



RIVERBEND RESOLUTION NO. 20220525-04

AUTHORIZING THE APPROVAL OF THE PURCHASING POLICY OF THE RIVERBEND WATER RESOURCES DISTRICT

WHEREAS, Riverbend Water Resources District is a conservation and reclamation district created under and essential to accomplish the purposes of Section 59 Article XVI, Texas Constitution, existing pursuant to and having the powers set forth in Chapter 9601 of the Special District Local Laws Code of the State of Texas;

WHEREAS, the establishment of certain levels of approval benefit the district in managing its resources and maintaining flexibility for the daily operation of the wet utilities ensures that the appropriate level of oversight and standard operating procedures for purchasing is maintained; and

WHEREAS, Riverbend Water Resources District desires to review and update accordingly, its policies and procedures regarding the principles and criteria involved in the handling of district purchases; and to make readily available these policies and procedures to the public in written form.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Riverbend Water Resources District hereby adopts its Purchasing Policy.

PASSED and APPROVED this 25th day of May 2022



Van Alexander, Vice President

ATTEST:



Fred Milton, Secretary

Attached: Purchasing Policy





**PURCHASING POLICY AND
PROCEDURE MANUAL**
Adopted: 5/25/2022

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SECTION 1. INTRODUCTORY STATEMENT

A. Policy – It is the policy of the Riverbend Water Resources District (District) to maintain a Purchasing Policy and Procedure Manual to inform all employees of the required purchasing policies and procedures of the District. Further, it is the duty of all employees to ensure that the approved policies and procedures are followed.

B. Objectives - The objectives of the Purchasing Policy and Procedure Manual include the following:

1. To ensure that the District's purchasing policies and procedures are in compliance with the purchasing requirements contained in the Texas Water Code, Texas Local Government Code, and other applicable laws which govern the District.
2. To ensure compliance with the District's internal controls and with established best business practices.
3. To promote fair and ethical purchasing practices which foster open competition and impartiality.
4. To encourage participation and bidding by all qualified vendors, to include historically underutilized, disadvantaged, minority and women-owned businesses.
5. To maintain a high level of public confidence in the District's purchasing practices, and to avoid any actual or perceived conflicts of interest.
6. To promote efficiency and effectiveness in the purchasing process, helping to ensure that the District receives the best value for each dollar spent.
7. To help ensure a uniform understanding and application of the District's purchasing policies and procedures.
8. To standardize the policies and procedures for making common and reoccurring purchases.
9. To help inform and train employees about the District's purchasing policies and procedures.
10. To assure that each purchase has proper authorization, account coding and documentation for budgetary and audit control.

C. Official Policy – This manual contains the approved purchasing policies and procedures of the District. The policies reflected herein have been approved by the Board of Directors. This manual will serve as the primary medium of communication to inform and guide District employees about Purchasing Policies and Procedures.

D. Responsibilities –

1. Executive Director – The Executive Director shall oversee these policies and procedures and may direct the issuance of additional written procedures to amplify or clarify the policies herein.
2. Purchasing Manager – The Accounting Operational Specialist shall serve as the Executive Director’s designated representative to administer said policies and procedures, including:
 - a. Program Management - Overall management of the District’s purchasing activities in accordance with the laws governing the District and the policies and procedures contained herein. Preparation and distribution of the Purchasing Policy & Procedure Manual, to include periodic review and revision of the Manual as needed to 1) ensure compliance with laws governing the District, 2) to better clarify approved policies and procedures, or 3) as directed by the Executive Director.
 - b. Disposal of Property - Administration of the sale, disposal, or recycling of unserviceable or unneeded property in accordance with the laws governing the District.
 - c. Records and Reporting - Prepare and/or maintain records, reports and other documents as necessary to comply with statutory and District requirements.
3. District Employees – Employees are required to be informed about, and to follow the policies and procedures contained in this manual and any additional written procedures used to amplify or clarify the policies herein.

E. Compliance - The District follows ethical purchasing practices that are in compliance with statutory requirements and good business practices. We expect District employees will be self-motivated to follow these policies and procedures. The District can maintain high standards only if each employee does their share and complies with the policies and procedures. It is every employee’s duty to follow the purchasing policies and procedures of the District; otherwise, appropriate disciplinary policies will apply.

F. Supervisors’ Special Role –

1. Supervisors have a special role in training and guiding employees in the proper practices of this manual. Supervisors have a duty to take immediate action to prevent and remedy violations. Whenever in doubt and for expert advice, Supervisors should ask for assistance from the Purchasing Manager.
2. Supervisors, Purchasing Manager, and the Executive Director shall work together to investigate all reported or suspected violations, and take appropriate action to prevent any further violations.

G. Further Changes – The District may revise, cancel, or otherwise change any of the published or unpublished purchasing policies and procedures as and when necessary for the good of the District and our employees. Notice of proposed changes shall be provided to employees before becoming effective, with proper notice of effective date.

H. Disclaimer – The contents of this policy and procedures manual are not intended to address all possible methods, opportunities or requirements related to the District's procurement activities; nor is it intended to supersede any statutory requirements. As such, any procurement related questions that are not specifically addressed by this manual should be forwarded to the Executive Director.

SECTION 2. GENERAL

A. Code of Ethics – Ethics is a set of moral principals or values governing an individual or group. As a public employee, most everything you do is subject to open records and public scrutiny; therefore, it is imperative that all District employees maintain the highest ethical standards. It is the policy of the District that the following ethical principles will govern the conduct of every employee involved directly or indirectly in the District's procurement process.

1. Responsibility to the District – Employees will avoid any activities that would compromise or give the perception of compromising the best interest of the District. Employees will avoid any appearance of unethical or compromising behavior in all relationships, actions and communications. All employees are expected to conduct the procurement practices of the District in a fair, honest, courteous and impartial manner. At no time shall employees allow their personal preferences or personal relationship with a vendor or contractor to affect their decisions or duties regarding procurement. If you have any doubt about such matters, consult with the Purchasing Manager or the Executive Director.
2. Conflict of Interest – Employees will avoid any activity that would create a conflict, or the perception of a conflict between personal interest and the interest of the District. In accordance with District policy and pertaining directly to the District's purchasing activities, employees will never solicit or accept money, loans, gifts, favors, or anything of value, from present or potential vendors which might influence or appear to influence any purchasing decision.
3. Conflict of Interest Questionnaire – Pursuant to the requirements of Section 176.002(a) of the Texas Local Government Code (Attachment B), vendors, contractors and others who wish to conduct business with the District are required to complete and submit a Conflict of Interest Questionnaire.
4. Protection of Information – As a measure to protect the integrity of the procurement process, employees shall not discuss, disclose or release any information obtained through, or as part of a Request for Bid, Request for Proposal, Request for Information, or Request for Qualification, until officially released by either the Purchasing Manager, or other authorized employee of the District. In addition, any information obtained during the procurement process which has been labeled by the vendor as confidential or proprietary information, shall be protected as such for as long as the information is retained by the District, or to extent required or allowed by law.

B. Vendor Standards of Conduct – Just as it is important for District employees to discharge their duties in a manner designed to promote public trust and confidence in the District, it is also important that the District require similar conduct of its approved vendors, contractors and business partners. As such, any vendor, contractor, business or individual wishing to conduct business with the District shall be expected to comply with the following standards of conduct:

- To not offer District employees any gifts, loans, or any other thing of value.
- To not offer District employees any fee or compensation for the services they provide as an employee of the District.
- To not ask District employees for any special favor or consideration that is not provided or available to every other vendor or business related competitor.
- To not ask a District employee to disclose any information that is not available to every other vendor or business related competitor through normal information or communication channels.
- To not offer employment to a District employee or a member of their family in exchange for the services they provide as an employee of the District.
- To not ask District employees to endorse the products or services of a vendor.
- To not ask District employees to hand out or post advertising materials on behalf of a vendor.

C. Debarred Vendors List – The Purchasing Manager will maintain a list of vendors who have been debarred from conducting business with the District. Depending on the reason for debarment, the vendor may be prohibited from doing business with the District for a period of up to three consecutive years, or until the reason for debarment has been corrected to the satisfaction of the District. A vendor may be debarred for the following reasons:

- Failure to comply with the District's policies and procedures for conducting business with the District.
- Failure to comply with the terms and conditions of a contract with the District.
- Failure to provide products or services as ordered or requested.
- Failure to comply with State or District requirements regarding conflict of interest.
- Failure to comply with State or Federal laws.
- Failure to follow ethical standards of conduct.
- Failure to repair, replace or provide adequate compensation for property or equipment damaged by the vendor to the satisfaction of the District.

In addition, the District will not purchase any goods or services from a vendor that is listed on the State of Texas Debarred Vendors List, and may exclude vendors listed on the Federal Excluded Parties List. With the exception of applicable statutory requirements, all recommendations to debar a vendor from conducting business with the District must be approved by the Executive Director.

D. Adequate Funding –Directors, Managers and Supervisors are responsible for ensuring the availability of adequate budgeted funds **prior** to authorizing any expenditure. If an expense line item exceeds appropriations, the requesting Supervisor or Director should contact the Finance Department.

E. Account Coding –Directors, Managers and Supervisors are responsible for ensuring that all authorized expenditures are coded with the appropriate account code. Questions regarding the proper use of account codes should be forwarded to the Finance Department.

F. Vendor Insurance Requirements – All vendors, contractors, subcontractors, and businesses who perform or provide construction, maintenance, or other services on District property must provide written proof of Workers' Compensation Insurance Coverage for their employees. Depending on the size of the project or type of service being provided, the District may also require that additional forms of insurance be provided. Questions regarding the District's insurance requirements, to include required types of insurance or specific limits of coverage, should be forwarded to the Purchasing Manager. Written proof of insurance must be received by the District within seven (7) days after notice of award of bid and before any work begins, or services are provided.

G. Best Value – All purchases for the District shall be awarded to the vendor who provides the best value to the District. When determining best value, the District may consider factors other than the purchase price of the goods or services as long as they have been indicated in the written solicitation for bid, specification, or contract requirements that the bid or contract will be awarded to either the lowest responsible bidder or to the bidder who provides goods or services at the best value to the District. These factors include among other things:

- Reputation of the bidder and the bidder's goods and services.
- The quality of the bidder's goods and services.
- The extent to which the goods or services meet the District's needs.
- Total long-term cost to the District, to include purchase price, life expectancy, cost of maintenance and operation, training requirements, operating efficiency, disposal value, and other factors contributing to the overall acquisition or cost of an item.
- Other lawful factors or criteria as may apply.

Any time that the lowest bidder is not selected, "Best Value" justification must be explained in writing and attached to the associated procurement recommendation or request.

H. Planning – The most efficient and cost effective methods of procurement require thoughtful planning. As such, employees are expected to make a diligent effort to plan for the procurement of needed commodities and services prior to the actual time the need occurs. Commodity & Service Contracts, well managed inventories and diversified sourcing are just some of the components of an efficient and cost effective procurement program. Employees should use the following timelines as a guide when planning for procurement:

- 0 to 1 Business Days – Emergency Purchase
- 1 to 3 Business Days – Rush Purchase
- 3 to 5 Business Days – Normal Purchase
- 30 to 90 Calendar Days – Formal or Competitive Sealed Bid

The above timelines are intended to serve merely as a general guide for the purposes of procurement planning. The actual amount of time required to successfully procure a specific commodity or service can be affected by many factors, such as the dollar amount of the purchase, availability of the commodity or service, competition in the market place, complexity of the purchase, availability of funding, required level of approval, and other factors.

I. Warranty – Most newly purchased commodities and many services come with some form of standard warranty, and many have the option to purchase extended warranties. Often, warranty information is provided at time of purchase. Sources such as the Texas Commercial Code and the Federal Consumer Protection Agency may also provide warranty and buyer protection information regarding specifically listed commodities and services sold or manufactured either in the State of Texas or the United States. As a result, employees are encouraged to pursue warranty replacement or service when possible and practical.

Employees are encouraged to contact both the Operations Department and Purchasing Manager to find out whether or not a particular commodity or service is covered under warranty prior to repair or replacement.

J. Payment - Payment for all purchases shall be accomplished in accordance with the policies and procedures established by the Finance Department.

K. Tax Exemption – As a political subdivision of the State of Texas, the District is exempt from the Texas Limited Sales, Use and Excise Tax. As such, employees shall ensure that purchases do not include costs for taxes which the District is exempt from paying. A Texas Certificate of Exemption from Sales Tax form should be on file with all vendors of the District. Questions regarding the tax exempt status of the District should be directed to the Finance Department.

L. Purchase Orders – A Purchase Order issued by the Purchasing Section is required for most purchases of \$2,500 or more. For those purchases that require a Purchase Order, request, approval and issuance of the Purchase Order shall occur prior to making the purchase. The only exceptions are those commodities and services that have been specifically exempted from the Purchase Order requirement by the Executive Director. The Purchasing Manager shall maintain a list of all commodities and services that are exempt from the Purchase Order requirement. Additionally, the Purchasing Manager may issue a purchase order for any purchase of any dollar amount if; 1) requested by the vendor, 2) to ensure compliance with the requirements of certain Cooperative Purchasing Contracts or 3) it is believed that the issuance of a Purchase Order is needed to clarify, or help ensure vendor compliance with the terms and conditions of a purchase.

SECTION 3. BIDDING REQUIREMENTS

An employee shall not knowingly or intentionally make or authorize separate, sequential, or component purchases to avoid competitive bidding requirements. As such, employees should consider the budgeted or total annual aggregate costs of the commodity or service when determining bidding requirements. Questions regarding bidding requirements should be forwarded to the Purchasing Manager or Executive Director.

A. Purchases of less than \$5,000 (No Bids) – The following shall apply to normal purchases that have a total cost of less than \$5,000:

1. Do not require competitive bids. However, the Responsible Supervisor shall make reasonable efforts to confirm that the best value is being obtained for the District. As such, employees are encouraged to contact the Purchasing Manager to discuss possible sourcing options or for other assistance as needed.
2. Upon purchase of commodities and services, the invoice or sales receipt shall be forwarded to the Purchasing Manager for processing payment.

B. Purchases from \$5,000 to less than \$25,000 (Informal Bids) – The following shall apply to normal purchases that have a total cost of at least \$5,000, but less than \$25,000:

1. Reasonable efforts shall be made to obtain at least three (3) written competitive bids from three (3) separate vendors.
2. The Responsible Supervisor shall contact the Purchasing Manager to discuss sourcing options and for other assistance prior to solicitation of bids.
3. The Executive Director shall have the discretion to require any commodity or service to be centrally purchased by the Purchasing Manager when it is believed to be in the best overall interest of the District. The Purchasing Manager shall maintain a list of all such designated commodities and services.
4. All bids must be summarized in writing and reviewed by the Responsible Supervisor to confirm compliance with specifications and other requirements of the District.
5. Written bids must contain the vendor's name and contact information, a sufficiently clear description of the commodity or service being bid, the date the bid was submitted or received and the total cost of the bid.
6. Selection of bid shall be based on the "best value" to the District. The Responsible Supervisor shall provide written justification any time it is determined that the best value to the District is not the lowest bid received.
7. The Responsible Supervisor shall submit a copy of all bids received and any applicable written justification regarding recommendation or selection of bid to the Purchasing Manager.
8. The Purchasing Section shall review all submitted documents for compliance with the policies and procedures contained herein, and shall issue purchase orders as appropriate.

C. Purchases from \$25,000 to less than \$50,000 (Formal Bids) – The following shall apply to normal purchases that have a total cost of at least \$25,000, but less than \$50,000:

1. Require formal competitive bids pursuant to written uniform specifications, and must be coordinated with the Purchasing Manager.
2. Reasonable efforts shall be made to obtain written competitive bids pursuant to uniform written specifications from at least three (3) bidders.
3. The Responsible Supervisor shall be responsible for providing information as needed or requested by the Purchasing Manager to develop the written uniform specifications and scope work.
4. The Purchasing Manager shall be responsible for development of the request for bid documents and the solicitation and receiving of bids.
5. Selection of bid shall be based on “best value” to the District, with final approval of either the Executive Director or Board of Directors as appropriate.

D. Purchases of \$50,000 or more (Competitive Sealed Bids) - The following shall apply to normal purchases that have a total cost of \$50,000 or more, over the life of the contract including all renewals:

1. Require competitive sealed bids pursuant to written uniform specifications and must be coordinated with the Purchasing Manager.
2. Notice of the bid request and of the time and place at which the bids will be publicly opened and read aloud must be published at least once a week for two (2) consecutive weeks in the newspaper, or an Electronic Notification/Bidding Source and on the District’s website. The date of the first publication shall be at least twenty-one (21) days before the date set to open bids.
3. Selection of bid shall be based on “best value” to the District, as awarded by the Board of Directors.

SECTION 4. PURCHASES EXEMPT FROM BIDDING REQUIREMENTS

A. Sole or Single Source Purchases – To be approved as a sole or single source purchase, the commodity or service must meet at least one of the following:

1. - Functional requirements of the District can be satisfied by only one source.
 - Competition is excluded due to the existence of patents, copyrights, secret processes or natural monopolies.
 - Purchase of captive replacement parts or components for equipment.
 - Purchase of power, gas, water, or other utility services where deregulation of service is not a factor.
2. Whenever a Requesting Department believes that a commodity or service is obtainable from only one source, the Responsible Supervisor shall send a memorandum to the Purchasing Manager requesting sole or single source status. The Requesting Department is encouraged to contact the Purchasing Manager to discuss possible sourcing options, suitable substitutions or other related issues prior to creating the memorandum.
3. The Purchasing Manager may take additional action as may be necessary to confirm the sole or single source availability of a commodity or service.
4. A list of all confirmed sole or single source commodities and services shall be maintained by the Purchasing Manager.

B. Emergency Purchases – Emergency purchases should only occur after a Department has made an assessment that the failure to make an immediate purchase of a commodity or service would adversely affect the health, safety, or welfare of the public.

1. During normal working hours, the Requesting Department shall contact the Purchasing Manager and request assistance in making the Emergency Purchase. The Requesting Department shall submit an Emergency Purchase memorandum to the Purchasing Manager stating the nature of the emergency and how by not making the purchase, the health, safety or welfare of the public would be adversely affected.
2. Should the emergency occur after normal working hours, the employee shall make reasonable and necessary purchases to address the emergency, subject to approval of the Responsible Supervisor. The Emergency Purchase memorandum shall be submitted to the Purchasing Manager the next business day by the Responsible Supervisor.
3. Approval and/or ratification of emergency purchases shall occur in accordance with the approved levels of purchasing authority contained herein.
4. If the amount of the emergency purchase is \$25,000 or more, an agenda item shall be prepared for the next meeting of the District's Board of Directors to inform the Board of Directors of the purchase.

C. Professional and Consulting Services – State law provides specific statutory requirements for the acquisition of certain types of Professional and Consulting Services. As such, the Requesting Department should contact the Purchasing Manager as needed to discuss applicability and possible statutory requirements.

D. Cooperative Purchasing Contracts – The District participates in a number of Cooperative Purchasing Programs. In addition to meeting requirements for bidding, Cooperative Purchasing Programs often provide reduced costs and time associated with the procurement of certain available commodities and services. As a result, employees are encouraged to contact the Purchasing Section to discuss possible procurement opportunities that may be available through various Cooperative Purchasing Programs.

E. Other Possible Types of Exempt Purchases – Other possible types of exempt purchases include personal property sold at a public auction by a state licensed auctioneer, personal property sold by another governmental entity, services and commodities sold by organizations representing blind or severely disabled persons, and others. As such, employees are encouraged to contact the Purchasing Section as needed to discuss possible exemption of bidding requirements and/or other possible statutory requirements.

Procurement Authority

Background

Procurement authority is the power to award, or to approve the award of, legally binding procurement agreements (contracts and purchases) on behalf of the District's operational and capital improvement needs. The purpose of this policy is to control the commitment of District funds, including purchasing and contracting activities, and to ensure that Riverbend's procurement authority complies with regulatory requirements and is designed to promote efficiency to authorize the purchase of goods, works and services in accordance with Riverbend's adopted budget, up to the dollar value indicated.

General Policy Provisions:

- A. Levels of Approval** — The following may approve expenditures that are in compliance with the laws that govern the District and the policies and procedures contained herein:

Position	Level of Approval
Designated Supervisors	Less than \$ 5,000
Administration	Less than \$20,000
Executive Director	Less than \$50,000
Board of Directors	\$50,000 or more

- B. Change Orders** — The following shall apply to the approval of Change Orders associated with Capital Improvement Projects.

1. The Executive Director or his designee may approve Change Orders for increases in cost of less than \$50,000.
2. The District's Board of Directors must approve all Change Orders for decreases or increases in cost of \$50,000 or more.
3. The sum of all Change Order for a particular Capital Improvements Project may not increase the original contract amount by more than twenty-five percent (25%). The original contract may not be reduced by more than twenty-five percent (25%) without the consent of the vendor.

A report of all such contracts / purchases and Change Orders less than \$50,000 on behalf of the District executed by the Executive Director shall be reported to the Board of Directors.

The Executive Director shall be authorized to administer this policy and to keep it updated in accordance with State law and sound business / accounting practice.

Adopted: May 25, 2022

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.

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.

A. 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

B. 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

Signature of vendor doing business with the governmental entity

Date

Form TGC 2270

VERIFICATION REQUIRED BY TEXAS GOVERNMENT CODE CHAPTER 2279

By signing below, Company hereby verifies the following:

1. Company does not boycott Israel; and
2. Company will not boycott Israel during the term of the contract.

SIGNED BY: _____

Print Name of Person: _____
Signing, Title, and
Company _____

Date signed: _____

Government Code § 2270.002. Provision Required in Contract

Effective: September 1, 2017

A governmental entity may not enter into a contract with a company for goods or services unless the contract contains a written verification from the company that it:

- (1) does not boycott Israel; and
- (2) will not boycott Israel during the term of the contract.

The following definitions apply:

(1) "Boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes.

(2) "Company" means a for-profit sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations that exists to make a profit.

(3) "Governmental entity" means a state agency or political subdivision of this state.

State law requires verification from a Company for contracts involving goods or services (regardless of the amount) before the Governmental Entity can enter into the contract.