

Region 10 Education Service Center  
Multi-Region Purchasing Cooperative  
**RFP #2024-01: GDSN Connection Software**

This required certification document has been prepared as a fillable Adobe form. Vendor is not required to print or physically sign the document. All fields requiring Vendor's attention can be completed through Adobe Acrobat Reader program and digital signatures are accepted.

**The following Regulations are listed on pages 2-3 for reference. Proposers are required to review each regulation and complete the Agreement Form found on page 8.**

Name of Regulation	Link	Page #
Anti-trust Laws	<a href="#">Section 2155.005</a>	2
Companies Engaged in Business with Iran, Sudan, or Foreign Terrorist Organization Terrorist Organization	<a href="#">Chapter 2252, Subchapter F</a>	2
Energy Policy and Conservation Act	<a href="#">Pub. L. 94-163, 89 Stat. 871</a>	2
Health & Safety Certificates, Licensing and Regulation	<a href="#">Section 2252.908</a>	3
No Israel Boycott	<a href="#">ARM Section 17</a>	3
Prohibited Employment Assistance	<a href="#">Section 2270.002</a>	3
Record Retention Requirements	<a href="#">2 CFR § 200.334</a>	4
Texas Family Code	<a href="#">20 USC 7926</a>	4

**Proposers are required to submit company documents or separate forms as part of their bid response for the following regulations.**

Food/Product Recall and HACCP Procedures	<a href="#">Section 231.006</a>	5
Form 1295	<a href="#">Section 2252.908</a>	5

**Proposers are required to complete and sign the following forms inserted in this document.**

Non-Collusion Declaration	<a href="#">Section 15.01</a>	7
Certifications Agreement	Initials Required	8
Signature and Declaration of Compliance	Signature required (digital accepted)	10

### 1. ANTI-TRUST LAWS

Pursuant to Texas Government Code § 2155.005, I affirm under penalty of perjury of the laws of the State of Texas that:

1. I am duly authorized to execute this contract on my own behalf or on behalf of the company, corporation, firm, partnership or individual (Company) listed below;
2. In connection with this bid, neither I nor any representatives of the Company have violated any provision of the Texas Antitrust laws codified in Tex. Bus. & Comm. Code Chapter 15;
3. In connection with this bid, neither I nor any representative of the Company have violated any federal antitrust law; and
4. Neither I nor any representatives of the Company have directly or indirectly communicated any of the contents of this bid to a competitor of the Company or any other company, corporation, firm, partnership or individual engaged in the same line of business as the Company.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

---

### 2. COMPANIES ENGAGED IN BUSINESS WITH IRAN, SUDAN, OR A FOREIGN TERRORIST ORGANIZATION

In accordance with Texas Government Code, Chapter 2252, Subchapter F, school districts in the State of Texas, are prohibited from entering into a contract with a company that is identified on a list prepared and maintained by the Texas Comptroller or the State Pension Review Board under Texas Government Code Sections 806.051, 807.051, or 2252.153. By execution of this Agreement, Vendor certifies that it is not a listed company under any of those Texas Government Code provisions. Vendor hereby voluntarily and knowingly acknowledges and agrees that this Agreement shall be null and void should facts arise leading our organization to believe that the Vendor was a listed company at the time of this procurement.

Companies Engaged with Terrorist Organizations [2252, Subchapter F](#)

---

### 3. ENERGY POLICY AND CONSERVATION ACT

When federal funds are expended by school districts in the State of Texas, for any contract resulting from this procurement process, the vendor certifies that the vendor will comply with mandatory standards and policies relating to energy efficiency, which are contained in the State energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871).

Energy Policy and Conservation Act [Pub. L. 94-163, 89 Stat. 871](#)

---

#### 4. HEALTH AND SAFETY CERTIFICATES, LICENSING AND REGULATION

Vendor certifies compliance with all applicable local, state, and federal health & safety certifications, licensing, or regulations, which include, but are not limited, to facility use, food establishment, and authorized providers. If applicable, this information must be provided with the proposal response or upon request.

Health and Safety Certificates: [TDA ARM Section 17](#)

---

#### 5. NO ISRAEL BOYCOTT

In accordance with Texas Government Code section 2270.002, school districts and/or purchasing cooperatives, on behalf of school districts in the State of Texas, are prohibited from entering into a contract with a company for goods or services unless the contract contains a written verification from the company that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract. Vendor hereby verifies that it does not boycott Israel and agrees that, during the term of this Agreement, shall not boycott Israel. Vendor further agrees and acknowledges that this Agreement shall be null and void should facts arise leading the school district and/or purchasing cooperative, to believe that Vendor's verification herein is inaccurate or should Vendor engage in activity reasonably reflecting that it is boycotting Israel during the term of this Agreement.

No Israel Boycott [2270.002](#)

---

#### 6. PROHIBITED EMPLOYMENT ASSISTANCE

Vendor certifies and agrees that it shall not assist an employee, contractor, or agent of the purchasing cooperative and/or of any other school district in obtaining a new job if the Vendor knows, or has probable cause to believe, that the individual engaged in sexual misconduct regarding a minor or student in violation of the law. Routine transmission of an administrative or personnel file does not violate this prohibition.

Prohibited Employee Assistance [20 USC 7926](#)

---

## 7. RECORD RETENTION REQUIREMENTS

Vendor shall maintain its records and accounts in a manner that shall assure a full accounting for all goods and/or services provided by Vendor to the school district and/or purchasing cooperative, under this Agreement. These records and accounts shall be retained by Vendor and made available for review and copying by school district and/or purchasing cooperative for a period of not less than five (5) years from the date of completion of the services, receipt of goods, or the date of the receipt by school district and/or purchasing cooperative, of Vendor's final invoice or claim for payment in connection with this Agreement, whichever is later. If an audit or compliance review has been announced, Vendor shall retain its records and accounts until such audit or compliance review has been completed. When federal funds are expended by school district and/or purchasing cooperative, Vendor further certifies that it will comply with the record retention requirements detailed in .

Records Retention [2 CFR § 200.334](#)

---

## 8. TEXAS FAMILY CODE PROVISION

Pursuant to Texas Family Code, Section [231.006](#), the vendor or applicant certifies that the individual or business entity named in this contract, bid or application is not ineligible to receive the specified grant, loan, or payment and acknowledges that this contract may be terminated and payment may be withheld if this certification is inaccurate.

Texas Family Code [231.006](#)

---

***The following pages require submission of specific documents not included in this packet, completion of inserted forms, and initials and/or signatures in specified fields for this document to be complete.***

## 9. FOOD/PRODUCT RECALL AND HACCP PROCEDURES

Vendor certifies that vendor has, and follows, written Food/Product Recall and Hazard Analysis Critical Control Point (HACCP) procedures, which includes a primary and secondary point of contact.

Food/Product Recall procedures must be provided with the proposal submission, which includes the notification process – at a minimum the method of notification and timeline. HACCP procedures must be provided with the proposal submission.

[Section 2252.908](#)

---

## 10. CERTIFICATE OF INTERESTED PARTIES – FORM 1295

### Definitions and Instructions for Completing Form 1295

School districts and/or Education Service Centers in the State of Texas are 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 a school district or purchasing cooperative acting on behalf of school districts in the State of Texas 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 at the time the business entity submits the signed contract. The Texas Ethics Commission has adopted rules requiring the business entity to file Form 1295 electronically with the Texas Ethics Commission.

***As a “business entity,” all vendors must electronically complete, print, sign, 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, unless they are “exempt” from filing, in which case please refer to the acceptable exemptions below:

<https://www.ethics.state.tx.us/data/filinginfo/1295Changes.pdf>

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

[https://www.ethics.state.tx.us/whatsnew/elf\\_info\\_form1295.htm](https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm)

- Proposers must use the filing application on the Texas Ethics Commission’s website (see link above) to enter the required information on Form 1295.
- Proposers must print a copy of the completed form, which will include a certification of filing containing a

- unique certification number.
- A copy of the completed Form 1295 with the certification of filing must be included with the proposal response.
- The Business Office will notify the Texas Ethics Commission and acknowledge the receipt of the filed Form 1295 no later than the 30<sup>th</sup> day after the disclosure has been received.
- The Texas Ethics Commission will post the completed and acknowledged Form 1295 to its website within seven (7) business days after receiving notice.

**Instructions to Vendors:**

1. **Read these instructions,**
2. **Go to the Ethics Commission Website**  
[https://www.ethics.state.tx.us/whatsnew/elf\\_info\\_form1295.htm](https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm),
3. **Register and complete Form 1295 online – include the proposal number, the contract/RFP name, and a short description of the services, goods, or other property.**
4. **Include a copy of the completed Form 1295 with the proposal response.**

**Definitions:**

- **Contract** means a contract between the school district and/or purchasing cooperative and a business entity at the time it is voted on by the Board of Directors or at the time it binds the school district or purchasing cooperative, whichever is earlier, and includes an amended, extended, or renewed contract.
- **Business Entity** includes an entity through which business is conducted with the school district and/or purchasing cooperative, regardless of whether the entity is a for-profit or nonprofit entity. The term does not include a governmental entity or State agency.
- **Controlling Interest** means:
  - 1) an ownership interest or participating interest in a business entity by virtue of units, percentage, shares, stock, or otherwise that exceeds ten percent (10%);
  - 2) membership on the board of directors or other governing body of a business entity of which the board or other governing body is composed of not more than ten (10) members; or
  - 3) service as an officer of a business entity that has four (4) or fewer officers, or service as one of the four (4) officers most highly compensated by a business entity that has more than four (4) officers. This section does not apply to an officer of a publicly held business entity or its wholly owned subsidiaries.
- **Interested Party** means:
  - 1) a person who has controlling interest in a business entity with whom the school district and/or purchasing cooperative contracts; or
  - 2) an intermediary.
- **Intermediary:** a person who actively participates in the facilitation of the contract or negotiation the contract, including a broker, advisor, attorney, or representative of or agent for the business entity who:
  - 1) receives compensation from the business entity for the person's participation;
  - 2) communicates directly with the school district and/or purchasing cooperative on behalf of the business entity regarding the contract; and
  - 3) is not an employee of the business entity or of an entity with a controlling interest in the business entity.
- **Signed** includes any symbol executed or adopted by a person with present intention to authenticate a writing, including an electronic signature.
- **Value** of a contract is based on the amount of consideration received or to be received by the business entity from the school district and/or purchasing cooperative under the contract.

**Resources: Form 1295 Frequently Asked Questions:** [https://www.ethics.state.tx.us/whatsnew/FAQ\\_Form1295.html](https://www.ethics.state.tx.us/whatsnew/FAQ_Form1295.html)

Form 1295 [2252.908](#)

**11. NONCOLLUSION DECLARATION TO BE EXECUTED BY PROPOSER AND SUBMITTED WITH PROPOSAL**

The undersigned declares:

I am the \_\_\_\_\_ of \_\_\_\_\_, the party making the foregoing proposal.

By submitting an offer, Vendor affirms and certifies the following:

1. The Contractor, including its' officers, employees, or agents, have not prepared the submitted offer in collusion with any other bidder participating in this procurement solicitation.
2. The contents of their submittal have not been communicated by the Offeror nor by any employee, officer, or agent of the offeror to any other person engaged in this type of business prior to the official submission deadline.
3. Vendor has not offered, conferred, or agreed to confer any pecuniary benefit, as defined by §1.07(a)(6) of the Texas Penal Code, or any other thing of value, as consideration for the receipt of information or any special treatment or advantage relating to this procurement solicitation.
4. The Vendor has not offered, conferred, or agreed to confer any pecuniary benefit or other things of value as consideration for the recipient's decision, opinion, recommendation, vote, or other exercise of discretion concerning this procurement solicitation.
5. The Vendor has neither coerced nor attempted to influence the exercise of discretion by any officer, trustee, agent, or employee of the school district and/or purchasing cooperative concerning this solicitation based on any consideration not authorized by law.
6. The Vendor has not received any information not available to other Vendors to give the undersigned a preferential advantage with respect to this bid.
7. The Vendor has not violated any State, Federal or local law, regulation or ordinance relating to bribery, improper influence, collusion, or the like.
8. The Vendor will not in the future offer, confer, or agree to confer any pecuniary benefit or other thing of value to any officer, trustee, agent, or employee of the school district and/or purchasing cooperative, in return for the person having exercised the person's official discretion, power or duty with respect to this bid.
9. The Vendor has not nor will not in the future, offer, confer, or agree to confer a pecuniary benefit or other thing of value to any officer, trustee, agent, or employee of the school district and/or purchasing cooperative, in connection with this solicitation.

Any person executing this declaration on behalf of a Proposer that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the Proposer.

_____ Signature of Officer/Authorized Person	_____ Printed Name of Officer/Authorized Person
---	--

I declare under penalty of perjury under the laws of the state of: \_\_\_\_\_

That the foregoing is true and correct, and that this declaration is executed on: \_\_\_\_\_  
Date

in \_\_\_\_\_  
City, State

**12. Agreement Form**

The proposer is required to place their initials next to each regulation listed below as outlined in this document, indicating agreement. If proposer does not agree, please indicate with an "n/a."

Name of Regulation	Page #	Initials of Authorized Company Official
Anti-Trust Laws	2	
Companies Engaged in Business with Iran, Sudan, or Foreign Terrorist Organization	2	
Energy Policy and Conservation Act	2	
Health & Safety Certificates, Licensing and Regulation	3	
No Israel Boycott	3	
Prohibited Employment Assistance	3	
Record Retention Requirements	4	
Texas Family Code	4	

***Signature required on page 10.***



### 13. SIGNATURE AND DECLARATION OF COMPLIANCE

The undersigned Respondent has carefully examined all instructions, requirements, specifications, terms, and conditions of this RFP and certifies that:

The Respondent entity named below; that is authorized to sign this Proposal Form (if a Corporation then by resolution with Certified Copy of resolution attached) for and on behalf of the entity, if any, named below, and that (s) he is authorized to execute same for and on behalf of and bind said entity to the terms and conditions provided for in the Proposal as required by this RFP, and has the requisite authority to execute an Agreement on behalf of Respondent.

By signing this I have read the Request for Proposal in its' entirety on which our Proposal is submitted with full knowledge of the requirements and do hereby agree to furnish all services in full accordance with the requirements outlined in the Request for Proposal.

By signing and executing this proposal, I further certify on behalf of my organization and represent that Respondent has not offered, conferred or agreed to confer any pecuniary benefit, as defined by TEXAS PENAL CODE ANN.§ 218, or any other thing of value, as consideration for the receipt of information or any special treatment or advantage relating to this proposal; the Respondent also certifies and represents that Respondent has not offered, conferred or agreed to confer a pecuniary benefit or other things of value as consideration for the recipient's decision, opinion, recommendation, vote or other exercise of discretion concerning this proposal; the Respondent certifies and represents that Respondent has neither coerced nor attempted to influence the exercise of discretion by any officer, trustee, agent or employee of the school district and/or purchasing cooperative concerning this proposal on the basis of any consideration not authorized by law; the Respondent also certifies and represents that Respondent has not received any information not available to other Respondent so as to give the undersigned a preferential advantage with respect to this proposal; the Respondent further certifies and represents that Respondent has not violated any state, federal or local law, regulation or ordinance relating to bribery, improper influence, collusion or the like and that Respondent will not in the future offer, confer, or agree to confer a pecuniary benefit or other thing of value to any officer, trustee, agent or employee of the school district and/or purchasing cooperative in return for the person having exercised the person's official discretion, power or duty with respect to this proposal; the Respondent certifies and represents that it has not nor and will not in the future offer, confer, or agree to confer a pecuniary benefit or other thing of value to any officer, trustee, agent or employee of the school district and/or purchasing cooperative in connection with information regarding this proposal, the submission of this proposal, the award of this proposal or the performance, delivery or sale pursuant to this proposal.

**Vendors agree to comply with all federal, state, and local laws, rules, regulations, and ordinances, as applicable. It is further acknowledged that vendor certifies compliance with all provisions, laws, acts, regulations, etc. as specifically noted above.**

*(continued next page, Signature and Declaration)*

Corporate/Company Name:

Authorized Signature  
(digital signature accepted)

Printed Name:

Title:

Date:

Company Address (Street):

Company City, State Zip Code:

Authorized Person Phone Number:

Authorized Person Email

Website:

DUNS #:

(If Firm is a Joint Venture, an authorized signature from the representative of each party is required):

Authorized Signature of Joint Party:

Printed Name:

Title: