach details.)
- 4.5 Current work:  
List the current construction projects your organization has in progress (noting method of selection, i.e.: CM at Agent, Bid, Proposal or other), giving the name and location of project, owner, architect, contract amount, percent complete and scheduled completion date.



#### 4.6 Work over last eight (8) years:

List projects (particularly North Texas educational facilities) constructed by your firm including major renovations and additions while the facility remained in service. For each project, provide the name, nature of the project/function of the building, size (SF), location, cost, completion date, owner, architect, and method of selection, i.e.: CM at risk, bid, proposal or other.

### 5. Financial Information:

5.1 Attach a financial statement, preferably audited, including your organization's latest balance sheet and income statement showing the following items:

- Current assets (e.g., cash, joint venture accounts, accounts receivable, notes receivable, accrued income, deposits, materials inventory, and prepaid expenses).
- Non-current assets (e.g., net fixed assets, other assets).
- Current liabilities (e.g., accounts payable, notes payable (current), accrued expenses, provision for income taxes, advances, accrued salaries and accrued payroll taxes).
- Non-current liabilities (e.g., notes payable).
- Capital accounts and retained earnings (e.g., capital, capital stock, authorized and outstanding shares par value, earned surplus and retained earnings).

5.2 Name and address of firm preparing attached financial statement and date thereof.

5.3 Is the attached financial statement for the identical organization named under item 1 above? If not, explain the relationship and financial responsibility of the organization whose financial statement is provided (e.g., parent - subsidiary).

5.4 Will the organization whose financial statement is attached act as guarantor of the contract for construction?

5.5 Provide name, address, and phone for bank reference.

5.6 Surety:

Provide the name of your bonding company, name and address of agent, and a letter from your agent stating your current standing. Performance and Payment Bonds for 100% of the construction cost will be required upon submission of the GMP. Is your surety listed as an acceptable surety in the Department of the Treasury Circular 570 and licensed to issue such bonds in the State of Texas? Include your company's bonding capacity.

## **6. Experience with concepts for working as a Construction Manager at Risk-2018.**

6.1 Describe your organization's concepts for working in a team relationship with the Owner and Architect during the design and construction of major projects. Describe your organization's methods for estimating costs, and for scheduling during the design/document phases. Describe how your company will benefit this project using Construction Manager at Risk-2018.

### 6.2 Cost Estimates:

Attach a sample conceptual cost estimate prepared during the design phase of a project and a sample of the final cost estimate/breakdown used to fix the contract amount for the construction of the same project. (The identity of the project may be concealed. The intent is to see the nature and format of the cost information provided).

### 6.3 Fees: **(Do Not Submit fees)**

#### **Pre-construction Phase Service Fee**

Describe your organization's ideology as it pertains to the pre-construction phase fee, i.e., detailed items and services to be included in the fee.

#### **Construction Phase Services Fee**

Describe your organization's ideology as it pertains to the construction phase fee, i.e., fixed fee, percentage fee, and particular items to be included and/or excluded from the fee. Detailed examples required.

### 6.4 Savings:

Describe your organization's practice for the disposition of savings realized during construction. Is the full amount or a percentage thereof returned to the Owner?

### 6.5 Contingencies:

Describe your organization's practice for cost contingencies during the design phase? During construction? What is your organization's concept for the disposition of contingency funds after the completion of the project? Give a history of project cost based on bid cost versus final cost noting reasons and amounts of change orders.

### 6.6 Cost Information:

Your firm will be required to make all cost information during design and construction available to owner and architect. Describe how this information would be furnished and how the owner and architect would be assured that it is complete and accurate.

6.7 Provide an Example of a Pay Application, with back up billing information, that has been provided by your firm in the past and would be the standard practice for the proposed project(s).

**7. Safety**

Provide information as pertains to your firm's accident frequency rate and modifier for the last eight (8) years. List any OSHA citations in the last eight (8) years. List any deaths that have occurred on your K-12 projects in the State of Texas over the last eight (8) years.

**8. Schedules**

Provide samples of schedules that will be used to control various project phases. Give a history of your ability to deliver projects on time for the past eight (8) years. Describe methods employed to keep projects on schedule and methods of corrective action to overcome schedule deficiencies.

**9. References**

For the projects listed above (re: item 4.6), identify a representative of the owner and a representative of the architect, key MEP firms and Civil firms (provide name, phone, email) whom we could contact as references regarding your organization's services. Ideally, some of the references should be for educational projects of comparable scope.

**10. Technology**

What practices with modern technology will be used to enhance the CM @ Risk process that will benefit the district and design teams. Include references & examples.



## *CRITERIA FOR SELECTION*

Per the Government Code 2269.055 and 2269.253. Denton I.S.D. may consider the following in determining to whom to award the contract for Construction Manager at Risk-2018 services.

- 1) the price;
- 2) the offeror's experience and reputation;
- 3) the quality of the offeror's goods or services;
- 4) the impact on the ability of the government entity to comply with rules relating to historically underutilized businesses;
- 5) the offeror's safety record;
- 6) the offeror's proposed personnel;
- 7) whether the offeror's financial capability is appropriate to the size and scope of the project and
- 8) any other relevant factor specifically listed in the request for bids, proposals, or qualifications.

### **Step One Evaluation will include: (50 Total Points)**

- 1) Experience 20% (20 points)
- 2) Organization, licensing, financial information, personnel, references and sample contract 20% (20 points)
- 3) District's Needs 10% (10 points)

### **Step Two Evaluation will include: (50 Total Points)**

- 1) Cost 50% (50 points)

**\*\*Those proposers who qualify for an interview, will be given instructions on submitting fees & general conditions in Step Two. No fees or prices are to be submitted in Step One.\*\***

The following criteria will be considered in selecting the construction manager.

## **STEP ONE:**

### **EXPERIENCE – (20% of scoring)**

- 2) the reputation of the contractor and of the contractor's services; the relevant experience of the contractor**
  - 3) the quality of the contractor's goods or services**
  - 8) current & past performance of the contractor**
  - 8) the contractor's past relationship with the District**
- How substantial is the firm's recent experience in the construction of projects of comparable size and complexity?
  - How substantial is the firm's experience in providing construction services for educational facilities of comparable size and complexity?
  - Is the firm knowledgeable about or experienced in the North Texas construction market?
  - How substantial is the firm's recent experience in providing pre-construction services for projects of comparable size and complexity?
  - Has the firm worked for DISD in the past? If so, was that work satisfactory to the District? Was the project finished on time? Was the project finished in budget?

### **DISTRICT'S NEEDS – (10% of scoring)**

- 8) the extent to which the goods or services meet the District's needs**
- Does the description provided by the firm of its pre-construction services evidence both understanding and capabilities of the process in general and as it applies to these projects for the District.
  - Does the construction manager appear to have the capability to meet the District's schedule objectives?

### **ORGANIZATION, LICENSING, FINANCIAL INFORMATION, PERSONNEL, REFERENCES,**

### **SAMPLE CONTACT – (20% of scoring)**

- 5) vendor's safety record**
- 6) proposed personnel**
- 7) whether the offeror's financial capability is appropriate to the size**
- 8) any other relevant factor that a private business entity would consider in selecting a vendor**

- Does the vendor have a good safety record and active safety program
- How long has the firm been in business providing the type of services sought by the District?
- Does the firm's organizational structure, licensing and financial information indicate that the firm is capable of undertaking these projects?
- Do the personnel proposed for the project appear to have the appropriate experience, capabilities?
- Did the reference list (both owners and architects) have a favorable experience with the organization? Would they work with them again? How comparable was their project to these projects?

## **STEP TWO:**

### **COST ISSUES – (50% of scoring)**

#### **1) the price**

#### **8) the total long-term cost to the District to acquire the vendor's services**

- Is the format/nature of cost estimates prepared by the firm during the design phases informative/useful for the District/Architect? Are the initial and final estimates consistent in nature and format?
- If savings are realized during construction, what percentage of those savings is returned to the District? 100%? Less?
- What is the firm's concept for the disposition of any unused contingency included in the project cost? 100% to the District? Less?
- Prevailing wage rate: Denton County.

## **SECOND STEP OF PROCESS**

- 1) Proposals will be reviewed and evaluated by a committee according to the criteria listed above.
- 2) Upon review and ranking, the committee will narrow the responses to the highest ranking proposers. The field will be narrowed to no more than (5) proposers.
- 3) Those proposers who qualify and agree to an interview will be required to submit proposed fees and general conditions to Denton Independent School district.
- 4) The fee sheet to be submitted is a "scenario" project only. This is not an actual project to be awarded at this time. This will provide the District with a understanding of how and what your company includes in project costs.
- 5) The fees and general conditions must be submitted in a sealed envelope by the designated date and time indicated.



The CM @ Risk process is being completed in anticipation of the bond proposal package being voted on on May 5, 2018. At this time, projects have been recommended to the governing body to be included in the 2018 bond package for election.

If your company is selected for the second step interview, you will be provided with a cost sheet that contains a “scenario” project. This is not an actual project that will be awarded. This will allow the District to see fees and costs associated with your company’s roll in a project.

The district reserves the right to qualify more than one contractor for the projects included in the bond package. There is no guarantee of award for project or projects to a contractor.

Once projects and timelines are established, fee sheets will be sent to the qualified contractors to submit for those projects.



**44.034. NOTIFICATION OF CRIMINAL HISTORY OF CONTRACTOR**

- a) 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.
  
- 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 for work or materials provided or accomplished.
  
- c) This section does not apply to a publicly held corporation.

Added by Acts 1995, 74<sup>th</sup> Leg., ch. 260, ss.1, eff. May 30, 1995



**CRIMINAL BACKGROUND CHECK AND FELONY CONVICTION NOTIFICATION**

**CRIMINAL BACKGROUND CHECK**

Bidder/Proposer will obtain history record information that relates to an employee, applicant for employment, or agent of the Bidder/Proposer if the employee, applicant, or agent has or will have continuing duties related to the contracted services; and the duties are or will be performed on school property or at another location where students are regularly present. The Bidder/Proposer certifies to the Denton ISD before beginning work and at no less than an annual basis thereafter that criminal history record information has been obtained. Bidder/Proposer shall assume all expenses associated with the background checks, and shall immediately remove any employee or agent who was convicted of a felony, or misdemeanor involving moral turpitude, as defined by Texas law, from Denton ISD’s property or other location where students are regularly present. Denton ISD shall be the final decider of what constitutes a “location where students are regularly present.” Bidder/Proposer’s violation of this section shall constitute a substantial failure.

If the Bidder/Proposer is the person or owner or operator of the business entity, that individual may not self-certify regarding the criminal history record information and its review, and must submit original evidence acceptable to the District with this Agreement showing compliance.

**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 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.

**THE FELONY CONVICITON NOTICE IS NOT REQUIRED OF A PUBLICLY-HELD CORPORATION.**

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

Firm Name: \_\_\_\_\_

Name of Authorized Company Official: \_\_\_\_\_  
(Typed or clearly printed)

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

Signature of Company Official: \_\_\_\_\_ Date: \_\_\_\_\_

A. My firm is not owned nor operated by anyone who has been convicted of a felony.

Signature of Company Official: \_\_\_\_\_ Date: \_\_\_\_\_

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

Name of Felon(s): \_\_\_\_\_

Details of Conviction(s): \_\_\_\_\_

Signature of Company Official: \_\_\_\_\_ Date: \_\_\_\_\_

***NOTE: Name and signature of company official should be the same as on the Non-Collusion Statement***

Vendor is responsible for the performance of the persons, employees and/or sub-contractors Vendor assigns to provide services for the Denton ISD pursuant to this RFP on any and all Denton ISD campuses or facilities. Vendor will not assign individuals to provide services at a Denton ISD campus or facility who have a history of violent, unacceptable, or grossly negligent behavior or who have a felony conviction, without the prior written consent of the Denton ISD Purchasing Department.

## DEBARMENT OR SUSPENSION CERTIFICATION FORM

Non-Federal entities are prohibited from contracting with or making sub-awards under covered transaction to parties that are suspended or debarred or whose principals are suspended or debarred. Covered transactions include procurement of goods or services equal to or in excess of \$100,000. Vendors receiving individual awards of \$100,000 or more and all sub-recipients must certify that the organizations and its principals are not suspended or debarred.

By submitting this offer and signing this certificate, you (the Vendor):

- (1) Certifies that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency under the Federal OMB, A-102, common rule.

Firm's Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone #: \_\_\_\_\_

Authorized Company Official's Name: \_\_\_\_\_  
(Typed or printed)

Title of Authorized Representative: \_\_\_\_\_  
(Typed or printed)

Signature of Authorized Company Official: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**RESIDENT / NONRESIDENT BIDDER'S CERTIFICATION**

The 1985 Texas Legislature passed HB 620 relating to bids by nonresident contractors. The pertinent portion of the Act has been extracted and is as follows:

Section 1. (a)

- “Nonresident bidder” means a bidder whose principal place of business is not in this state, but excludes a contractor whose ultimate parent company or majority owner has its principal place of business in this state.
- “Texas resident bidder” means a bidder whose principal place of business is in this state, and includes a contractor whose ultimate parent company or majority owner has its principal place of business in this state; or employs at least 500 persons in this state.

Section 1. (b)

The state or a governmental agency of the state may not award a contract for general construction, improvements, services, or public works projects or purchases of supplies, materials, or equipment to a nonresident bidder unless the nonresident’s bid is lower than the lowest bid submitted by a responsible Texas resident bidder by the same amount that a Texas resident bidder would be required to underbid a nonresident bidder to obtain a comparable contract in the state in which the nonresident’s principal place of business is located.

I certify that \_\_\_\_\_ is a

**Resident Bidder of Texas** as defined in HB 620.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

\*\*\*\*\*

I certify that \_\_\_\_\_ is a

**Nonresident Bidder of Texas** as defined in HB 620 and our principal place of business is:

City and State: \_\_\_\_\_

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

# 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

## **CONFLICT OF INTEREST QUESTIONNAIRE**

### **For vendor doing business with local governmental entity**

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

**Local Government Code § 176.001(1-a):** "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

**Local Government Code § 176.003(a)(2)(A) and (B):**

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

\*\*\*

(2) the vendor:

- (A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that
  - (i) a contract between the local governmental entity and vendor has been executed;
  - or
  - (ii) the local governmental entity is considering entering into a contract with the vendor;
- (B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:
  - (i) a contract between the local governmental entity and vendor has been executed; or
  - (ii) the local governmental entity is considering entering into a contract with the vendor.

**Local Government Code § 176.006(a) and (a-1)**

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

- (1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);
- (2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or
- (3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

- (A) begins discussions or negotiations to enter into a contract with the local governmental entity; or
- (B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

- (A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);
- (B) that the vendor has given one or more gifts described by Subsection (a); or (C) of a family relationship with a local government officer.
- (C) Of a family relationship with a local government officer.

## CERTIFICATION OF REGARDING LOBBYING

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

Submission of this certification is a prerequisite for making or entering into this transaction and is imposed by section 1352, Title 31, U. S. Code. This certification is a material representative of fact upon which reliance was placed when this transaction was made or entered into. Any person who fails the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The undersigned certifies, to the best of his or her knowledge and belief, that:

- 1) No Federal appropriated funds have been paid or will be paid by or on behalf of the Undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress, 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, renewable, 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 Reporting 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.

**(PLEASE TYPE OR PRINT CLEARLY)**

\_\_\_\_\_  
(Company Name)

\_\_\_\_\_  
(Company Address)

\_\_\_\_\_  
(Name of Submitting Official)

\_\_\_\_\_  
(Company Address – City, State, Zip)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

**Request for Taxpayer  
Identification Number and Certification**

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

Print or type See Specific instructions on page 2.	Name (as shown on your income tax return)	
	Business name/disregarded entity name, if different from above	
	Check appropriate box for federal tax classification: <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate  <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____  <input type="checkbox"/> Other (see instructions) ▶ _____	Exemptions (see instructions):  Exempt payee code (if any) _____  Exemption from FATCA reporting code (if any) _____
	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 the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Social security number									

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

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 on page 3.

<b>Sign Here</b>	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.** The IRS has created a page on [IRS.gov](http://IRS.gov) for information about Form W-9, at [www.irs.gov/w9](http://www.irs.gov/w9). Information about any future developments affecting Form W-9 (such as legislation enacted after we release it) will be posted on that page.

**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, payments made to you in settlement of payment card and third party network transactions, 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:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. 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, and

4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct.

**Note.** If you are a U.S. person and 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 under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 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 section 1446 withholding on your share of partnership income.