APPENDIX I
ETCOG GENERAL TERMS & CONDITIONS and CIQ FORM

A. ETCOG reserves the right for any contract or service agreement resulting from the RFP to be contingent upon the continued availability of funding.

B. A response to this RFP does not commit or obligate ETCOG to award a contract nor to pay for any other costs incurred prior to the execution of a formal contract.

C. ETCOG reserves the right to accept or reject any bid proposal received, as well as cancel the RFP in its entirety at any time during the entire bidding process including the negotiations phase if started, without notice or explanation, which may result due to unforeseen irregularities, low response, or program needs not being met by submitted proposals, and/or extend the RFP by up to two (2) additional weeks from original bid submission date if deemed warranted.

D. ETCOG reserves the right to accept, reject or negotiate proposals received; and to select the proposal it considers in its best interest based upon the requirements and descriptions outlined in this RFP; as well as, to vary or waive any provisions set forth in this RFP in the best interests of ETCOG and programs served.

E. ETCOG reserves the right to reject any and all bids and while it has the right to negotiate with the next highest ranked proposer, it is not required to do so and can re-procure the bid in ETCOG's sole discretion.

F. ETCOG reserves the right to require oral presentations by any or all firms. However, ETCOG may make a contract award without oral presentation and or discussion with firms after RFP responses are received by ETCOG. Therefore, RFP responses should be submitted on the most favorable terms.

G. ETCOG reserves the right to request additional information and/or meet with representatives from responding Proposers to discuss submitted proposal, before and after RFP submission, all of which may be used in forming a recommendation for award and/or negotiation of a contractual agreement.

H. ETCOG reserves the right to contact any individual, agency, or employer listed in a Proposer submission, and any others who may have experience and/or knowledge of the potential proposer's relevant performance/qualifications. ETCOG also reserves the right to negotiate the final terms of any agreement or contract with the proposer.

I. Pursuant to protocol to advise of the right to appeal, a protest must be submitted to ETCOG's Executive Director within ten (10) calendar days of the time the basis of the protest became known and said protest(s) limited to: 1) violations of federal law or regulations; 2) violations of State or local law under the jurisdiction of State or local authorities; and 3) violations of ETCOG's protest procedures for failing to review a complaint or protest. The protest must be submitted in writing and must identify the protestor, the solicitation being protested and specifically identify the basis for the protest, providing all pertinent information regarding the solicitation, contract and/or actions of ETCOG.

J. ETCOG reserves the right to make such additional investigations, as it deems necessary to establish the competence and financial stability of any potential proposer submitting a proposal.

K. ETCOG reserves the right to hold proposals for 90 days from submission without action.

L. ETCOG reserves the right to extend beyond the original 90-day period prior to an award if in its judgement, circumstances warrant such an extension.

M. ETCOG reserves the right to negotiate the final terms of any potential agreement or contract because of this RFP, to include but not limited to, the inclusion of the RFP and submitted proposal, and any essential clauses or certifications in this RFP. Proposal must have original signature of the person having the authority to bind the organization to a contract or it may be rejected for non-compliance.

N. If the execution of work to be performed by the Proposer requires hiring of subcontractors, it must clearly state this in the proposal. Subcontractors must be identified and the work they will perform must be defined. The proposal should provide the name, address, and Federal Employer Identification Number (FEIN) of the subcontractor. ETCOG will not refuse a proposal based upon the use of sub-contractors; however, retains the right to refuse the subcontractors the proposer selected.

O. Proposers who are partnering with other companies or agencies must list the names of all service providers or joint providers and the amount to be spent by each partner. All subawarded costs must be itemized in the budget so it is clear how the funds will be allocated and spent by each partner. Subawards may be written independently with each of the organizations.

P. If proposer seeks to form a legal joint venture using a corporate identity for the partnership, ETCOG will require the individual's corporate partners to accept liability for funds.

Q. ETCOG reserves the right to claim ownership of any proposal submitted in response to this RFP to be the property of ETCOG, and is not obligated to return proposal responses, binders or exhibits to Proposers. Proposer should not include proprietary information or trade secrets. Information submitted may be subject to disclosure under the Texas Public Information Act, it will be the responsibility of the Proposer to seek an exemption from disclosure and file any necessary documents with the Attorney General.

R. Conflict of interest is a serious issue. Proposers may not hire ETCOG management or support staff that were involved in the evaluation and/or selection process under this proposal. Proposers must sign and submit the Conflict of Interest Form (CIQ).

S. All ETCOG programs and employers must comply with Equal Employment Opportunity (EEO). Auxiliary aids/services are available, upon request.

Acknowledgment by Proposer: (blanket terms/condition's)

_____

Proposer Signature (return with submitted proposal)

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

FORM CIQ

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

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

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

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

(Enter 'N/A' when not applicable and leave boxes unchecked)

OFFICE USE ONLY

Date Received

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

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

3 **Name of local government officer about whom the information is being disclosed.**

_____

Name of Officer

4 **Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.** Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

☐ Yes ☐ No

A. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

☐ Yes ☐ No

5 **Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director or holds an ownership interest of one percent or more.**

6 ☐ Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7

_____ (must sign/return with proposal) _____

Signature of vendor doing business with the governmental entity — Date

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm. For easy reference, below are some of the sections cited on this form.

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

(A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
(B) a transaction conducted at a price and subject to terms available to the public; or
(C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

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(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds $2,500 during the 12-month period preceding the date that the officer becomes aware that

(i) a contract between the local governmental entity and vendor has been executed; or
(ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than $100 in the 12-month period preceding the date the officer becomes aware that:

(i) a contract between the local governmental entity and vendor has been executed; or
(ii) the local governmental entity is considering entering into a contract with the vendor.

Local Government Code § 176.006(a) and (a-1)

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

(1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);
(2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or
(3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

(A) begins discussions or negotiations to enter into a contract with the local government entity; or
(B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

(A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);
(B) that the vendor has given one or more gifts described by Subsection (a); or
(C) (C) of a family relationship with a local government officer.