

# INFORMATION AND CERTIFICATIONS FORM

Department of Public Safety of the State of Texas

Solicitation Number 19R0001761B

For the purposes of this form, Vendor means Respondent, Bidder, Applicant, or Contractor as those terms apply throughout the relevant solicitation and contracting process Vendor is participating in or to whom a final contract or purchase order has been awarded. Response means any interested response from the Vendor to DPS for purposes of applying to a solicitation, such as a Proposal, Bid, or Application.

## 1. Vendor Information

### A. Demographics

Company's Legal Name	
Company's DBA if applicable	
Mailing Address	
Physical Address	
DUNS No.	
(Texas) Payee Identification Number	
Federal Taxpayer Identification Number	
Secretary of State Charter No.	
Texas Franchise Tax File No.	
Email for Receipt of Purchase Orders	
Remittance Address if Direct Deposit is Declined	

### B. Authorized Representatives and Vendor's Personnel

Complete all fields for each name as requested on this form. All information is necessary.

#### i. Vendor's Authorized Representative

First Name	
Middle Initial/Name	
Last Name	
Title	
Email	
Phone	

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## ii. Contact for Response Clarifications, Inquiries, and Negotiations

First Name	
Middle Initial/Name	
Last Name	
Title	
Email	
Phone	

## iii. Contract/Project Manager

First Name	
Middle Initial/Name	
Last Name	
Title	
Email	
Phone	

### C. Historically Underutilized Business (HUB) Representation

Vendor represents and certifies as part of its response that it  is or  is not, a HUB certified by the Comptroller of Public Accounts' Statewide Procurement Division.

### D. Preferences

Check the preferences for which you qualify.

- Goods produced or offered by a Texas bidder that is owned by a Texas resident service-disabled veteran
- Goods produced in Texas or offered by a Texas bidder that is not owned by a Texas resident service-disabled veteran
- Agricultural products grown in Texas
- Agricultural products offered by a Texas bidder
- Services offered by a Texas bidder that is owned by a Texas resident service-disabled veteran
- Services offered by a Texas bidder that is not owned by a Texas resident service disabled veteran
- Texas vegetation native to the region
- USA-produced supplies, materials, or equipment
- Products of persons with mental or physical disabilities

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- 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 manufacturers
- Foods of higher nutritional value
- Commercial production company or advertising agency located in Texas

## 2. Required Submissions

**A. Child support certification.** Under Tex. Fam. Code § 231.006(c), responses must include names and Social Security Numbers of each person with at least 25% ownership of the business entity submitting the Response. If any person meets the 25% ownership criterion, failure to provide the required information will result in disqualification of the solicitation. Vendors meeting the criteria must complete the following.

Name	Social Security Number

**B. Certification for former executives.** Under Tex. Gov't Code § 669.003, the Department may not enter into a contract with a person who employs a current or former Executive head of a state agency until four years have passed since that person was the executive head of the state agency. By signing the below acknowledgment, Vendor certifies that it is in compliance with § 669.003. If § 669.003 applies, Vendor must complete the following information in order for its Response to be evaluated.

Name of Former Executive	
Name of State Agency	
Date of Separation from State Agency	
Date of Employment with Vendor	

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### C. Type of Business Organization

Vendor, by checking the applicable box, represents that it operates as:

- A corporation incorporated under the laws of Texas
- An individual
- A partnership
- A non-profit organization
- A joint venture; or

If Vendor is a foreign entity, it operates as:

- An individual;
- A partnership;
- A non-profit organization;
- A joint venture; or
- A corporation, registered for business in \_\_\_\_\_ .

### D. Lawsuits (check the applicable paragraph that applies)

- i.  Vendor represents and warrants that it is not aware of and has no notice of any court or governmental agency actions, proceedings, or investigations, etc., pending or threatened against Vendor or any related individuals or affiliated entities related to the subject matter of this solicitation or otherwise relevant to DPS's consideration of the response. Vendor represents and warrants that it is not aware of any court or governmental agency actions, proceedings or investigations, etc. against Vendor or any of these individuals or entities within the five years immediately preceding the submission of the Response to this solicitation. In addition, Vendor represents and warrants that it will notify DPS in writing within five business days of any changes to the representations or warranties in Subsection i and understands that failure to so timely update DPS will constitute breach of contract and may result in immediate termination of the awarded contract.
- ii.  Vendor is unable to make the representation and warranty in Subsection i above and instead represents and warranties that it has included as a detailed attachment within its response, which expressly references this Subsection ii, a complete disclosure of any such court or governmental agency actions, proceedings or investigations, etc., and specifically addresses whether any of such past, pending, or threatened actions, proceedings or investigations, etc., would or could (1) impair Vendor's performance under the awarded contract; (2) relate to the solicited or similar goods or services or the awarded contract; or (3) be otherwise relevant to DPS's consideration of the response. In

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addition, Vendor represents and warrants that it will notify DPS within five business days of any changes to the representations and warranties in this Subsection ii or attachments in response to Subsection ii and understands that failure to so timely update DPS will constitute breach of contract and may result in immediate termination of the awarded contract.

### **E. Ethics and Conflict of Interest**

Under Tex. Gov't Code § 572.051, any individual who interacts with public purchasers in any capacity is required to adhere to the guidelines established. Tex. Gov't Code § 572.051 outlines the ethical standards required of state officers and employees who interact with public purchasers in the conduct of state business.

Specifically, a DPS employee may not have an interest in, or in any manner be connected with a contract or offer for a purchase of goods or services by an agency of the state; or in any manner, including by rebate or gift, accept or receive from a person to whom a contract may be awarded, directly or indirectly, anything of value or a promise, obligation or contract for future reward or compensation. Entities who are interested in seeking business opportunities with the state must be mindful of these restrictions when interacting with public purchasers of DPS or purchasers of other state agencies. Vendor must also comply with the Conflict of Interest provisions and disclosure requirements as listed in the Texas Contract Management Guide.

Vendor must disclose any such conflict of interest below.

### **3. Vendor Acknowledgments, Certifications, Assurances, Warranties, and Affirmations**

Vendor acknowledges it can meet all requirements as stated and also acknowledges the receipt, review, and acceptance of this Solicitation. Any exceptions to the specifications or statement of work (SOW), terms, requirements, and conditions have been explicitly identified within Vendor's response. Failure to sign and submit this form with the response may disqualify Vendor.

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By signing the solicitation and submitting a response to DPS, Vendor certifies its compliance and understanding with the following statements.

By signature and submission, Vendor represents and warrants that the individual signing the documents made part of the submitted Response is authorized to sign such documents on behalf of the company and to bind the company under any contract which may be awarded from the submission of its response.

By signature and submission, Vendor represents and warrants that all statements and information prepared and submitted in response to this solicitation are true, current, complete, and accurate.

If the circumstances certified by Vendor change or additional information is obtained subsequent to submission of the response, Vendor agrees that it is under a continuing duty to supplement its response under this provision, and Vendor must submit updated information as soon as reasonably possible upon learning of any change to Vendor's affirmation.

- A. If a Texas address is shown as the address of Vendor, Vendor qualifies as a Texas Resident Bidder as defined in Tex. Gov't Code § 2155.444(c).
- B. Vendor's response and subsequent documents are subject to the Texas Public Information Act.
- C. Acknowledges its obligation to specifically identify information it contends to be confidential or proprietary, and where Vendor designates substantial portions of or the entire response as confidential or proprietary, the response is subject to being determined to be non-responsive to the Solicitation.
- D. Grants a royalty-free, non-revocable limited perpetual license to reproduce any copyrighted portions of the response and subsequent documents to comply with Legislative Budget Board reporting requirements, Texas Public Information Act disclosures, or any other reporting requirements mandated by law or statute.
- E. Certifies that it is exempt or not delinquent in the payment of any franchise taxes owed the State of Texas under Tex. Tax Code Chapter 171.
- F. Certifies it will include without limitation all disclosures, affirmations, guarantees, certifications, statements, and warranties of Vendor in submitting its response to this Solicitation and will become certifications of the Contractor if Vendor is selected for contract award.
- G. Acknowledges that all of its representations and warranties contained in any part of its response and the awarded contract are material and have been relied upon by DPS in selecting Vendor for contract award. Vendor warrants and represents that all of its statements and representations made to DPS prior to contract award, and those made during

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the negotiation of the contract are material, true and correct. Vendor certifies that it will promptly notify DPS in the event that any representations and warranties provided in the awarded contract are no longer true and correct.

- H. Certifies it is not in default, nor is there any event in existence which, with notice or the passage of time or both, would constitute a default by Vendor under any indenture, mortgage, deed of trust, lease, loan agreement, license, security agreement, contract, governmental license or permit or other agreement or instrument to which it is a party or by which any of its properties are bound and which default would materially and adversely affect Vendor's ability to perform its obligations.
- I. Affirms it has not given, offered to give, and does not intend to give at any time, any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant in connection with the submitted response. Violation of this requirement may result in the termination of the contract at the discretion of DPS.
- J. Vendor affirms that no person will, on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation, or religious belief, be excluded from the participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in the administration of, or in connection with, any program or activity funded in whole or in part with funds available under any awarded contract. Vendor must comply with Executive Order 11246, "Equal Employment Opportunity," as amended by Executive Order 11375, "Amending Executive Order 11246 relating to Equal Employment Opportunity," and as supplemented by regulations at 41 C.F.R. Part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity Department of Labor."
- K. Certifies that Vendor 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 Vendor is in compliance with the State of Texas statutes and rules relating to procurement and that Vendor is not listed on the federal government's terrorism watch list as described in Executive Order 13224 or debarred on the *Texas Debarred Vendor List*. Entities ineligible for federal procurement are listed at <http://www.sam.gov>.
- L. Affirms compliance with all applicable standards, orders, or regulations issued pursuant to the mandates of the Clean Air Act (42 U.S.C. § 7401 et seq.) and the Federal Water Pollution Control Act, as amended, (33 U.S.C. § 1251 et seq.).
- M. Complies with the provisions of the Lobbying Disclosure Act, 2 U.S.C. § 1601 et seq. By submitting a response, Vendor certifies that it will not and has not used federally appropriated funds to pay any person or organization for influencing or attempting to influence any officer or employee of any federal agency, a member of Congress, officer or

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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. It also certifies that Vendor will disclose any lobbying with non-federal funds that takes place in connection with obtaining any federal award by completing and submitting Standard Form LLL.

- N. Vendor understands and agrees that, where activities supported by the Contract produce original books, manuals, films, or other original material (the works), Vendor may copyright the works subject to the reservation by DPS of a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, for state and political subdivision purposes:
- i. The copyright in the works developed under the contract; and
  - ii. Any rights of copyright to which Vendor purchases ownership with funding from the contract.

Vendor may publish, at its expense, the results of contract performance with prior DPS review and approval of that publication. Any publication (written, video, or audio recording) will include acknowledgment of the support received from DPS. One copy of any such publication must be provided to DPS. DPS reserves the right to require additional copies before or after the initial review. All copies must be provided free of charge to DPS.

- O. Certifies that it has not given and does not intend to give at any time, any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant in connection with this transaction.
- P. Under Tex. Gov't Code § 2155.004, Vendor certifies that the individual or business entity named in its response is not ineligible to receive the Contract and acknowledges that the contract may be terminated and payment withheld if this certification is inaccurate. Tex. Gov't Code § 2155.004 prohibits a person or entity from receiving a state contract if that person or entity received compensation for participating in preparing the solicitation or specifications for the Contract.
- Q. Tex. Gov't Code §§ 2155.006 and 2261.053 prohibit DPS from awarding a contract to any person who, in the past five years, has been convicted of violating a federal law or assessed a penalty in connection with a contract involving relief, recovery, or reconstruction efforts as a result of Hurricane Rita, Hurricane Katrina, or any other disaster, as defined by Texas Government Code § 418.004 occurring after September 24, 2005. Under Tex. Gov't Code § 2155.006, Vendor certifies that the individual or business entity named in its response is not ineligible to receive the contract and acknowledges that the contract may be terminated and payment withheld if this certification is inaccurate.



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- R. Represents and warrants that it has not been the subject of allegations of Deceptive Trade Practices violations under Tex. Bus. & Com. Code Chapter 17 or allegations of any unfair business practice in any administrative hearing or court suit and that Vendor has not been found to be liable for such practices in such proceedings. Vendor certifies that it has no officers who have served as officers of other entities who have been the subject of allegations of Deceptive Trade Practices violations or allegations of any unfair business practices in an administrative hearing or court suit, and that such officers have not been found to be liable for such practices in such proceedings.
- S. Represents and warrants that Vendor and Vendor's employees have not been convicted of a felony criminal offense, or that, if such a conviction has occurred, Vendor has fully advised DPS as to the facts and circumstances surrounding the conviction.
- T. Certifies its compliance with Tex. Health & Safety Code Ch. 361, Subchapter Y and Texas Commission on Environmental Quality rules in 30 Tex. Admin. Code Ch. 328, if Vendor is submitting a response for the purchase or lease of computer equipment.
- U. Certifies its compliance with Tex. Health & Safety Code Ch. 361 related to the Television Equipment Recycling Program, if Vendor is submitting a response for the purchase or lease of covered television equipment.
- V. Certifies, in accordance with Tex. Gov't Code § 2254.033, relating to consulting services, that it does not employ an individual who has been employed by DPS or another agency at any time during the two years preceding the submission of the response, or in the alternative, Vendor has disclosed in its response the following: (1) the nature of the previous employment with DPS or the other agency; (2) the date the employment was terminated; and (3) the annual rate of compensation for the employment at the time of its termination.
- W. Represents, if solicitation and Contract is for a professional or consulting service under Tex. Gov't Code Ch. 2254, that none of its employees, including those authorized to provide services under the Contract, were former employees of DPS during the 12 months immediately preceding Contract execution.
- X. Represents that it has disclosed to DPS all existing or potential conflicts of interest relative to performance of the Contract or that performance will not constitute an actual or potential conflict of interest or reasonably create an appearance of impropriety.
- Y. Certifies it will include without limitation all disclosures, affirmations, guarantees, certifications, statements, and warranties of Vendor in submitting its response to this Solicitation and will become certifications of the Contractor if Vendor is selected for contract award.
- Z. Acknowledges that all of its representations and warranties contained in any part of its Response and the awarded contract are material and have been relied upon by DPS in

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selecting Vendor for contract award. Vendor warrants and represents that all of its statements and representations made to DPS prior to contract award, and those made during the negotiation of the contract are material, true and correct. Vendor certifies that it will promptly notify the Department in the event that any representations and warranties provided in the awarded contract are no longer true and correct.