

Birdville ISD Purchasing Department

Bid Information

Bid Owner Rita Thornton
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Phone (817) 5475646
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Bid Number 080-19
Title Local Retail and Grocery
Bid Type RFCSP
Issue Date 04/11/2019
Close Date 5/30/2019 02:00:00 PM (CT)

Contact Information

Address 3124 Carson Street

Haltom City, TX 76117
Contact Rita Thornton
Department Purchasing
Building
Floor/Room 2
Telephone (817) 547-5628
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Ship to Information

Address

Contact
Department
Building
Floor/Room
Telephone
Fax
Email

Supplier Information

Company Name _____
Contact Name _____
Address _____

Telephone _____
Fax _____
Email _____

Supplier Notes

By submitting your response, you certify that you are authorized to represent and bind your company.

Signature _____

Date ____ / ____ / ____

Bid Notes

PURPOSE In order to be in compliance with federal, state and local purchasing laws, the Birdville Independent School District (BISD) is soliciting competitive sealed proposals for Local Retail and Grocery. This contract is for various campus and departments to purchase on an as-needed basis. Based on the 2018-19 expenditure, the total estimated contract on an annual basis \$431,500.

CONTRACT TERM AND RENEWALS This proposal shall be effective from August 1, 2019 through July 31, 2020. The contract will automatically extend for four (4) additional one-year periods (not to exceed a total of 5 years) unless contractor notified district forty-five (45) days prior to the expiration of the contract. The rates can be adjusted upward or downward based on the price change specifications on the anniversary date if agreeable to the district. If agreement cannot be reached, the contract is terminated at the end of the current contract period.

PROPOSAL SUBMISSION Late proposals will not be accepted. No verbal, telephonic, electronic mail or faxed responses will be considered. The preferred method of delivery is through the e-bid system; however, paper responses will be accepted in the Purchasing Department prior to the due date and time. To receive a paper version, please contact Purchasing via phone 817-547-5629 or by email bisd.purchasing@birdvilleschools.net.

Bid Activities

Bid Messages

Bid Attachments

The following attachments are associated with this opportunity and will need to be retrieved separately

#	Filename	Description
Header	Terms_and_Conditions.pdf	General Terms and Conditions
Header	CIQ.pdf	Conflict of Interest Questionnaire
Header	fw9.pdf	W9
Header	Birdville_ISD_School_Locations.pdf	BISD School Locations
Header	1920CalendarADA.pdf	2019-2020 BISD School Calendar
Header	General_Specifications.pdf	General Specifications
Header	080-19scope.pdf	Scope of Work

Bid Attachments Requested

The following attachments are requested with this opportunity

#	Required	Specified Attachment
1	YES	Current Year W9
2	YES	CIQ : Conflict of Interest Questionnaire
3	NO	1295
4	NO	Catalog/Price Sheet

Bid Attributes

Please review the following and respond where necessary

#	Name	Note	Response
1	Introduction	There are 71 Attributes/Sections (including this one) associated with this solicitation. Some are notes and do not require a response, but most require a response. ***Please select each page on the right-hand side of the blue bar below (at the bottom of this list of attributes) in order to view the next page of Attributes.***	(No Response Required)
2	Must Attach	Make sure to upload all required documents and forms to the "Response Attachments" tab. To attach documents to your response, after you have completed each one and saved them to your computer, select the option "RESPONSE ATTACHMENTS". Then, click "New" (blue letters, top left). Then, "Select File", and choose the document you need to attach. Enter a "Description" and then select "Save". Finally, select "Download" to verify that you have attached the correct file.	(No Response Required)
3	Inquiries and/or Clarifications	Any questions pertaining to the solicitation procedures and/or specifications should be emailed to the Purchasing Department contact person listed on the Event Details Tab on or before the question ending date. As of the Issuance date of this solicitation and continuing until the final date for submission of responses, contact with BISD employees or BISD Board Members, except for staff members of the Purchasing Department, is strictly prohibited. All personnel representing BISD are specifically directed not to hold meetings, conferences or technical discussions with any vendor for purposes of responding to this solicitation other	(No Response Required)

than those pre-proposal meetings expressly stated in the specifications. Any vendor found to be acting in any way contrary to this directive may be disqualified from entering into any contract that may result from this solicitation.

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|----|--|---|------------------------|
| 4 | Successful Solicitation Response Submittal | All responses must be SUCCESSFULLY submitted before the due date and time regardless of your organization's ability to submit online. It is the supplier's sole responsibility to ensure that solicitation documents successfully arrive before the due date and time. The District's online bidding application utilizes the Internet and the World Wide Web, which is comprised of systems that are completely out of the District's control. It is highly recommended that the suppliers allow themselves enough time to complete a successful submission. | (No Response Required) |
| 5 | 1 | SECTION 1.0 - PROPOSAL REQUIREMENTS | (No Response Required) |
| 6 | Authorized Signature | The undersigned, in submitting this response and endorsement of same, represents that he/she is authorized to obligate his/her Firm, that he/she is an equal opportunity employer and will not discriminate with regard to race, color, religion, sex, national origin, age or disability unrelated to job performance of this Bid/Proposal; that he/she will abide by all the policies and procedures of BSD; and that he/she has read this entire solicitation package, is aware of the covenants contained herein and will abide by and adhere to the expressed requirements in ALL sections of this solicitation. ~~~This is your electronic signature. | _____ (Required) |
| 7 | Authorized Representative Name and Title | Name and title of authorized official signing this document. | _____ (Required) |
| 8 | Birdville ISD Standard Terms and Conditions | BSD standard terms and conditions are listed in an attachment. Please check if you agree to BSD standard terms and conditions. ~~~This is your electronic signature. | _____ (Required) |
| 9 | Birdville ISD Terms, Conditions and Specifications | The special terms, conditions, and specifications are listed in an attachment. I agree to the specific terms, conditions, and specifications of this solicitation. ~~~This is your electronic signature. | _____ (Required) |
| 10 | Deviations | Does your firm have any deviations from the attached specific terms, conditions, and specifications?
Valid Responses: [Please Select], Yes, No | _____ (Required) |
| 11 | Deviation Response | If your Firm intends to deviate from the Specifications listed in the attached documents, all such deviations must be listed here, with complete and detailed conditions and information included. The District will consider any deviations in its award decisions, and the District reserves the right to accept or reject any responses based upon any deviations indicated below. | _____ (Optional) |
| 12 | Non-Collusive Certificate | NON-COLLUSIVE CERTIFICATE- By submission of this solicitation response, the vendor certifies that: a) This solicitation response has been independently arrived at without collusion with any other vendor/proposer or with any competitor. b) This solicitation response has not been knowingly disclosed and will not knowingly be disclosed, prior to the opening of this solicitation, to any other proposer, 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 response; d) The person signing this solicitation response certifies that he/she has fully informed him/herself regarding the accuracy of the statements contained in this certification under the penalties being applicable to the | _____ (Required) |

proposer as well as to the person signing on its behalf. Firm hereby assigns to purchaser any and all claims for overcharges associated with this solicitation which arise under the antitrust laws of the United States, 15 USCA Section 1 and which arise under the antitrust laws of the State of Texas, Business and Commerce Code, Section 15.01. FAILURE TO SIGN THIS CERTIFICATE MAY BE CAUSE FOR YOUR RESPONSE SUBMISSION TO BE REJECTED. Please check if you agree to the Non-Collusive Bidding statements above. ~~~This is your electronic signature.

13 Felony Conviction

Texas Education Code, Section 44.034, Notification of Criminal History, Subsection (a), states, "a person or business entity that enters into a contract with a school district must give advance notice to the District if the person or owner or operator of the business entity has been convicted of a felony." The notice must include a general description of the conduct resulting in the conviction of a felony. Subsection (b) states, "a school district may terminate a contract with a person or business entity if the district determines that the person or business entity failed to give notice as required by Subsection (a) or misrepresented the conduct resulting in the conviction." The district must compensate the person or business entity for services performed before the termination of the contract. Vendor is responsible for the performance of the persons, employees and/or sub-contractors. Vendor assigns to provide services for the Birdville ISD pursuant to this proposal on any and all Birdville ISD campus or facilities. Vendor will not assign individuals to provide services at a Birdville 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 Birdville ISD Purchasing Department.

_____ (Required)

~~~Please select the statement that applies to your company regarding the Felony Conviction Notification:  
Publicly held corporation-N/A = My firm is a publicly-held corporation; therefore, this reporting requirement is not applicable.  
No = My firm is not owned nor operated by anyone who has been convicted of a felony.  
Yes = My firm is owned or operated by the following individual(s) who has/have been convicted of a felony.  
Valid Responses: [Please Select], My firm is a publicly held corporation N/A, No, Yes

14 Felony Conviction Details

If your firm is owned or operated by a convicted felon, please list the name of the felon and the details of the conviction. If not applicable, please enter N/A (not applicable).

\_\_\_\_\_ (Required)

15 Conflict of Interest

Does the company or any of the representatives of the company have an affiliation or business relationship with an employee or contractor of the local governmental entity who makes recommendations to a local government officer of the local governmental entity with respect to expenditure of money? Please complete the Conflict of Interest form located under the Attachments tab. List your company name on line 1. If no conflict, indicate N/A (Not Applicable) on line 3.

\_\_\_\_\_ (Required)

By law this questionnaire must be filed with the records administrator of the local government not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. See

Section 176.006, Local Government Code. A person commits an offense if the person violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor. (Ref H.B. 23.)

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|----|-------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 16 | Certificate of Interested Parties (CIP Form 1295)                 | Certificate of Interested Parties (CIP 1295) is required to be submitted by a vendor doing business with a local government entity in accordance with Chapter 46, Section 2252.908 of the Texas Local Government Code. In order to complete the form online (required), please visit <a href="https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm">https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm</a> . The identification number requested in Box 3 is the Birdville ISD solicitation number and the description is the solicitation name. Sign the form and submit with your proposal using the eBid response Attachment tab. There is a Frequently Asked Question (FAQ) link below the LOGIN button if you have questions.                                                                                                                                                                                                                                                                                                                   | _____ (Required) |
| 17 | Prohibition on Contracts with Companies Boycotting Israel (HB 89) | Pursuant to Chapter 2270 of the Texas Government Code, Chapter 808, paragraph 227.001, the Proposer verifies that it (1) does not boycott Israel and (2) will not boycott Israel during the term of this agreement or any contract pursuant from this solicitation. ~~~This is your electronic signature.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | _____ (Required) |
| 18 | Prohibition on Contracts with Foreign Terrorist Organizations     | Proposer agrees by its signature that it is not a foreign terrorist organization identified on the lists prepared and maintained by the Texas Comptroller of Public Accounts. If proposer has misrepresented its inclusion in the Comptroller's list, such as omission or misrepresentation voids this Agreement and any contract pursuant from this solicitation. ~~~This is your electronic signature.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | _____ (Required) |
| 19 | Resident Bidder's Certification                                   | Texas Government Code Chapter 2252 relates to bids by nonresident contractors. The pertinent portions of the Act are as follows: Section 2252.001(3) "Nonresident bidder" means a bidder who is not a resident of the State of Texas. Section 2252.001(4) "Resident bidder" means a bidder whose principal place of business is in this state, including a contractor whose ultimate parent company or majority owner has its principal place of business in this state. Section 2252.002 A governmental entity may not award a governmental contract to a nonresident bidder unless the nonresident underbids the lowest bid submitted by a responsible resident bidder by an amount that is not less than the amount by which a resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located. ~~~Is the vendor a Resident Bidder of Texas as defined in Texas Government Code Section 2252.001(4)?<br>Valid Responses: [Please Select], Yes, No | _____ (Required) |
| 20 | Non-Resident Bidder's Certification                               | Nonresident Bidder of Texas as defined in Texas Government Code Section 2252.001(3) ~~~If your firm is not a Resident Bidder of Texas as defined in Texas Government Code Section 2252.001(4), indicate your firm's principal place of business City and State. If not applicable, please enter N/A (not applicable).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | _____ (Required) |
| 21 | Place of Business                                                 | For the 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 vendors ultimate parent company or majority owner: 1.Has its principal place of business in this state of Texas; ~~~IS YOUR PARENT COMPANY OR MAJOR OWNER A TEXAS BASED BUSINESS?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | _____ (Required) |

Valid Responses: [Please Select], Yes, No, Not Applicable  
N/A

- 22 # of Employees ~~~IF YOU ARE NOT A TEXAS BASED BUSINESS, DO YOU HAVE MORE THAN 500 EMPLOYEES IN TEXAS? Valid Responses: [Please Select], Yes, No, Not Applicable N/A \_\_\_\_\_ (Required)
- 23 Certificate Regarding Debarment Suspension Non-Federal entities are prohibited from contracting with or making sub-awards under covered transaction to parties that are suspended or debarred or whose principals are suspended or debarred. Debarment and Suspension (Executive Orders 12549 and 12689)-A contract award (see 2 CFR 180.220) must not be made to parties listed on the government wide exclusions in the System for Award Management (SAM) in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension". SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549. By submitting this offer and signing this certificate you (the Vendor): (1) Certifies that no suspension or debarment is in place, which would preclude receiving a federally funded contract under the Federal OMB, A-102, common rule. ~~Please check if you agree to the Certificate Regarding Debarment Suspension. This is your electronic signature. \_\_\_\_\_ (Required)
- 24 Equal Employment Opportunity Vendors shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, or national origin. Proposer must certify that the company complies with Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 and as supplemented in Department of Labor Regulations. ~~~This is your electronic signature. \_\_\_\_\_ (Required)
- 25 Public Records Notification I understand that BISD is subject to Texas Government Code, Chapter 552 - Public Information Act; therefore, any and all information provided as a response to this solicitation will be considered public record. Additionally, tabulations will be available to the public through our eBid system and through our website. I acknowledge and agree. ~~~This is your electronic signature. \_\_\_\_\_ (Required)
- 26 Confidential Information Attached If any of a respondent's information is considered to be confidential or a trade secret belonging to the respondent and, if released would give advantage to a competitor or respondent, that information should be submitted with the proposal in a separate attachment marked 'CONFIDENTIAL.' The release of information marked 'Confidential' is subject to the applicable statutes and the interpretations of the office of the Attorney General of the State of Texas. (No Response Required)
- 27 Buy American Provision School and institutions participating in the NSLP and SBP are required by law to use child nutrition funds, to the maximum extent practicable, to buy domestic commodities or products for meals served under these programs. A domestic commodity or product is defined as one that either is produced in the U.S. or is processed in the U.S. substantially using agricultural commodities that are produced in the U.S. The term substantially means that over 51 percent of the final processed product consists of agricultural commodities that were grown domestically. \_\_\_\_\_ (Required)

Therefore, when child nutrition funds are used to acquire foods, schools and institutions must ensure that the items comply with this requirement. Additional requirements for preference for agricultural products from Texas are applicable to the use of child nutrition funds, in accordance with the Buy American Provision, Section 44.042, Texas Education Code. Do you agree?

28 HACCP Form

HACCP is a management system in which food safety is addressed through the analysis and control of biological, chemical, and physical hazards from raw materials production, procurement and handling, to manufacturing, distribution and consumption of the finished product. \_\_\_\_\_ (Required)

Our company has a current Hazard Analysis and Critical Control Points Plan (HACCP) or good manufacturing practices in place for the duration of this contract. Do you have a HACCP?  
Valid Responses: [Please Select], Yes, No, Not Applicable  
N/A

29 Interlocal Agreement Clause - EPCNT

Several governmental entities around the Birdville Independent School District have indicated an interest in being included in this contract. Should these governmental entities decide to participate in this contract, the vendor agrees that all terms, conditions, specifications, and pricing would apply. \_\_\_\_\_ (Required)

\*\*\*\*If you (the Vendor) select yes, the following will apply: Government entities utilizing Internal Governmental contracts with the Birdville ISD will be eligible, but not obligated, to purchase materials/services under the contract(s) awarded as a result of this solicitation. All purchases by governmental entity other than Birdville ISD will be billed directly to that government entity and paid by that government entity. Birdville ISD will not be responsible for another government entity's debts. Each governmental entity will order their own materials/services as needed.  
Valid Responses: [Please Select], Yes, No

30 2

SECTION 2.0 - FEDERAL REGULATIONS FOR CONTRACTS (No Response Required)

31 Required Federal Contract Provisions of Federal Regulations for Contracts

Required Federal contract provisions for purchases under USDA for purchases in conjunction with the National School Lunch Program, School Breakfast Program and Summer Feeding Program as well as all other federal purchases (No Response Required)

The following provisions are required to be in place and agreed if the procurement is funded with federal funds. Birdville ISD is the subgrantee or Subrecipient by definition. The federal Rule numbering or identification below is only for reference purpose on this form and does not identify an actual Federal designation or location of the rule. The Rules are located in 2 CFR PART 200.

Appendix II to Part 200 Contract Provisions for Non-Federal Entity Contracts Under Federal Awards 2 CFR PART 200

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable. Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

32 Federal - (A)

(A) Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

\_\_\_\_\_ (Required)

Notice: Pursuant to Federal Rule (A) above, when federal funds are expended by BISD, BISD reserves all rights and privileges under the applicable laws and regulations with respect to this procurement in the event of breach of contract by either party.

Mandatory: Failure to agree will render your proposal non-responsive and will not be considered for award.

33 Federal - (B)

(B) Termination for cause and for convenience by the grantee or subgrantee including the manner by which it will be effected and the basis for settlement. (All contracts in excess of \$10,000)

\_\_\_\_\_ (Required)

Pursuant to Federal Rule (B) above, when federal funds are expended by BISD, BISD reserves the right to terminate any agreement in excess of \$10,000 resulting from this procurement process for cause after giving the vendor an appropriate opportunity and up to 30 days, to cure the causal breach of terms and conditions. BISD reserves the right to terminate any agreement in excess of \$10,000 resulting from this procurement process for convenience with 30 days notice in writing to the awarded vendor. The vendor would be compensated for work performed and goods procured as of the termination date if for convenience of eth BISD. Any award under this procurement process is not exclusive and the District reserves the right to purchase goods and services from other vendors when it is in the best interest of the District.

Mandatory: Failure to agree will render your proposal non-responsive and will not be considered for award.

34 Federal - (C)

(C) Rights to Inventions Made Under Contract or Agreement. If the Federal award meets the definition of funding agreement under 37 CFR 401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business or firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that funding agreement the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, Rights to Inventions Made by Nonprofit Organization and Small Business Firms Under Government Grants, Contracts and Cooperative

\_\_\_\_\_ (Required)



Agreements, and any implementing regulations issued by the awarding agency.

Pursuant to (C) above, if applicable, the vendor agrees to comply with 37 CFR Part 401.

Mandatory: Failure to certify will render your proposal non-responsive and will not be considered for award.

35 Federal - (D)

(D) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA). \_\_\_\_\_ (Required)

Pursuant to Federal Rule (D) above, when federal funds are expended by BISD, BISD requires that the proposer certify that during the term of an award by the BISD resulting from this procurement process the vendor agrees to the terms listed and referenced therein.

Mandatory: Failure to certify will render your proposal non-responsive and will not be considered for award.

36 Federal - (E)

(E) Debarment and Suspension (Executive Orders 12549 and 12689) A contract award (see 2 CFR 180.220) must not be made to parties listed on the government wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), Debarment and Suspension. SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549. \_\_\_\_\_ (Required)

Pursuant to Federal Rule (E) above, when federal funds are expended by BISD, BISD requires that the proposer certify that during the term of an award by the BISD resulting for this procurement process the vendor certifies that they are not debarred from receiving a contract from the federal government as provided therein.

Mandatory: Failure to certify will render your proposal non-responsive and will not be considered for award.

37 Federal - (F)

Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award. \_\_\_\_\_ (Required)

Pursuant to Federal Rule (F) above, when federal funds are expended by BISD, BISD requires that the proposer certify that during the term and after the awarded term of an award by the BISD resulting for this procurement process the vendor certifies to the terms included or referenced therein

Mandatory: Failure to certify will render your proposal non-responsive and will not be considered for award.

38 Federal - (G)

(G) Federal Rule Compliance with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15). (Contracts, subcontracts, and subgrants of amounts in excess of \$100,000)

\_\_\_\_\_ (Required)

Pursuant to Federal Rule (G) immediately above, when federal funds are expended by BISD, BISD requires that the proposer certify that in performance of the contracts, subcontracts, and subgrants of amounts in excess of \$100,000, the vendor will be in compliance with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15).

Mandatory: Failure to certify will render your proposal non-responsive and will not be considered for award.

39 Federal - (H)

(H) Federal Rule 2 CFR 200.333 Retention of all required records for three years after grantees or subgrantees make final payments and all other pending matters are closed.

\_\_\_\_\_ (Required)

Pursuant to Federal Rule (H) immediately above, when federal funds are expended by BISD, BISD requires that the proposer certify that the awarded vendor will retain all required records for three years after grantees or subgrantees make final payments and all other pending matters are closed.

40 Federal - (I)

(I) Federal Rule Compliance 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).

\_\_\_\_\_ (Required)

Pursuant to Federal Rule (H) above, when federal funds are expended by BISD, BISD requires that the proposer certify that during the term of an award by the BISD resulting for this procurement process the vendor will be in compliance 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).

Mandatory: Failure to certify will render your proposal non-responsive and will not be considered for award.

41 Federal - (J)

(J) Solid Waste Disposal Act - 2 CFR Ch. II (1115 Edition) 200.322 Procurement of recovered materials.

\_\_\_\_\_ (Required)

Pursuant to Federal Rule (I) above, a non-Federal entity

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

Does your company comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act?

If you do not answer yes, the District is prohibited from contracting with the proposer.

Valid Responses: [Please Select], Yes, No

42 Federal - (K)

(K) Discrimination

\_\_\_\_\_ (Required)

Pursuant to Federal Rule (J) above, when federal funds are expended by BISD, BISD requires that the proposer certify that during the term of an award by the BISD resulting for this procurement process the vendor will be in compliance with mandatory standards and policies relating to Title VI of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; Title 7 CFR Parts 15, 15a, and 15b; the Americans with Disabilities Act; and FNS Instruction 113-1, Civil Rights Compliance and Enforcement Nutrition Programs and Activities.

Does your company comply with Title VI of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; Title 7 CFR Parts 15, 15a, and 15b; the Americans with Disabilities Act; and FNS Instruction 113-1, Civil Rights Compliance and Enforcement Nutrition Programs and Activities as they apply to this contract?

If you do not answer yes, the District is prohibited from contracting with the proposer.

Valid Responses: [Please Select], Yes, No

43 Federal - (L)

(L) Equal Employment Opportunity

\_\_\_\_\_ (Required)

Pursuant to Federal Rule (K) above, when federal funds are expended by BISD, BISD requires that the proposer certify that during the term of an award by the BISD resulting for this procurement process the vendor will be in compliance with mandatory standards and policies relating to 41 CFR, Chapter 60. Executive Order 11246 of September 24, 1965, entitled Equal Employment Opportunity, as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR chapter 60)

Does your company comply with 41 CFR, Chapter 60. Executive Order 11246 of September 24, 1965, entitled Equal Employment Opportunity, as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR chapter 60) as they apply to this contract?

If you do not answer yes, the District is prohibited from contracting with the proposer.

Valid Responses: [Please Select], Yes, No

44 Federal - (M)

(M) Health and Safety Certifications, Licensing, or Regulations

\_\_\_\_\_ (Required)

Pursuant to Federal Rule (L) above, when federal funds are expended by BISD, BISD requires proposer to certify that during the term of an award by the BISD resulting for this procurement process the vendor will be in compliance with mandatory standards and policies relating to observance of applicable local, state, or federal health and safety certifications, licensing, or regulations.

Does your company comply with all Local, state, or federal health and safety certifications, licensing, or regulations as they apply to this contract?

If you do not answer yes, the District is prohibited from contracting with the proposer.

Valid Responses: [Please Select], Yes, No

45 Federal - (N)

(N) Patent Rights, Copyright and Rights

\_\_\_\_\_ (Required)

Pursuant to Federal Rule (M) above, when federal funds are expended by BISD, BISD requires that the proposer certify that during the term of an award by the BISD resulting for this procurement process the vendor will be in compliance with mandatory standards and policies relating to observance of applicable pertaining to patent rights, copyright and rights in data.

Does your company comply with all matters pertaining to patent rights, copyright and rights in data as they apply to this contract?

If you do not answer yes, the District is prohibited from contracting with the proposer.

Valid Responses: [Please Select], Yes, No

46 Federal - (O)

(O) Federal Requirements for Procurement and Contracting with small and minority businesses, womens business enterprises, and labor surplus area firms.

\_\_\_\_\_ (Required)

Pursuant to (N) above, 2 CFR 200.321 Contracting with small and minority businesses, womens business enterprises, and labor surplus area firms.

(a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, womens business enterprises, and labor surplus area firms are used when possible.

(b) Affirmative steps must include:

1. Placing qualified small and minority businesses and womens business enterprises on solicitation lists;
2. Assuring that small and minority businesses and womens business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and womens business enterprises;
4. Establishing delivery schedules, where the requirements permits, which encourage participation by small and minority businesses, and womens business enterprises;
5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of Department of Commerce; and
6. Requiring the prime contractor, if subcontracts are let, to make affirmative steps listed in paragraphs (1) through (5) of this section.

Will you be subcontracting any of your work under this award if you are successful?

Valid Responses: [Please Select], Yes, No

47 Federal - (O Part 2)

If yes to Federal - (O), do you agree to comply with the following federal requirements? If you answered yes to the above, failure to answer yes below will render your proposal non-responsive and it will not be considered.  
Valid Responses: [Please Select], Yes, No

\_\_\_\_\_ (Required)

48 Federal - (P) For Construction or Public Works Only

(P) Copeland Anti-Kickback Act

\_\_\_\_\_ (Required)

Pursuant to Federal Rule (P) above, when federal funds are expended by BISD for construction or repair, BISD requires that the proposer certify that during the term of an award by the BISD resulting for this procurement process the vendor will be in compliance with mandatory standards and policies relating to (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3).

Does your company comply with (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3) as it applies to this contract?

If you do not answer yes, the District is prohibited from contracting with the proposer.

Valid Responses: [Please Select], Yes, No, Not Applicable N/A

49 Federal - (Q) For Construction and Public Works Only

(Q) Davis-Bacon Act

\_\_\_\_\_ (Required)

Pursuant to Federal Rule (P) above, when federal funds are expended by BISD for construction or repair, BISD requires that the proposer certify that during the term of an award by the BISD resulting for this procurement process the vendor will be in compliance with mandatory standards

and policies relating to 40 U.S.C. 276a to 276a-7 as supplemented by Department of Labor regulations (29 CFR Part 5) for construction contracts in excess of \$2,000.

Does your company comply with 40 U.S.C. 276a to 276a-7 as supplemented by Department of Labor regulations (29 CFR Part 5) for construction contracts in excess of \$2,000, commonly known as the Davis-Bacon Act for establishing Prevailing Wage Rates, as it applies to this contract?

If you do not answer yes, the District is prohibited from contracting with the proposer.  
Valid Responses: [Please Select], Yes, No, Not Applicable  
N/A

50 Federal - (R) For Construction or Public Works Only (R) Contract Work Hours and Safety Standards Act \_\_\_\_\_ (Required)

Pursuant to Federal Rule (Q) above, when federal funds are expended by BISD for construction or repair, BISD requires that the proposer certify that during the term of an award by the BISD resulting for this procurement process the vendor will be in compliance with mandatory standards and policies relating to 40 U.S.C. 327-330 Sections 103 and 107 as supplemented by Department of Labor regulations (29 CFR Part 5) for construction contracts in excess of \$2000, and in excess of \$2500 for other contracts which involve the employment of mechanics or laborers

Does your company comply with 40 U.S.C. 327-330 Sections 103 and 107 as supplemented by Department of Labor regulations (29 CFR Part 5) for construction contracts in excess of \$2,000, and in excess of \$2,500 for other contracts which involve the employment of mechanics or laborers as it applies to this contract?

If you do not answer yes, the District is prohibited from contracting with the proposer.  
Valid Responses: [Please Select], Yes, No, Not Applicable  
N/A

51 3 SECTION 3.0 - VENDOR INFORMATION (No Response Required)

52 W-9 Form Proposer must attach a copy of their company's W-9 duly filled out and signed. Do you agree to attach your completed W-9 to this response submittal? \_\_\_\_\_ (Required)

53 Quote & Ordering Information Please include contact person title, address, phone number, fax number, email. \_\_\_\_\_ (Required)

54 Remit To Information Please include contact person title, address, phone number, fax number, email. \_\_\_\_\_ (Required)

55 Website Please list your website address. If no website, enter N/A. \_\_\_\_\_ (Optional)

56 Ordering Method Do you accept purchase orders? \_\_\_\_\_ (Required)  
Valid Responses: [Please Select], Yes, No

57 Receipt of Purchase Order Please indicate which of the following ways you would like to receive your Purchase Orders: \_\_\_\_\_ (Required)

\* Fax - indicate your preferred fax number  
 \* Email - indicate your preferred email address  
 \* U.S. Mail - indicate your preferred address If you do not accept purchase orders, enter N/A.

- 58 Ordering Method Do you accept procurement card (VISA)? \_\_\_\_\_ (Required)  
 Valid Responses: [Please Select], Yes, No
- 59 Ordering Method Is there an additional fee or surcharge for using the procurement card (VISA)? Please detail. If none, enter N/A. \_\_\_\_\_ (Required)
- 60 Cash Discount for Prompt Payment of Invoices If your company offers a cash discount for prompt payment of invoices, please indicate the terms or percentage off. If there is none, please enter N/A. \_\_\_\_\_ (Required)
- 61 Electronic Payment Solution The Birdville ISD has implemented an electronic payment solution allowing the District to pay invoices electronically. BISD currently pays within 45 days after receipt of invoice via check through standard USPS. Should you select electronic payment, the payment time can be drastically reduced upon receipt of invoice. This electronic payment process uses the backbone of the Visa/MasterCard network and the vendor's payment gateway agreements. "Note" BISD will not be held responsible for fees, if any, associated by the vendor's payment gateway provider for acceptance and use of this payment process. \_\_\_\_\_ (Required)
- Will your company accept use of this electronic payment process? If YES, BISD will contact you to setup electronic payment. If NO, BISD will pay you using the check process.  
 Valid Responses: [Please Select], Yes, No
- 62 Electronic Payment Solution Contact Information If you selected YES for receiving electronic payments, please provide the contact name, email, phone number and fax number for payment processing. Please make sure to provide ALL information requested. \_\_\_\_\_ (Required)
- If you did not select YES for receiving electronic payments, please enter N/A.
- 63 Locations If your company has multiple locations please indicate all locations which will be covered under this solicitation. Enter N/A if this does not apply \_\_\_\_\_ (Required)
- 64 Order Reference Number If there is a reference number that BISD must include on the purchase order or at the time of ordering, please state that number. If there is no reference number, please enter N/A. \_\_\_\_\_ (Required)
- 65 Minimum Order Requirements If you have a minimum order requirements, please state the specifics. If none, please enter N/A. \_\_\_\_\_ (Required)
- 66 Standard Delivery Time Please provide your standard delivery time after receipt of order. \_\_\_\_\_ (Required)
- 67 Reference 1 Please indicate three business references that have contracted with your company to provide like products and/or services. Include the company name, address, phone number, contact person, and email address. Preferable references are school districts or other governmental entities. Note: Failure to supply complete reference information may be grounds for disqualification. \_\_\_\_\_ (Required)
- 68 Reference 2 Reference Number 2. Include the company name, address, phone number, contact person, and email address. \_\_\_\_\_ (Required)

69 Reference 3 Reference Number 3. Include the company name, \_\_\_\_\_ (Required)  
address, phone number, contact person, and email  
address.

70 Buy American Provision School and institutions participating in the NSLP and SBP \_\_\_\_\_ (Required)  
are required by law to use child nutrition funds, to the  
maximum extent practicable, to buy domestic commodities  
or products for meals served under these programs. A  
domestic commodity or product is defined as one that  
either is produced in the U.S. or is processed in the U.S.  
substantially using agricultural commodities that are  
produced in the U.S. The term substantially means that  
over 51 percent of the final processed product consists of  
agricultural commodities that were grown domestically.  
Therefore, when child nutrition funds are used to acquire  
foods, schools and institutions must ensure that the items  
comply with this requirement. Additional requirements for  
preference for agricultural products from Texas are  
applicable to the use of child nutrition funds, in accordance  
with the Buy American Provision, Section 44.042, Texas  
Education Code. Do you agree?

71 HACCP Form HACCP is a management system in which food safety is \_\_\_\_\_ (Required)  
addressed through the analysis and control of biological,  
chemical, and physical hazards from raw materials  
production, procurement and handling, to manufacturing,  
distribution and consumption of the finished product.

Our company has a current Hazard Analysis and Critical  
Control Points Plan (HACCP) or good manufacturing  
practices in place for the duration of this contract. Do you  
have a HACCP?  
Valid Responses: [Please Select], Yes, No, Not Applicable  
N/A



Line Items

| #                     | Qty | UOM | Description                                                                                                                                                                                                                                 | Response                  |
|-----------------------|-----|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| 1                     | 1   | EA  | Discount % Offered (In order for your company to be included on Birdville ISD's approved vendor list for Local Retail and Grocery, you must respond whether or not you can offer a discount. If you cannot offer a discount, designate 0%.) |                           |
|                       |     |     | Manufacturer: _____                                                                                                                                                                                                                         | Manufacturer #: _____ %   |
|                       |     |     |                                                                                                                                                                                                                                             | (Optional)<br>Percent Off |
| Supplier Notes: _____ |     |     |                                                                                                                                                                                                                                             |                           |
| _____                 |     |     |                                                                                                                                                                                                                                             |                           |