



TEXAS SOUTHERN UNIVERSITY

Procurement Services - Purchasing

Request for Proposals

for

Single Engine Aircraft

RFP # 717-22-750

Proposals response must be in the Purchasing Office no later than

11:00 a.m. Central time, on Thursday, June 30, 2022

(Proposals received after the date and time specified will not be accepted)

Proposals must be received prior to the deadline at this address, and clearly marked:

TSU Purchasing Office
3100 Cleburne Street
Hannah Hall, suite 333
Houston, TX 77004
RFP # 717-22-750
RFP Title Single Engine Aircraft
Attn: Sceffers Ward

SECTION I

GENERAL

1.1 STATEMENT OF PURPOSE:

The Texas Southern University (TSU) campus located at 3100 Cleburne Street, Houston, Texas 77004 seeks responses from qualified companies a plane for TEXAS SOUTHERN UNIVERSITY'S AVIATION SCIENCE & TECHNOLOGY SINGLE ENGINE AIRCRAFT to the University, in accordance with the specifications contained in this RFP. Qualified respondents are invited to submit a written response outlining your qualifications, and pricing as described in the Scope of Services, and in accordance with the terms, conditions and requirements set forth in the Request for Proposal (RFP). The successful proposer(s) will provide the scope of services in accordance with all applicable laws, regulations, and professional standards.

1.2 BACKGROUND:

Texas Southern University possesses an impressive array of more than 100 undergraduate and graduate programs and concentrations, a diverse faculty, 80-plus student organizations, and an extensive alumni network comprised of educators, entrepreneurs, public servants, lawyers, pilots, artists, and more, many of whom are change agents on the local, national and international stage. Nestled upon a sprawling 150-acre campus, Texas Southern University is one of the nation's largest historically black universities.

Our academic curriculum is organized into ten colleges and schools that continue to serve as cornerstones for developing the greatest potential in leaders from various socioeconomic, cultural, and ethnic backgrounds. Some of TSU's well-known graduates include the late U.S. Congresswoman Barbara Jordan and U.S. Congressman George "Mickey" Leland.

Texas Southern University is heralded as a pioneer and has distinguished itself by producing a significant number of African American students who have obtained post-secondary and advanced degrees. The university's enrollment has grown from 2,303 students to more than 7,500 undergraduate and graduate students from across the world. Although initially established to educate African Americans, Texas Southern University has become one of the most diverse institutions in Texas.

Facts:

President: Dr. Lesia L. Crumpton-Young

Founded: 1927

Location: Houston, Texas

Enrollment: 7,500+

Colleges & Schools: 10
Mascot: Tigers
Colors: Maroon and Gray

Mission:

Texas Southern University is a student-centered comprehensive doctoral university committed to ensuring equality, offering innovative programs that are responsive to its urban setting, and transforming diverse students into lifelong learners, engaged citizens, and creative leaders in their local, national, and global communities.

Vision:

Texas Southern University will become one of the nation's preeminent comprehensive metropolitan universities. We will be recognized by the excellence of our programs, the quality of our instruction, our innovative research and creative activities, and our commitment to be a contributing partner to our community, state, nation, and world.

Values

We are all part of the same team, working together to promote the mission, vision, and goals of this University.

- Excellence
- Student Centered
- Engaged
- Creative
- Collaborative
- Inclusive
- Efficient

Texas Southern University is accredited by the Southern Association of Colleges and Schools Commission on Colleges to award baccalaureate, masters, and doctorate degrees.

1.2 **PROCESS:**

This RFP provides the information necessary to prepare and submit proposals including the statement of work and criteria. The University will rank the Proposals in the order that they provide the "best value" for the University based on the published selection criteria and on the ranking evaluations. Thereafter, the evaluation committee will provide its total scores and final rankings to the University in which a final award will be decided upon.

1.4 **CONTRACT TERM:** N/A

1.5 ISSUING OFFICE:

Texas Southern University
Procurement Services - Purchasing
Hannah Hall, suite 333
3100 Cleburne Street
Houston, TX 77004
Attn: Mr. Sceffers Ward

1.6 **DEFINITIONS:** The following is a list of generic definitions to be used only if the terms appear in the RFP:

- (a) Acceptable Quality Level - The level of performance of requested services below which the contract will not be paid or damages may be assessed.
- (b) Addendum - A modification of the specifications issued by TSU and distributed to prospective Respondents prior to the opening of responses.
- (c) Best and Final Offer (BAFO) - A formal request made to selected Respondents for revisions to the originally submitted Proposals.
- (d) Contract – The contract awarded because of this RFP and all exhibits thereto. This RFP, any Addendum issued in conjunction with this RFP, the successful Respondent’s Proposals, any BAFO, and subsequent submission by Respondent, shall all be fully incorporated therein as exhibits.
- (e) Contractor – Respondent whose Proposals result in a contract with TSU.
- (f) Electronic State Business Daily (ESBD) – The Electronic State Business Daily, which is available on-line at <http://esbd.cpa.state.tx.us/>.
- (g) Gov’t Code – Texas Government Code.
- (h) Proposal(s) – The response submitted by a vendor to TSU because of this solicitation.
- (I) Respondent – Any person or vendor who submits a Proposal in response to this solicitation.
- (j) RFP – Request for Proposals, which is the type of solicitation embodied in this document.
- (k) TAC – Texas Administrative Code, which is the publication for administrative rules.
- (l) Bid – generic term referring to formal solicitations; not necessarily an ITB.

(m) Bidder – vendor responding to a formal solicitation.

1.7 **CONFLICTS OF INTEREST:**

Actual and Perceived Conflicts

By submitting a Proposal, the Respondent represents and warrants that neither it nor its employees and subcontractors have an actual or potential conflict of interest in entering a contract with TSU. The Respondent also represents and warrants that entering a contract with TSU will not create the appearance of impropriety. In its Proposal, the Respondent shall disclose any existing or potential conflict of interest that it might have in contracting with TSU. The requirement to disclose any actual or potential conflict of interest shall continue during the term of the contract and shall survive until the end of the recordkeeping requirement in 1.8. TSU will decide, in its sole discretion, whether an actual or perceived conflict should result in Proposal or Contract termination.

Current and Former TSU Employees

In addition to the disclosures required above, the Respondent shall also disclose any of its personnel who are current or former officers or employees of TSU or who are related, within the third degree by consanguinity (as defined by §573.023, Gov't Code) or within the second degree by affinity (as defined by §573.025, Gov't Code), to any current or former officers or employees of TSU.

Respondents must comply with all applicable Texas and federal laws and regulations relating to the hiring of former state employees (*see e.g.*, Texas Government Code Chapters 572 and 573). Such “revolving door” provisions generally restrict former agency heads from communicating with or appearing before the agency on certain matters for two years after leaving the agency. The revolving door provisions also restrict some former employees from representing clients on matters that the employee participated in during state service or matters that were in the employees’ official responsibility. Respondent, by signing this solicitation, certifies that it has complied with all applicable laws and regulations regarding former state employees.

Respondent must identify each employee who works for more than one staffing company at any facility and ensure that the employee’s cumulative weekly hours worked at all state facilities through any of the staffing companies do not exceed 40 hours per week.

1.8 **RECORDS RETENTION**

The Respondent shall retain all financial records, supporting documents, statistical records, and any other records or books relating to the performances called for in the Contract. The Respondent shall retain all such records for a period of four (4) years after the expiration of the Contract, or until TSU and/or State Auditor's Office is satisfied that all audit and litigation matters are resolved, whichever period is longer. The Respondent shall grant access to all books, records and documents pertinent to the Contract to TSU, the State Auditor of Texas, and any federal governmental entity that has authority to review records due to federal funds being spent under the Contract.

1.9 **INSURANCE AND OTHER SECURITY**

Respondent represents and warrants that it will, within five (5) business days of executing this RFP, provide Texas Southern University with current certificates of insurance or other proof acceptable to Texas Southern University of the following insurance coverage:

- (i) Standard Workers Compensation Insurance covering all personnel who will provide services under this Contract; and
- (ii) Commercial General Liability Insurance, personal injury, and advertising injury with, at a minimum, the following limits: \$500,000 minimum each occurrence; \$1,000,000 per general aggregate.

Respondent represents and warrants that all the above coverage is with companies licensed in the state of Texas, with “A” rating from Best, and authorized to provide the corresponding coverage. Respondent also represents and warrants that all policies contain endorsements prohibiting cancellation except upon at least thirty (30) days prior written notice to Texas Southern University. Respondent represents and warrants that it shall maintain the above insurance coverage during the term of this contract and shall provide Texas Southern University with an executed copy of the policies immediately upon request.

End of Section I

SECTION II

STATEMENT OF WORK

2.1 SCOPE

DEPARTMENT OF AVIATION SCIENCE & TECHNOLOGY SINGLE ENGINE AIRCRAFT

The Department of Aviation Science and Technology offers Bachelor of Science Degree in Aviation Science Management with a flight concentration. This leads to accomplishment of an academic degree and a professional pilot license, providing opportunities for stable employment in the aviation industry for graduates. The degree plan for the Flight concentration is designed to prepare students for several career options that include: Private or Professional Pilot and Certified Flight Instructor. The regimen of courses required by the Aviation Science Management and Pilot Certification license program curriculum also provide students with necessary academic foundation for pursuing graduate work.

Texas Southern University's Department of Aviation Science and Technology is seeking to add a light single-engine procurement to its fleet of aircraft.

TSU offers its students a Bachelor of Science degree with a concentration in either Aviation Management or Professional Pilot. The acquisition of an additional aircraft in this RFP is to further enhance TSU Professional Pilot concentration and add redundancy to its training fleet. TSU is open to considering the following make/models: Cessna 172 series, Grumman AA-5B, AG5B or AA-5B, Piper PA28 series considered

RELEVANT FACTORS

Texas Southern University is seeking a primary training aircraft to add to its training fleet. The aircraft will need to encompass the following Requirements and Preferences:

REQUIREMENTS:

- 7000 hours total time or less
- IFR Cert
- 4-place intercom or better
- ADSB compliant
- Current Annual Inspection
- IFR certified GPS
- Dual yoke
- Dual brakes

PREFERRED:

- 1500 hours or less since TBO
- Garmin G5 or similar/better glass instrumentation
- Garmin 650 or better GPS
- 2-axis autopilot
- 7 of 10 or better interior
- 8 of 10 or better exterior

End of Section II

SECTION III

CRITERIA

3.1 **CRITERIA**

Respondents are expected to submit a Proposal that considers and is responsive to the terms and conditions, specifications, scope of services, requirements, etc.; as well as the evaluation criteria set out in this document. The criteria in which your response will be evaluated are as follows:

- Criterion 1 – Specification Sheet
- Criterion 2 – Cost/Pricing

3.2 **CRITERION 1: Specification Sheet**

Respondent must submit completed Specification Sheet that provides the following information at a minimum:

1. Model name and year
2. Number Crew required
3. Passengers Capacity
4. Passenger Interior dimensions
5. Length
6. Wingspan
7. Height
8. Empty weight
9. Useful load
10. Max. takeoff weight
11. Power plant type
12. Cruise speed
13. Range
14. Service ceiling
15. Balanced field length (max weight)
16. Landing distance (max weight)
17. Engine hours / cycle
18. Engine hours left until time before overhaul (TBO)
19. APU hours / cycles
20. Total aircraft hours
21. List of mishaps / accidents
22. Provide history of corrosion

23. Are logbooks complete?
24. Year interior was last redone, and description of extent
25. Year paint was last redone
26. Current location of the aircraft
27. Aircraft location history
28. Warranty. Provide all applicable warranty information.

3.3 **CRITERION 2: Cost/Pricing**

Please address cost/pricing below as it relates to your firm's relevant cost.

- Provide a completely cost for aircraft in this solicitation
- All costs the University is expected to incur must be shown in your response.
- All cost/pricing may be eligible for negotiation at the University's request.
- Any costs not listed in your response cannot be charged to the University at a later date.
- Provide a 'Grand Total' (a/k/a 'Not to Exceed') so that an evaluated score can be assigned to your offer.

End of Section III

SECTION IV

PROPOSAL INFORMATION

- 4.1 SCHEDULE OF EVENTS: The solicitation process for this RFP will proceed according to the following schedule:

<u>EVENT</u>	<u>DATE</u>
Issue RFP / ESBDB Posting Date	June 14, 2022
Site Visit/Pre-Proposal Conference	N/A
Deadline for Submission of Questions	June 21, 2022
Response to Questions	June 23, 2022
RFP Submission	June 30, 2022

- 4.2 REVISIONS TO SCHEDULE: TSU reserves the right to change the dates in the schedule of events above upon written notification through a posting on the Electronic State Business Daily (ESBD) and TSU Purchasing website. It is the responsibility of interested parties to periodically check the ESBD and/or TSU Purchasing website for updates to the RFP prior to submitting a Proposal. The Respondent's failure to check either website will in no way release the selected Contractor from the requirements of addenda or additional information; nor will any resulting additional costs to meet the requirements be allowed after award(s).

- 4.3 SITE VISIT/PRE-PROPOSAL CONFERENCE:
A pre-qualification conference **will not** be held.

- 4.4 PROPOSAL REQUIREMENTS:

- a) Submissions: Respondents shall submit one (1) original and two (2) copies of the Proposal. Proposal pages should be numbered and contain an organized, paginated table of contents corresponding to the section and pages of the Proposal. Please submit a flash drive version as well. Please ensure that the entirety of your Proposal is contained on the flash drive as the information on the drive will serve as the original and official version of your Proposal and will be the only copy, we keep on file.
- b) Format of Proposals - Firms will be expected to provide the following information in the order and detail prescribed below. Each section should be tabbed accordingly:

Introduction Letter (2-page maximum)
Tab 1: Criterion 1 Specification Sheet
Tab 2: Criterion 2 Cost/Pricing
HUB Plan
Execution of Offer
Addenda

- d) Cost of Preparation: TSU will not reimburse the Respondent for any cost related to its Proposal. The Respondent is responsible for any expense related to the preparation and submission of its Proposal.
- (d) TSU will not consider any Proposal that bears a copyright. Proposals will be subject to the Texas Public Information Act (PIA), Texas Government Code, Chapter 552, and may be disclosed to the public upon request. The Proposal and other submitted information shall be presumed to be subject to disclosure unless a specific exception to disclosure under the PIA applies. If it is necessary for the Respondent to include proprietary or otherwise confidential information in its Proposal or other submitted information, the Respondent must clearly label that proprietary or confidential information and identify the specific exception to disclosure in the PIA. Merely making a blanket claim the entire Proposal is protected from disclosure because it contains some proprietary information is not acceptable and shall make the entire Proposal subject to release under the PIA. In order to initiate the process of seeking an Attorney General opinion on the release of proprietary or confidential information, the specific provisions of the Proposal that are considered by the Respondent to be proprietary or confidential must be clearly labeled as described below. Any information which is not clearly identified as proprietary or confidential shall be deemed to be subject to disclosure pursuant to the PIA. Subject to the Act, Respondents may protect trade and confidential information from public release. Trade secrets or other confidential information, submitted as part of a Proposal, shall be clearly marked at each page it appears. Such marking shall be in boldface type at least 14-point font.

4.5 INQUIRIES:

(a) All inquiries shall be submitted in writing (Word format) via email to Mr. Sceffers Ward at sceffers.ward@tsu.edu and procurement@tsu.edu by **Tuesday, June 21, 2022 by 12:00 p.m. Noon** Central Time; the date listed as the deadline for submission of questions as specified in Section 4.1 above.

(b) All inquiries will result in written responses with copies posted to the Electronic State Business Daily, available at <http://esbd.cpa.state.tx.us>; and to TSU Purchasing website. If a Respondent does not have internet access, a copy of all written responses may be obtained through the point of contact listed above.

(c) Except as otherwise provided in this Section, upon issuance of this RFP, other employees, and representatives of TSU will not answer questions or otherwise discuss the contents of the RFP with any potential Respondent or its representatives. Failure to observe this restriction may result in disqualification of any subsequent response. This restriction does not preclude discussions unrelated to this RFP.

(d) If Respondent takes any exceptions to any provisions of this RFP, these exceptions must be specifically and clearly identified by Section in Respondent's Proposal in response to this RFP and Respondent's proposed alternative must also be provided in the Proposal. Respondents cannot take a 'blanket exception' to this entire RFP. If any Respondent takes a blanket exception to this entire RFP or does not provide proposed alternative language, the Respondent's Proposal may be disqualified from further consideration. Any exception may result in the Contract not being awarded to the Respondent.

4.6 PROPOSAL SUBMISSION:

- All Proposals shall be received, and time recorded at TSU prior to the stated deadline date specified in the Schedule of Events above. TSU reserves the right to reject late submittals.
- Proposals should be placed in a separate envelope or package and correctly identified with the RFP number and submittal deadline/RFP opening date and time. It is Respondent's responsibility to appropriately mark and deliver the Proposal to Mr. Sceffers Ward by the specified date. A United States Postal Service (USPS) postmark or round validation stamp; a mail receipt with the date of mailing, stamped by the USPS; a dated shipping label, invoice, or receipt from a commercial carrier; or any other documentation in lieu of the on-site receipt confirmation WILL NOT be accepted.

(c) Telephone, email, oral and facsimile Proposals will **not** be accepted.

(d) Receipt of all addenda to this RFP should be acknowledged by returning a signed copy of each addendum with the submitted Proposal.

4.7 POINT-OF-CONTACT: The Owner designates the following person, as its representative and Point-of-Contact for this RFP. Respondents shall restrict all contact with the Owner and direct all questions regarding this RFP, including questions regarding terms and conditions, to the Point-of-Contact person.

Mr. Sceffers Ward
Buyer
TSU Purchasing
Email: sceffers.ward@tsu.edu
Email: Procurement@tsu.edu

4.8 DELIVERY OF PROPOSALS:

Proposals packets are commonly submitted to TSU by one of the following methods: (1) U.S. Postal Service overnight, (2) Fed Ex overnight / Express Mail, and/or (3) Hand Deliver (recommended). Regardless of how you deliver your Proposals response please note:

Due to the Coronavirus (COVID-19) pandemic there will be some amendments in the delivery of all responses that are in progress. All Respondents are to deliver their submittals to the Texas Southern University Post-Office. You may find the exact location for the Post Office (Bldg. #106_PO) on the campus map.

<http://www.tsu.edu/about/campus/pdf/tsu-campus-map.pdf>

TSU Post Office, 3100 Cleburne St, Houston, TX 77004

****Please instruct your courier NOT to go the Warehouse nor Central Receiving as this could delay delivery and could ultimately result in your response being late and rejected. Due to the current pandemic, all solicitation responses must be delivered to TSU's Post Office.**

4.9 PROPOSAL OPENING:

Proposals will be opened at the office of the attending buyer in their office or nearby conference room, whichever is most appropriate. (“TSU is practicing social distancing, submittals will be opened, but there will **NOT** be a public opening.”)

(a) All submitted Proposals become the property of TSU after the RFP submittal deadline. The submitted Proposals and accompanying documentation will not be returned.

(b) Proposals submitted shall constitute an offer for a period of one hundred twenty (120) days or until selection is made by TSU, whichever occurs earlier.

4.10 PROPOSAL EVALUATION AND AWARD:

a) TSU shall award a contract to a Respondent whose Proposal is considered to provide the best value to the State of Texas, as defined by Texas Government Code, Section 2155.074.

b) A committee will be established to evaluate the Proposals. The committee will include employees of TSU, and other persons invited by TSU to participate.

c) TSU reserves the right to award contract(s) without any negotiations and reserves the right to make no awards.

d) TSU reserves the right to award the contract among multiple firms.

e) Additional services may be required during the performance of this project. If so, the successful firm(s) agrees to negotiate an amendment to the awarded contract.

f) The evaluation committee will evaluate and rank proposals to determine best value in accordance with the following criteria and assigned weighted values:

Criteria	Value
CRITERION 1: Specification Sheet	50
CRITERION 2: Cost/Pricing	50
Total of Weighted Value	100

g) The evaluation committee will determine if Best and Final Offers (BAFO) are necessary. Award of a contract may be made without a BAFO. A request for a BAFO is at the sole discretion of TSU and will be extended in writing.

4.11 EVALUATION OF PROPOSAL: The evaluation of the Proposals shall in part be based on the Respondent’s actual criteria and other requirements as described in this RFP. All properly submitted Proposals will be reviewed, evaluated, and ranked by the Owner.

4.12 HISTORICALLY UNDERUTILIZED BUSINESSES SUBMITTAL REQUIREMENTS: It is the policy of Texas Southern University to promote and encourage contracting and subcontracting opportunities for Historically Underutilized Businesses (HUB) in all contracts. Accordingly, the Owner has adopted its Policy on Utilization of Historically

Underutilized Businesses, a copy of which is attached hereto and will be included as an Exhibit to the Agreement. The Policy applies to all contracts with an expected value of \$100,000 or more. If Owner determines that subcontracting opportunities are probable, then a HUB Subcontracting Plan is a required element of the Proposal. Failure to submit a required HUB Subcontracting Plan will result in the rejection of the Proposal.

4.12.1 STATEMENT OF PROBABILITY

Owner has determined that subcontracting opportunities are probable in connection with this solicitation. Therefore, a HUB Subcontracting Plan (HSP) is required as a part of the Respondent's Proposal. Respondent shall develop and administer a HSP as a part of the Respondent's Proposal in accordance with the Owner's Policy on Utilization of Historically Underutilized Businesses (HUB).

4.12.2 Respondent's HUB Subcontracting Plans must be attached separately in a sealed envelope clearly labeled "HUB Subcontracting Plan" and must have the name of the project and the bid number clearly marked on the outside of the sealed envelope.

4.12.3 Refer to Policy on Utilization of Historically Underutilized Business for a detailed list of attachments required with the HSP available at <https://comptroller.texas.gov/purchasing/vendor/hub/forms.php>

4.12.4 HUB SUBCONTRACTING GOAL: The HUB Subcontracting Goal for this Project is **Twenty-six (26.0)** percent. Respondents are expected to make a good faith effort to meet this goal.

4.13 RESERVATION OF RIGHTS: The University may evaluate the Proposals based on the anticipated completion of all or any portion of the Project. The University reserves the right to divide the audit into multiple parts, to reject all Proposals and re-solicit for new Proposals, or to reject all Proposals and temporarily or permanently abandon the Project. University makes no representations, written or oral, that it will enter into any form of agreement with any respondent to this RFP for any project and no such representation is intended or should be construed by the issuance of this RFP.

4.14 ACCEPTANCE OF EVALUATION METHODOLOGY: By submitting its Proposal in response to this RFP, respondent accepts the evaluation process and acknowledges and accepts that determination of the "best value" firm will require subjective judgments by the University. Further, respondents accept there are unknowns regarding the organizational change management delivery method and the owner has supplied sufficient project information to submit a responsive RFP response.

4.15 NO REIMBURSEMENT FOR COSTS: Respondent acknowledges and accepts that any costs incurred from the respondent's participation in this RFP shall be at the sole risk and responsibility of the respondent.

- 4.16 VENDOR PERFORMANCE: In accordance with Texas Government Code, 2155.074 and 2155.75, vendor performance may be used as a disqualification factor in the award. Vendor performance information on the Controller of Public Accounts web site may be accessed at: http://www.window.state.tx.us/procurement/prog/vendor_performance/.

TSU may conduct reference checks with other entities regarding past performance. In addition to evaluating performance through the Vendor Performance Tracking System (as authorized by 34 Texas Administrative Code §20.108), TSU may examine other sources of vendor performance including, but not limited to, notices of termination, cure notices, assessments of liquidated damages, litigation, audit reports, and non-renewals of Contracts. Such sources of vendor performance may include any governmental entity, whether an agency or political subdivision of the State of Texas, another state, or the Federal government. Further, TSU may initiate such examinations of vendor performance based upon media reports. Any such investigations shall be at the sole discretion of TSU, and any negative findings, as determined by TSU, may result in non-award to the Respondent.

End of Section IV

EXHIBIT

EXECUTION OF PROPOSALS

NOTE: THIS EXHIBIT MUST BE SIGNED AND RETURNED WITH THE PROPOSAL. PROPOSALS THAT DO NOT INCLUDE THIS EXHIBIT WILL BE DISQUALIFIED. THE PROPOSAL SHALL BE VOID IF FALSE STATEMENTS ARE CONTAINED IN THIS EXHIBIT.

By signature hereon, Respondent certifies that:

All statements and information prepared and submitted in the response to this RFP are current, complete, and accurate.

Respondent has not given, offered to give, nor intends to give at any time hereafter, any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant in connection with the submitted response.

Neither Respondent nor the firm, corporation, partnership, or institution represented by Respondent or anyone acting for such firm, corporation, or institution has: (1) violated the antitrust laws of the State of Texas under Texas Business & Commerce Code, Chapter 15, or the federal antitrust laws; or (2) communicated the contents of this Proposal either directly or indirectly to any competitor or any other person engaged in the same line of business during the procurement process for this RFP.

When a Texas business address shown hereon that address is, in fact, the legal business address of Respondent and Respondent qualifies as a Texas Resident Bidder under Texas Administrative Code, Title 34, Part 1, Chapter 20.

Under Government Code § 2155.004, no person who prepared the specifications or this RFP has any financial interest in Respondent's Proposal. If Respondent is not eligible, then any contract resulting from this RFP shall be immediately terminated. Furthermore, under Section 2155.004, Government Code, the vendor/respondent certifies that the individual or business entity named in this bid or contract is not ineligible to receive the specified contract and acknowledges that this contract may be terminated and payment withheld if this certification is inaccurate.

Under Family Code § 231.006, relating to child support obligations, Respondent and any other individual or business entity named in this solicitation are eligible to receive the specified payment and acknowledge that this contract may be terminated and payment withheld if this certification is inaccurate.

Any Proposal submitted under this RFP shall contain the names and social security numbers of person or entity holding at least a twenty-five percent (25%) ownership interest in the business entity submitting the Proposal.

Name: _____
Social Security Number: _____
Name: _____
Social Security Number: _____
Name: _____
Social Security Number: _____

Under Government Code § 669.003, relating to contracting with an executive of a state agency, Respondent represents that no person who, in the past four years, served as an executive of TSU or any

other state agency, was involved with or has any interest in this Proposal or any contract resulting from this RFP. If Respondent employs or has used the services of a former executive head of TSU or other state agency, then Respondent shall provide the following information: Name of former executive, name of state agency, date of separation from state agency, position with Respondent, and date of employment with Respondent. Respondent agrees that any payments due under this contract will be applied towards any debt, including but not limited to delinquent taxes and child support that is owed to the State of Texas.

TSU is federally mandated to adhere to the directions provided in the President's Executive Order (EO) 13224, Executive Order on Terrorist Financing – Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism, effective 9/24/2001 and any subsequent changes made to it via cross referencing respondents/vendors with the Federal General Services Administration's Excluded Parties List System (EPLS), <https://sam.gov/content/home>, which is inclusive of the United States Treasury's Office of Foreign Assets Control (OFAC) Specially Designated National (SDN) list.

Respondent certifies that the responding entity and its principals are eligible to participate in this transaction and have not been subjected to suspension, debarment, or similar ineligibility determined by any federal, state or local governmental entity and that Respondent follows the State of Texas statutes and rules relating to procurement and that Respondent is not listed on the federal government's terrorism watch list as described in Executive Order 13224. Entities ineligible for federal procurement are listed at <https://sam.gov/content/home>.

Under Section 2155.006(b) of the Texas Government Code, a state agency may not accept a bid or award a contract, including a contract for which purchasing authority is delegated to a state agency, that includes proposed financial participation by a person who, during the five-year period preceding the date of the bid or award, has been:

- (1) convicted of violating a federal law in connection with a contract awarded by the federal government for relief, recovery, or reconstruction efforts as a result of Hurricane Rita, as defined by Section 39.459, Utilities Code, Hurricane Katrina, or any other disaster occurring after September 24, 2005; or
- (2) assessed a penalty in a federal civil or administrative enforcement action in connection with a contract awarded by the federal government for relief, recovery, or reconstruction efforts as a result of Hurricane Rita, as defined by Section 39.459, Utilities Code, Hurricane Katrina, or any other disaster occurring after September 24, 2005. Under Section 2155.006 of the Texas Government Code, the bidder certifies that the individual or business entity named in this bid is not ineligible to receive the specified contract and acknowledges that any contract resulting from this IFB may be terminated and payment withheld if this certification is inaccurate.

Pursuant to Section 2262.003 of the Texas Government Code, the state auditor may conduct an audit or investigation of the vendor or any other entity or person receiving funds from the state directly under this contract or indirectly through a subcontract under this contract. The acceptance of funds by the Respondent or any other entity or person directly under this contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. Under the direction of the legislative audit committee, the Respondent or other entity that is the subject of an audit or investigation by the state auditor must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit. Respondent will ensure that this clause concerning the authority to audit funds received indirectly by subcontractors through the vendor and the requirement to cooperate is included in any subcontract it awards.

PREFERENCES

See Section 2.38 of the State of Texas Procurement Manual regarding preferences.

Check below to claim a preference under 34 TAC Rule 20.38

- Supplies, materials or equipment produced in TX or offered by TX bidder or TX bidder that is owned by a service-disabled veteran
- Agricultural products produced or grown in TX
- Agricultural products and services offered by TX bidders
- USA produced supplies, materials or equipment
- Products of persons with mental or physical disabilities
- Products made of recycled, remanufactured, or environmentally sensitive materials including recycled steel
- Energy Efficient Products
- Rubberized asphalt paving material
- Recycled motor oil and lubricants
- Products produced at facilities located on formerly contaminated property
- Products and services from economically depressed or blighted areas
- Vendors that meet or exceed air quality standards
- Recycled or Reused Computer Equipment of Other
- Foods of Higher Nutritional Value

Respondent represents and warrants that the individual signing this Execution of Proposal is authorized to sign this document on behalf of Respondent and to bind Respondent under any contract resulting from this Proposal.

RESPONDENT (COMPANY): _____

SIGNATURE (INK): _____

NAME (TYPED/PRINTED): _____

TITLE: _____

STREET ADDRESS: _____

CITY/STATE/ZIP CODE: _____

TELEPHONE NUMBER: _____

EMAIL ADDRESS: _____

TEXAS IDENTIFICATION NUMBER (TIN): _____

End of Exhibit