



Sulphur Springs

Independent School District

REQUEST FOR QUALIFICATIONS

COMMERCIAL REAL ESTATE BROKER/REALTOR

Prepared by:

Sulphur Springs Independent School District
631 Connally Street
Sulphur Springs, TX 75482

Please Mail or Hand Deliver completed CSP documents to:
Sulphur Springs ISD
Attn: Kylie Koon, Purchasing Coordinator
631 Connally Street
Sulphur Springs, TX 75482

FAXED OR E-MAILED PROPOSALS WILL NOT BE CONSIDERED

Notice to Proposers

The Sulphur Springs Independent School District (“District”) is soliciting responses to this Request for Qualifications (RFQ) for **Commercial Real Estate Broker/Realtor** services. Qualification statements from interested Commercial Real Estate Broker/Realtor will be received by Sulphur Springs ISD at the Administration Building, 631 Connally Street, Sulphur Springs, TX 75482 until May 28, 2024 at 2:00 pm CST, at which time responses will be acknowledged and received.

This packet contains all necessary information to submit an RFQ (“Response”) to the District. The packet is also available online at www.ssisd.net under the “Purchasing” section.

The District reserves the right to reject any or all Responses or any part of a Response or to accept any Response or part of a Response deemed advantageous to the District and to waive any or all informalities.

**PLEASE SUBMIT ALL REQUIRED DOCUMENTS TO THE SSISD
ADMINISTRATION BUILDING WITH A LABEL ON THE OUTSIDE OF
THE ENVELOP AS FOLLOWS:**

Sulphur Springs Independent School District
ATTN: Kylie Koon
631 Connally Street
Sulphur Springs, TX 75482
CSP# FY24-007 Commercial Real Estate Broker/Realtor

1. General Terms and Conditions

1.1 The term of this agreement is listed within this document and will be mutually agreed upon by both parties.

1.2 Vendor may not assign or transfer this agreement, nor its rights and privileges granted under this agreement, either in whole or part, without written consent of SSISD.

1.3 SSISD reserves the right to accept or reject all or any part of any response, waive minor technicalities, and award the response that serves the best interest of the SSISD.

1.4 All items and services must conform to all appropriate local, state, and federal laws, ordinances and regulations.

1.5 In evaluating qualified responses, the following considerations will be considered for award recommendations: overall value to the District, suitability for the intended purpose, vendor's service and delivery capabilities, overall price and commissions, service history, and any other relevant factors specifically listed in the RFQ.

1.6 SSISD reserves the right to cancel this agreement without pecuniary risk or penalty upon written notice. The board reserves the right to cancel this agreement upon written notice.

1.7 If at any time the vendor fails to fulfill or abide by the terms, conditions, or specifications of this agreement, SSISD reserves the right to cancel upon thirty (30) days written notification to the vendor. SSISD has the right to terminate a resulting contract for convenience, without penalty, for non-appropriation or non-availability of funds by delivery to the offeror of a "Notice of Termination" specifying the extent to which performance hereunder is terminated and the date upon which such termination becomes effective.

1.8 Governing Law: All irreconcilable disputes arising out of this agreement shall be resolved in Hopkins County in the State of Texas. Neither party shall institute any judicial action against the other party in any court located outside the State of Texas. Each party waives any claim of forum non-conveniens or other objection to such jurisdiction. This Agreement shall be governed according to the laws of the State of Texas irrespective of the conflicts of laws provision of such state. This Agreement, together with all exhibits, addenda and properly executed amendments, constitute the entire understanding of the parties with respect to the subject matter hereof, and supersede any and all prior agreements, promises, negotiations or representations, whether written or oral, related to the subject matter of the Agreement that are not expressly set forth in the Agreement.

1.9 Agreement Components: Any or all portions of this RFQ and all portions of the vendor's Response shall be incorporated by reference as part of the final agreement.

1.10 SSISD Obligations: SSISD accepts no obligations for costs incurred by vendors responding to this RFQ or the award. SSISD reserves the right to select a Response or parts thereof without discussion with the vendors. It is understood that all Responses shall become part of SSISD's official files. Retention of the Responses does not obligate SSISD to any action. SSISD reserves the right to reject any and all Responses received.

1.11 Taxes: SSISD is exempt from state, federal, and local taxes, and will not be responsible for any taxes levied on the contractor resulting from this RFQ.

1.12 Equal Opportunity: It is the public policy of SSISD, at all levels of procurement, to promote equal opportunity in employment and in contracting opportunities, and to promote and encourage the participation of minority, small and other disadvantaged business entities in employment and contracting opportunities involving the State as fully as possible. SSISD, therefore, is committed to pursue such avenues in its employment and contracting activities which will further the goals of this policy. Similarly, a demonstrated commitment consistent with the goals of this policy by those with whom the SSISD does business, including those vendors responding to the solicitation, is highly desirable by SSISD.

1.13 Sulphur Springs Independent School District (SSISD), per the Texas Education Code 44.031(b), will use the following considerations to take into account to determine the best value for the District.

Texas Education Code 44.031(b), states the following considerations shall be taken into account to determine the best value for the District.

- a. the purchase price;
- b. the reputation of the vendor and of the vendor's goods or services;
- c. the quality of the vendor's goods or services;
- d. the extent to which the goods or services meet the District's needs;
- e. the vendor's past relationship with the District
- f. the impact on the ability of the District to comply with laws and rules relating to historically underutilized businesses;
- g. the total long-term cost to the District to acquire the vendor's goods or services;
- h. for a contract for goods and services, other than goods and services related to telecommunications and information services, building construction and maintenance, or instructional materials, whether the vendor or the vendor's ultimate parent company or majority owner:
 - (1) has its principal place of business in this state; or
 - (2) employs at least 500 persons in this state; and
- i. any other relevant factor specifically listed in this RFQ.

2. Scope of Services

The qualified, licensed, commercial real estate broker's scope of services will include, but not be limited to, the following:

2.1 Assist SSISD in development of marketing materials and brochures describing the sites that are for sale including physical characteristics and other pertinent information.

2.2 Assist SSISD in preparation of the offerings and related documents.

2.3 Develop and provide a data base of qualified and prospective purchasers of District properties.

- 2.4 Market sites on a local and national basis, including direct contacts, advertising, and internet website marketing.
- 2.5 Prepare periodic status reports indicating progress in marketing the properties.
- 2.6 Meet with SSISD personnel on a periodic basis to review status reports on marketing efforts.
- 2.7 Assist in the sealed bid opening process.
- 2.8 Assist with negotiation of all aspects of the sales contract(s) and other requirements related to the sale(s) of District properties.
- 2.9 Assist SSISD and its attorneys in coordinating efforts to achieve a timely and efficient documentation and closing of transactions.
- 2.10 Assist as requested by SSISD with various other miscellaneous real estate activities such as assistance in locating future SSISD sites for lease or purchase, providing general real estate economic information and analysis on real estate issues of interest to SSISD, assist in negotiating for purchase or lease of properties by SSISD, and provide general expertise to SSISD on real estate related matters.
- 2.11 Search for properties, per District request.
- 2.12 Develop strategies for acquisition and/or sale of properties, per District request.
- 2.13 Negotiate with landlords, sellers or buyers on behalf of the District, per District request.
- 2.14 Provide appraisals or coordinate with Real Estate Appraisers, per District request.
- 2.15 Coordinate and secure title information, real estate transaction closings, and facilitate all other customary activities and services associated with real estate transactions.

The use of Real Estate Broker Services for the District will be coordinated through the Business and Finance Department. The provider will be expected to work directly with the representatives of various District departments when providing services. All services shall be administered in conformance with Federal and State Laws, and applicable SSISD policies and procedures.

3 Submission of Qualifications

All Responses must be received at the SSISD Administration Building no later than 2:00 pm CST on May 28, 2024. Unnecessarily elaborate responses beyond that sufficient to present a complete effective Response are not desired.

Any Response that is received by SSISD after the due date and time will **not** be considered.

3.1 RFQ SCHEDULE

Issuance of RFQ	May 8, 2024
Deadline for Questions	May 20, 2024 at 4:00 pm CST
District Responses to Questions Issued	May 22, 2024 at 4:00 pm CST
Response Due Date and Time	May 28, 2024 at 2:00 pm CST

3.2 Interviews may be conducted with the short-listed firms prior to final selection. Cost and Fees information will be requested from the short-listed firms.

3.3 Questions, requests for clarification, additional information, omissions or corrections should be addressed in writing to Dr. Deana Steeber, Superintendent at dsteeber@ssisd.net by 4:00 pm on May 20, 2024.

3.4 District responses to requests for clarification, additional information, omissions or corrections will be posted on May 22, 2024 on the District website under Departments > Business Office > Purchasing > Competitive Sealed Proposal

3.5 The successful company will be required to furnish copies of Professional Licenses and Insurance Certifications, including Professional & General Liability (E&O) for review.

4. Award/Evaluation of Responses

Responses will be evaluated by the following factors and criteria.

	EVALUATION CRITERIA	WEIGHT
1	Experience, qualifications, references and local reputation	20
2	Knowledge of local real estate market and public school district real estate transactions	20
3	Ability of the contractor(s) to meet or exceed the requirements defined in the RFQ	15
4	Completeness of response to RFQ as outlined in this solicitation package	10
5	Cost, Fee Structure and Rates	35

Proposer must include a proposed contract in the response to this RFQ.

Required Forms

- a. Questionnaire
- b. Criminal Background Check, Felony Conviction Disclosure and Debarment Certification
- c. Non-Collusive Bidding Certificate
- d. Conflict of Interest Questionnaire – Form CIQ
- e. Notarized “Certificate of Interested Parties” from Texas Ethics Commission for Form 1295
- f. Prohibition on Contracts with Companies Boycotting Israel Form
- g. Proposed Contract

ALL REQUIRED FORMS MUST BE COMPLETED, SIGNED, AND RETURNED WITH RESPONSE, OR THE RESPONSE WILL BE DEEMED NONRESPONSIVE.

Questionnaire

Please provide the following information in the sequence and format prescribed by this questionnaire. Supplemental materials providing additional information may be 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:

Email Address:

Form of Business Organization (Corporation, Partnership, Individual, Joint Venture, Other)

Year Founded:

Primary Individual to Contact:

2. Organization

- 2.1 How many years has your organization been in business in Real Estate Brokerage Services?
- 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, answer the following: Date of incorporation, State of Incorporation, President's name, Vice-President's name, Secretary's name, Treasurer's name. Is it a publicly held corporation?
- 2.4 If your organization is a partnership, answer the following: Date of organization, type of partnership (if applicable), names of general partner(s).
- 2.5 If your organization is individually owned, answer the following: Date of organization and name of owner.
- 2.6 If the form of your organization is other than those listed above, describe it and name the principals.

3. Licensing

- 3.1 List jurisdictions 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.
- 3.3 List Certification Agencies if you are a Certified Historically Underutilized Business

4. Experience

- 4.1 List the categories of work that your organization normally performs with its own forces. Would you propose to do any work with your own forces or to assign or sub work to third parties?
- 4.2 List any partnerships in which your organization has some ownership and list the categories of work done those partners normally perform.
- 4.3 Claims and suits. (If the answer to any of the questions below is yes, please attach details.) Are there any judgments, claims, arbitration proceedings or suits pending or outstanding against your organization or its officers? Has your organization filed any lawsuits or requested arbitration or mediation with regard to Real Estate Brokerage Services contracts within the last five years?
- 4.4 Within the last five years, has any officer or principal of your organization ever been an officer or principal of another organization when it failed to complete a Real Estate Brokerage Services contract? (If the answer is yes, please attach details.)
- 4.5 Current work: List the major Real Estate Brokerage Services projects your organization has in progress.

4.6 Work over the last 5 years: List major projects for which your firm has provided Real Estate Brokerage series over the last 5 years. For each project, provide the name, nature of the project/function of the building, size, location, cost, completion date, and owner, and the manner in which the services were carried out.

5. Personnel

5.1 Identify and provide a resume for each individual whom would be involved in carrying out services to Sulphur Springs ISD should your firm be selected.

6. References

6.1 For 3 of the projects listed above, identify a representative of the owner (name, phone, email addresses) who could be contacted as a references regarding your firm's services.

7. Cost, Fee Structure and Rates

7.1 Please provide the fees and rates that the firm will require on both the potential sale of District owned property and for the purchase of new District property. State any other costs the District may anticipate relating to the real estate services to be provided in the Scope of Services.

**CRIMINAL BACKGROUND CHECK, FELONY CONVICTION DISCLOSURE AND
DEBARMENT CERTIFICATION**

(a) 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 SSISD 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 SSISD's property or other location where students are regularly present. SSISD 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.

(b) 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 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 or operated by the following individual(s) who has/have been convicted of a felony:

Name of Felon(s): _____

Details of Conviction: _____

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

Signature of Authorized Company Official

Printed Name

(c) 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

Signature of Authorized Company Official

Printed Name

TERMS AND CONDITIONS

Vendors (owners, officers, employees, volunteers, etc.) may not work on district property where students may or may not be present when they have charges pending, have been convicted, received probation or deferred adjudication for the following:

- A. Any offense against a child
- B. Any sex offense
- C. Any crimes against persons involving weapons or violence
- D. Any felony offense involving controlled substances
- E. Any felony offense against property
- F. Any other offense the District believes might compromise the safety of students, staff, or property

FIRE ARMS/CONTROLLED SUBSTANCES

Possession of fire arms, alcohol and/or drugs, even in vehicles, is strictly prohibited on school district property. The use of tobacco products are not allowed on school district property.

All contractors, subcontractors and their employees must submit to the Sulphur Springs ISD proof of a satisfactory criminal record history of all individuals working on District property through background checks conducted as required by Senate Bill 9. The criminal record history must be obtained by the successful bidder before any work is performed. The information regarding the requirements for conducting a criminal records check is posted on The Texas Department of Public Safety's website, www.txdps.state.tx.us by clicking open Crime Records and reading School District Guide to Senate Bill 9. The cost for each criminal records check is approximately \$100.00.

Vendor is responsible for the performance of the persons, employees and/or sub-contractors Vendor assigns to provide services for the Sulphur Springs ISD pursuant to this Bid/RFCSP on any and all Sulphur Springs ISD campuses or facilities. Vendor will not assign individuals to provide services at any Sulphur Springs 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 Sulphur Springs ISD Business Office.

NON-COLLUSION BIDDING CERTIFICATE

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 has fully informed himself 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.

Signature

Company

Telephone

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

FORM CIQ

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

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

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

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

OFFICE USE ONLY

Date Received

1

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

2

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

3

Name of local government officer about whom the information 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.

Instructions and Rationale of Conflict of Interest Questionnaire Form CIO

All bidders must complete form “CIQ” which is a conflict of interest questionnaire that is a requirement by Chapter 176 of the Texas Local Government Code. Effective January 1, 2006, a person or entity who contracts or seeks to contract with SSISD for the sale or purchase of property, goods, or services (as well as agents of such persons) (hereafter referred to as Vendors) are required to file a Conflict of Interest Questionnaire with the district. Each covered person or entity who seeks to or who contracts with SSISD is responsible for complying with any applicable disclosure requirements. SSISD will post the completed questionnaires on its website. The Conflict of Interest Questionnaire must be filed:

No later than the seventh business day after the date that the Vendor begins contract discussions or negotiations with the government entity, or submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential agreement with the local governmental entity. The Vendor shall file an updated completed questionnaire with the appropriate records administrator not later than September 1 of the year in which an activity described in Section 176.006(a), Local Government Code, is pending, and not later than the seventh business day after the date of an event that would make a statement in the questionnaire incomplete or inaccurate.

Note: A Vendor is not required to file an updated completed questionnaire in a year if the person has filed a questionnaire on or after June 1, but before September 1, of that year. The Conflict of Interest Questionnaire may be downloaded from the [Texas Ethics Commission's website](#). Questions regarding House Bill 914 requirements should be directed to the Purchasing Department at 903-885-2153. Completed forms should be sent to:

Sulphur Springs Independent School District
Attn: Business and Finance Department
631 Connally Street
Sulphur Springs, TX 75482

The Local Government Officers of the Sulphur Springs Independent School District are:

Superintendent	Dr. Deana Steeber
Board of Trustees	Craig Roberts, President
	Jason Dietze, Vice-President (Term expires May 13, 2024)
	Kerry Wright, Secretary (Term expires May 13, 2024)
	John Prickette
	Adam Teer
	Darla Reed
	Leesa Toliver
	Kati Adair (Term begins May 13, 2024)
	Brian Kelly (Term begins May 13, 2024)

Form 1295 Certificate of Interested Parties

Filing an Electronic Application for a Certificate of Interested Parties

Form 1295: General Information

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

The law applies (with a few exceptions) only to a [contract](#), between a [business entity](#) and a governmental entity or state agency that either (1) requires an action or vote by the governing body of the entity or agency before the contract may be signed or (2) has a value of at least \$1 million. The disclosure requirement applies to a contract entered into on or after January 1, 2016.

Do I Need to File Form 1295?

The law applies only to a [contract](#) of a governmental entity or state agency that either:
(1) requires an action or vote by the governing body of the entity or agency before the [contract](#) may be [signed](#); or

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

Gov't Code § 2252.908. The disclosure requirement applies to a [contract](#) entered into on or after January 1, 2016.

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

(1) the governing body has legal authority to delegate to its staff the authority to execute the [contract](#);

(2) the governing body has delegated to its staff the authority to execute the [contract](#); and

(3) the governing body does not participate in the selection of the business entity with which the [contract](#) is entered into.

1 T.A.C. § 46.1(c).

**** For “How-To” videos and additional information regarding this required form, please visit the Texas Ethics Commission website at**

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

Prohibition on Contracts with Companies Boycotting Israel

Note: On April 25, 2019, the U.S. District Court for the Western District of Texas entered a preliminary injunction enjoining the enforcement of the above clause in any state contract. Texas Government Code, Chapter 2270 has been amended since the date of the injunction and the requirement of the statute is included above in its amended form. As the statute may not cure the entire breadth of issues addressed by injunction, the Owner does not intend to seek enforcement of this this statute until further order of this or higher court having jurisdiction over the issue.

Section 2270.002 of the Texas Government Code states that, "a governmental entity (which includes school districts) may not enter 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.

The statute defines: "Boycott Israel" to mean 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 specifically with Israel, or with a person or entity doing business in 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.

I swear that my company does not boycott Israel, and will not boycott Israel during the term of this contract.

SIGNATURE OF AUTHORIZED REPRESENTATIVE

NAME (PLEASE PRINT)

TITLE

DATE

