

Representations and Certifications:

By signing below, the vendor certifies that he/she is a responsible authorized officer of the company and certifies the accuracy of the following statements:

- a. Represents that to the best of its knowledge it is not indebted to the Comal Independent School District. Indebtedness to the District may be basis for non-award and/or cancellation of any award.
- b. Certifies that no suspension or debarment is in place, which would preclude receiving a federally funded contract.
- c. Section 44.034 Subsection (a) of the Texas Education Code requires a person or business entity that enters into a contract with a school district must give advance notice to the district if the person and/or an 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." Subsection (c) this notice is not required of a publicly 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 furnished is true to the best of my knowledge (check only one item).

- 1. **My firm is a publicly held corporation; therefore, this reporting requirement is not applicable.**
- 2. **My firm is not owned nor operated by anyone who has been convicted of a felony.**
- 3. **My firm is owned or operated by the following individual(s) who has/have been convicted of a felony.**
Name of Felon(s): _____
Details of Conviction(s): _____

- d. Section 22.0834 of the Texas Education Code requires entities that contract with school districts to obtain criminal history records for covered employees. Covered employees with disqualifying criminal histories are prohibited from serving at a school district. Contractors must certify to the district that they have complied and must obtain similar certifications for their subcontractors.

The law requires each contractor to obtain the criminal histories of its employees. For more information or to set up an account, a contractor should contact the Texas Department of Public Safety's Crime Records Service at 512-424-2474.

Covered employees: Employees of a contractor who have or will have continuing duties related to the service to be performed at the district and have or will have direct contact with students. The district will be the final arbiter of what constitutes *continuing duties* or *direct contact* with students.

Disqualifying criminal history: (1) a conviction or other criminal history information designated by the district; (2) a felony or misdemeanor offense that would prevent a person from obtaining certification as an educator under Texas Education Code §249.16; or (3) one of the following offenses, if at the time of the offense, the victim was under the age of 18 or enrolled in a public school: (a) a felony offense under Title 5, Texas Penal Code; (b) an offense for which a defendant is required to register as a sex offender under Chapter 62, Texas Code of Criminal Procedure; or (c) an equivalent offense under federal law or the laws of another state. The District reserves the right to designate other convictions or other criminal history information as disqualifying.

As a duly authorized signatory, I certify that [check on]:

None of contractor's employees are *covered employees*, as defined above. If this box is checked, I further certify that contractor has taken precautions or imposed conditions to ensure that its employees will not become *covered employees*. Contractor will maintain the precautions or conditions throughout the time the contracted services are provided.

OR

Some or all of contractor's employees are *covered employees*. If this box is checked, I further certify that:

- (1) Contractor has obtained all required criminal history record information regarding its covered employees. None of the employees has a disqualifying criminal history.
- (2) If contractor receives information that a covered employee subsequently has a reported criminal history, contractor will immediately remove the covered employee from contract duties and notify the District in writing within 3 business days.
- (3) Upon request, contractor will provide the district with the name and any other requested information of covered employees so that the District may obtain criminal history record information on the covered employees.

If the district objects to the assignment of a covered employee on the basis of the covered employee's criminal history record information, contractor agrees to discontinue using that covered employee to provide services at the district.

I also certify to the district on behalf of contractor that contractor has obtained certifications from its subcontractors of compliance with Education Code, Chapter 22.

Noncompliance or misrepresentation regarding this certification may be grounds for contract termination.

- e. The undersigned certifies that neither the Respondent nor any of its officers, partner, owners, agents, representatives, employees, or parties in interest, has in any way colluded, conspired, or agreed, directly or indirectly with any person, firm, corporation or other Respondent or potential Respondent or given any money or other valuable consideration for assistance in procuring or attempting to procure a contract or fix the prices in the attached response or the response of any other Respondent, and further states that no such money or other reward will be hereinafter paid.

No attempt has been or will be made by this firm's officers, employees, or agents to lobby, directly or indirectly, the

District's Board of Trustees between response submission date and award by the District's Board of Trustees.

No officer, or stockholder of Respondent is a member of the staff, or related to any employee of the Comal Independent School District except as noted below:

- f. The undersigned attests that they are a duly authorized employee by their company to bind said company to the prices offered and to the terms and conditions of this bid.
- g. The undersigned certifies that they and their organization are in compliance will all applicable standards, orders or regulations issued pursuant to the Clean Air Act of 1970, as amended (42 U.S.C. 1857th(h)), section 508 of the Clean Water Act, as amended (33 U.S.C. 1368), Executive Order 1178389 and Environmental Protection Agency Regulation, 40 CFR Part 15 as required under OMB Circular A-102, Attachment O, Paragraph 14 (1) regarding reporting violations to the grantor agency and to the United States Environment Protection Agency Assistant Administrator for the Enforcement.
- h. The undersigned certifies that they and their organization have a HACCP Program in place or follow Food Safety manufacturing practices as required by the USDA state, and local entities.
- i. No employee of the District shall have a direct financial interest in any contract with the district, nor shall any employee have a direct financial interest in the sale of any land, equipment, supplies, materials, or service. Any violation of this policy will render the contract null and void unless such contract is approved by the Comal ISD Board of Trustees after full disclosure. Therefore, vendor shall note any and all relationships that might be a conflict of interest and shall bring those to the attention of Comal ISD.

Name of Contractor: _____

Name: _____ Date: _____

Signature: _____ Title: _____

**CONTRACTOR
COMAL INDEPENDENT SCHOOL DISTRICT**

***PERSONNEL SERVICES
BACKGROUND CHECK AUTHORIZATION***

I hereby authorize Comal Independent School District to obtain any criminal history record information regarding me from any pertinent source in accordance with the provisions of the Texas Education Code, Section 22.0834 and Texas Code, Section 411.097. I further authorize any law enforcement agency, including, but not limited to, any police department, or the Department of Public Safety as well as the Texas Department of Corrections and FBI, to furnish the Comal Independent School District any such record.

Complete the following information that is required by the reporting agencies. **Note: Any misrepresentation or omission of the information requested on this form will have an adverse impact upon your contract! PLEASE PRINT!**

Last Name _____ First Name _____ Middle Name _____

Date of Birth _____

Social Security No. _____

DL/ID No. _____ State Issuing DL/ID _____ Phone # _____

Home Address _____
Street Address City State Zip

Have you been previously fingerprinted in order to work for a School District in the state of Texas?
Yes _____ No _____

I certify the information provided above is true and correct.

Signature _____ Date _____

The information generated from this form is handled in a confidential manner. Comal ISD is an Equal Opportunity Employer. Comal ISD does not discriminate in hiring, promotion, discharge, and other aspects of employment on the basis of race, age, color, religion, handicap, sex or national origin.

*******NO PROSPECTIVE CONTRACTOR MAY BEGIN WORK AT CISD UNTIL THE FINGERPRINTING PORTION OF THE CRIMINAL HISTORY HAS BEEN DONE, AND CONTINUED EMPLOYMENT IS CONTINGENT ON THE RESULTS OF THE FINGERPRINTING REPORT*******

Instructions to School District Contractors Regarding Criminal History Background Searches Under Senate Bill 9

Senate Bill 9 directs school district contractors to obtain state and national criminal history background searches on their employees who will have direct contact with students, and to receive those results through the DPS criminal history clearinghouse (Fingerprint-based Applicant Clearinghouse of Texas –FACT). In order for contractors to receive the information through FACT, they must first establish an account with the DPS for FACT clearinghouse access. The Company owner must sign a user agreement with the DPS. To obtain the user agreement and more information, please contact:

Access and Dissemination Bureau
Texas Department of Public Safety
Crime Records Service
P. O. Box 149322
Austin, Texas 78714-9322

Email: FACT@txdps.state.tx.us
Phone: (512) 424-2365

For fastest service, please email or call. State in the message that you are a school district contractor and need to have an account established for DPS FACT clearinghouse access. Please include:

Company Name
Company Address
Company Phone
Name of Company point of contact
Phone of Company point of contact
Company email to be used for notification of FACT records and messages

The information in the DPS FACT Clearinghouse is confidential, and access must be restricted to the least number of persons needed to review the records. The account must include at least one designated supervisor to make necessary changes and to monitor the site's security and the access to the criminal history data retrieved. Additional users must be limited to those who need to request, retrieve, or evaluate data regarding the individual applicants.

PLEASE NOTE: After you sign the DPS User Agreement for FACT, DPS will provide you with a revised ***FAST Fingerprint Pass*** that you will have to provide to your employees and applicants. Your employees and applicants will use that ***FAST Fingerprint Pass*** when scheduling their FAST fingerprinting.