

Specific Conditions  
Bid No. 2008-07  
Fall Sports

Mart Independent School District seeks competitive sealed bids for Fall Sports Supplies and Equipment for the 2008-2009 school year. The bid will be awarded on February 19, 2008, by the Mart ISD Board of Trustees. Quantities to be purchased will be determined by the budget of Mart ISD.

**Bid Evaluation**

Bids will be evaluated using the following criteria:

- Pricing of product
- Overall quality of product offered
- Compliance with specifications
- Vendor service and delivery capabilities

**Requirements**

**Price:** Discounts will be considered firm for 60 days from the date of bid award. Price will be FOB destination to MISD location. **Pricing will be inclusive of all costs for materials, shipping, handling, and all other related costs. Products of equal value or better may be bid. Be specific as to the substitution, including model, brand, etc.**

**Purchase Orders:** An authorized purchase order will be issued by the Business Manager. Any other form of purchase will not be honored. **Ordering prior to a purchase order being issued will result in cancellation of order and bid.**

**Invoicing:** Invoicing is to be completed at the time of shipment. No backorders will be accepted. Invoice must include purchase order to be valid. **One invoice per purchase order. Multiple invoicing is not acceptable and will result in disqualification of the vendor.**

**Award of Bid:** Bid may be awarded on a multiple basis to more than one vendor on selected items. Accepted bids must be of the brand specified or a product of equal or better value. The amount of merchandise purchased is subject to budget limitations.

**Amount of Purchase:** The amount to be ordered of each item is dependent upon bid pricing and the amount of budgeted money available. Purchase histories may be used to estimate the amount of possible purchase.

## BID ACKNOWLEDGEMENT FORM

The undersigned affirms that they are duly authorized to execute this contract, that this company, corporation, firm, partnership, or individual has not prepared this bid in collusion with any other Bidder, and that the contents of this bid as to prices, terms or conditions of said bid have not been communicated by the undersigned nor by any employee or agent to any other person engaged in this type of business prior to the official opening of this bid.

BID NUMBER 2008-07

Vendor \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

Bidder Signature \_\_\_\_\_

Bidder's Printed Name \_\_\_\_\_

Position with Company \_\_\_\_\_

Signature of Company Official Authorizing this bid \_\_\_\_\_

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

Official Position \_\_\_\_\_

Procedure for Contested Recommendation of Bid Award

Anyone wishing to contest a recommendation for award of Bid(s) and/or the present additional information relevant to the Bid, will be required to complete a special form stating the reason(s) for information relevant to the Bid award. The completed form shall be filed with the Business Manager no less than forty-eight (48) hours prior to the meeting of the Board of Trustees.

The vendor may not inject new information other than that presented on this form.

Contested Recommendation of Bid Award

Bid On: \_\_\_\_\_

Date of Bid: \_\_\_\_\_

Vendor/Company: \_\_\_\_\_

Represented by: \_\_\_\_\_

Reason(s):

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

Additional information relevant to Bid award: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This form must be completed (filled in) and returned to the Business Manager no less than forty-eight (48) hours prior to the meeting of the Board of Trustees. This form will be reproduced and distributed to the Board of Trustees.

## Statement of Non-Collusion and Non-Discrimination

My signature certifies that the accompanying proposal:

1. Is not the result of, or affected by an unlawful act of collusion with another person or company engaged in the same line of business or commerce, or any act of fraud punishable under current local, state, and/or federal ordinances, statues, regulations and/or policies. Furthermore, I understand that fraud and unlawful collusion are crimes under Federal Law, and can result in fine, prison sentences, and civil damage awards.
2. During the performance of any contract awarded, the Seller will not discriminate against any employee or applicant for employment because of race, religion, color, sex, or national origin, or handicaps, except where religion, sex or national origin is a bona fide occupational qualification reasonable necessary to the normal operations of the Seller. The Sell agrees to post in conspicuous places, available to employee and applicants for employment, notices setting forth the provisions of this non-discrimination clause.
3. The Sell, in all solicitations or advertisements for employees place by or on behalf of the Seller, will state that such Seller is an equal opportunity employer.
4. Notices, advertisements and solicitations placed in accordance with Federal Law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.
5. The Seller shall include the provisions of the foregoing paragraphs 2, 3, and 4 in every subcontract or purchase order over \$10,000 so that the provisions will be binding upon each subcontractor or vendor.

I hereby certify that I am authorized to sign as a Representative for the Seller:

Name of Seller: \_\_\_\_\_ Title: \_\_\_\_\_

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

City/State: \_\_\_\_\_ Fax #: \_\_\_\_\_

Name: \_\_\_\_\_ Date: \_\_\_\_\_

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

### Resident Certification

In accordance with Article 601g. as adopted by the 1985 Texas Legislature the following will apply. The pertinent portion of the Act has been extracted and is as follows:

Article 601g. State of Political Subdivision Contracts for the Construction, Supplies, Services, Bids by Non-Resident

1. "Governmental agency of the state" means: (A) and incorporated city or town, a county, a public school district, a special-purpose district or authority or a district, county, or justice of the peace courts;
2. "Nonresident bidder" means a bidder whose principal place of business is not in this state, but excludes a contractor whose ultimate parent company or majority owner has it principal place of business in this state;
3. "Texas residential bidder" means a bidder whose principal place of business is in this state, and includes a contractor whose ultimate parent company or majority owner has its principal place of business in this state;
4. The state or governmental agency of the state may not award a contract for general constructions, improvements, services, or public works projects or purchase of supplies, material, or equipment to a nonresident bidder unless the nonresident's bid is lower than the lowest bid submitted by a responsible Texas resident bidder by the same amount that a Texas resident bidder would be required to under bid a nonresident bidder to obtain a comparable contract in the state which the nonresident's principal place of business is located.

I certify that as defined in Article 601g. that:

Company Name: \_\_\_\_\_

\_\_\_\_ Yes, I am a Texas Resident Bidder      \_\_\_\_\_ No, I am a \_\_\_\_\_ Resident Bidder

\_\_\_\_\_  
Signature

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

This form must be completed and returned with the bid proposal.

## Certification of Felony Conviction Notification

State of Texas Legislative Senate Bill 1, Section 44.034, Notification of Criminal History, Subsection (a), states "a person or business entity that enters into a contract with a school district must give advance notice to the district if the person or an owner or operator of the business entity has been convicted 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 performs before the termination of the contract."

This notice is Not required or a Public-Held Corporation

I, the undersigned agent for the firm named below, certify that the information concerning notification of felony convictions has been reviewed by me and the following information below is true to the best of my knowledge.

Vendor's Name: \_\_\_\_\_

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

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

(Check on of the following most applicable)

\_\_\_\_\_ My firm is a publicly-held corporation; therefore, this reporting requirement is not applicable.

\_\_\_\_\_ My firm is not owned or operated by anyone who has been convicted of a felony.

\_\_\_\_\_ My firm is owned or operated by the following individuals(s) who has/have been convicted of a felony:

Name of Individual(s) convicted of a felony:

\_\_\_\_\_

Details of Convictions(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

This form must be completed and returned with bid proposal.