

**Houston Community College System
Procurement Operations**



INVITATION FOR BIDS (IFB)

FOR

Miscellaneous Medical Supplies & Equipment

PROJECT NO. 08-06

INVITATION FOR BIDS

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HOUSTON COMMUNITY COLLEGE SYSTEM

INVITATION FOR BIDS - SUMMARY

Date: November 12, 2007

Project Title: 08-06

Project No. Miscellaneous Medical Supplies & Equipment

ISSUED BY:

Houston Community College System
Procurement Operations
3100 Main Street (11th Floor)
Houston, Texas 77002
Post Office Box 667517
Houston, Texas 77266-7517

SUBMIT INQUIRIES TO:

Name: Renee M. Alonzo
Title: Buyer

Telephone: (713) 718-7410
Fax: (713) 718-2113
Email: renee.alonzo@hccs.edu

Project Overview: The Houston Community College System ("HCC") is seeking sealed bids from qualified firms to supply and deliver (F.O.B. Destination) Miscellaneous Medical Supplies & Equipment, as specified in Attachment No. 2, Schedule of Items and Prices.

Contract Approval: This procurement is subject to approval by HCC Board of Trustees. Subsequent to Board approval, the only person authorized to commit HCC contractually is the Chancellor.

Bid Opening Time/Location: Sealed bids in original form for work/items described herein will be received until 3:30 p.m., (local time), November 28, 2007. Bids will be received at the Procurement Operations Office, 3100 Main (11th Floor, Room 11A07), Houston, Texas 77002, and at that time publicly opened and read aloud in Room # 11A07.

Delivery: Delivery shall be made within sixty (60) business days after receipt of written purchase order issued by HCC.

Delivery Point: All items shall be delivered to the Houston Community College System, Southwest College, Attn: Roland Fields, 2811 Hayes Road, Houston, Texas 77082-2642. Delivery company must contact Roland Fields, 713-718-6783 or 281-546-1827 (cell), to schedule a delivery.

Small Business Development Program (SBDP): The small business participation goal for this solicitation is BEST EFFORT. (See Instructions to Bidders, Paragraph 8).

Obligation: This Invitation for Bids does not obligate HCC to award a contract or pay any costs incurred by the bidder in the preparation and submittal of a bid.

HCC is an equal opportunity/educational institution, which does not discriminate on the basis of race, color, religion, national origin, gender, age or disability.

INSTRUCTIONS TO BIDDERS

1. **Review of Bid Documents**

A complete set of bid documents shall be used in preparing a bid. Each prospective bidder should carefully review the bid documents and take such steps as may be reasonably necessary to ascertain the resulting contract performance requirements. Failure to do so will not relieve bidders from the responsibility of estimating properly the difficulty/level of effort or cost of successfully performing the resulting contract.

2. **Explanation to Bidders**

Any explanation desired by a prospective bidder regarding the meaning or interpretation of the bid documents must be requested in writing and with sufficient time allowed (a minimum of seven (7) calendar days before the date set to receive bids) for a response to reach prospective bidders before the submission of their bids. Any HCC response will be in the form of an amendment of the solicitation or an information letter. The response will be made available to all prospective bidders on the HCC website at www.hccs.edu. Receipt of any amendment(s) issued by HCC shall be acknowledged by the bidder with the bid submission.

3. **Bidder Eligibility for Contract Award**

- a. Each bidder shall complete, and submit with the bid, the applicable forms contained in the solicitation. When a special license or permit is required by Federal, State or Local law or ordinance, the bidder must be properly licensed prior to submitting a bid to HCC and must furnish evidence of such with the bid.
- b. In order for a bidder to be eligible to be awarded a contract, the bid must be responsive to the solicitation and HCC must be able to determine that the bidder is responsible to perform the resulting contract satisfactorily.
- c. Responsive bids are those complying with all material aspects of the solicitation. Bids that do not comply with the terms and conditions of the solicitation will be rejected as non-responsive.
- d. Responsible bidders as a minimum must:
 - Have adequate financial resources or ability to obtain such resources as required during the performance of the contract.
 - Be able to comply with the required delivery or performance schedule, taking into consideration all existing business commitments.
 - Have a satisfactory history of past performance.
 - Have necessary management and technical capability to perform the contract.
 - Provide evidence satisfactory to HCC that the bidder will comply with the Small Business Development Program requirements contained in the solicitation.
 - Certify that the firm is not delinquent in any tax owed the State of Texas under Chapter 171, Tax Code; signing and submitting the bid is so certifying.
 - Be qualified as an established firm regularly engaged in the type of business to provide the items/work required by this solicitation.
 - Be otherwise qualified and eligible to receive an award under applicable laws and regulations.
- e. A bidder may be requested to submit written evidence verifying that he/she meets the minimum criteria necessary to be determined a responsible bidder. Bids deviating or taking exceptions to the solicitation requirements will not be considered.

4. **Preparation for Bid**

- a. A bid shall be prepared on the forms furnished by HCC; shall be completed in ink, and shall be manually signed by an authorized official of the company. The person signing the bid shall initial any changes or erasures appearing on the bid forms. Bids submitted via e-mail or facsimile (fax) will not be accepted by HCC.
- b. A bid shall be submitted so as to be received no later than the exact date/time and at the place indicated in the solicitation, and shall be enclosed in a sealed envelope clearly identified as a bid with the project title, project number and bid opening date and time. The envelope shall also identify the name and address of the bidder and shall contain the bid security, if required, and other required documents.

5. **Brand Name or Equal Description**

The items listed herein have been identified as brand name or equal. This description reflects the minimum level of quality that will satisfy the needs of HCC. To be considered for award, bids of "equal" products, including "equal" products of the brand name manufacturer, must:

- (1) Meet the minimum quality of the brand specified;
- (2) Clearly identify the item(s) by brand name, if any, and make or model number.
- (3) Include, with the bid documents, descriptive literature such as illustrations, drawings, etc. Mark any descriptive material to clearly show any modifications.
- (4) HCC will evaluate "equal" products on the basis of information furnished by the bidder. HCC is not responsible for locating or obtaining any information not identified in the bid document.
- (5) Unless the bidder clearly indicates in its bid that the product being offered is an "equal" product, the bidder shall provide the brand name product referenced in the solicitation.

6. **Opening of Bids**

- a. Bids will be publicly opened immediately following the time set for receipt in the solicitation. The bid prices will be read aloud for the information of bidders and others present.
- b. If HCC receives two or more bids from responsible bidders that are identical in nature and amount, the Board of Trustees shall review. The Board of Trustees may reject all bids, in the best interest of HCC.
- c. HCC reserves the right to reject any and all bids, to waive any informalities in bids received, and to reject all non-responsive or conditional bids.

7. **Contract Award**

Award of a contract, if awarded, will be made to the responsive and responsible bidder offering the lowest bid price and offers the best value to the Houston Community College System and whose bid conforms to the solicitation documents.

HCC reserves the right to waive any technicalities or irregularities in the bid documents and consider the bid for award.

8. **Taxes**

HCC is tax exempt as a governmental subdivision of the State of Texas.

9. **Small Business Development Program (SBDP)**

- a. HCC has adopted a Small Business Development Program for small businesses attempting to provide goods and/or services as prime contractors or as subcontractors to other prime contractors to HCC. The program is designed to prevent discrimination by ensuring that small,

underutilized and disadvantaged businesses are informed and prepared to compete for HCC procurements. HCC will neither discriminate nor select vendors on the basis of race, color, national origin, religion, gender, age or disability in its procurement selection process.

- b. Small businesses whose gross annual income averaged over the past three (3) years does not exceed the Small Business Administration's size standards as specified in 13 CFR Part 121 are eligible to apply for participation in the program.
- c. For this solicitation, HCC has established BEST EFFORT as its goal for Small Business participation.
- d. Good Faith Efforts: HCC will make a good faith effort to utilize small businesses in all contracts. The annual program goals may be met by contracting directly with small businesses or indirectly through subcontracting opportunities. Therefore, any business that contracts with HCC will be required to make a good faith effort to award subcontracts to small businesses. The subcontracting goal applies to all vendors regardless of their status. By implementing the following procedures, a contractor shall be presumed to have made a good faith effort:
 - To the extent consistent with industry practices, divide the contract work into reasonable lots.
 - Give notice to SBDP eligible firms of subcontract opportunities or post notices of such opportunities in newspapers and other circulars.
 - Document reasons for rejecting a firm that proposes or bids on subcontracting opportunities.
- e. Small Business Compliance Review: To ensure compliance with any stated small business participation goal, the selected vendor/contractor will be required to meet with the HCC Buyer and/or other HCC designated representative(s) at the 50% and 75% completion phases/dates of the project, to verify small business participation activity and to ensure compliance with the stated small business goal, if any.

10. **Prohibited Communications**

Except as provided in exceptions below, the following communications regarding a particular invitation for bids, requests for proposal, requests for qualifications, or other solicitation are prohibited:

- Between a potential vendor, service provider, bidder, offeror, lobbyist or consultant and any Trustee;
- Between any Trustee and any member of a selection or evaluation committee; and between any Trustee and administrator or employee.

The communications prohibition shall be imposed on the date that responses to the solicitation are due or received, whichever is first.

The communications prohibition shall terminate when:

- The contract is awarded by the Chancellor or his designee; or
- The award recommendations are considered by the Board at a duly-noticed public meeting.

In the event the Board refers the recommendation back to staff for reconsideration, the communications prohibition shall be re-imposed.

The communications prohibition shall not apply to the following:

- Duly noted pre-bid or pre-proposal conferences.
- Communications with the HCC General Counsel.
- Emergency contracts.
- Presentations made to the Board during any duly-noticed public meeting.

- Unless otherwise prohibited in the solicitation documents, any written communications between any parties, provided that the originator shall immediately file a copy of any written communication with the Board Services Office. The Board Services Office shall make copies available to any person upon request.
- Nothing contained herein shall prohibit any person or entity from publicly addressing the Board during any duly-noticed public meeting, in accordance with applicable Board policies, regarding action on the contract.

11. **Drug Policy**

HCC is a drug-free workforce and workplace. The manufacture, sale, distribution, dispensation, or use of illegal drugs or alcohol by vendors or contractors while on HCC's premises is strictly prohibited.

12. **Bid Submittals**

Each bidder must complete and return the following documents, if appropriate:

- Bid/Award Form (Attachment No. 1)
- Schedule of Items and Prices form (Attachment No.2)
- Determination of Good Faith Effort (Attachment No.4)
- Small Business Unavailability Certificate (Attachment No. 5)
- Contractor & First Tier Subcontractor/Supplier Participation Form (Attachment No. 7)
- Non-Discrimination Statement (Attachment No. 8)
- Certification & Disclosure Statement (Attachment No. 9)
- Affidavit Form (Attachment No. 10)
- Business Questionnaire (Attachment No. 11)
- Assurance of SBDP Goal (Attachment No. 12)
- Conflict of Interest Questionnaire (Attachment No. 14)

The envelope containing a bid shall be addressed as follows:

- Name, Address and Telephone Number of Bidder;
- Project Description/Title;
- Project Number
- Bid Opening Date/Time.

All bids shall be submitted to:

**Houston Community College System
Procurement Operations
3100 Main Street (11th Floor, Room #11A06)
Houston, Texas 77002
Reference: Project No. 08-06
Attn: Renee M. Alonzo, Buyer**

14. **Texas Public Information Act**

HCC considers all information, documentation and other materials requested to be submitted in response to this solicitation to be of a non-confidential and/or non-proprietary nature, and therefore, shall be subject to public disclosure under the Texas Public Information Act (Texas Government Code, Chapter 552.001, et seq.) after a contract is awarded.

15. **Conflict of Interest**

If a firm responding to this solicitation knows of any material personal interest, direct or indirect, that any member, official or employee of HCC would have in the contract resulting from this solicitation, the firm must disclose this to HCC. Persons submitting a response to this solicitation must comply with all applicable laws, ordinances, and regulations of the State of Texas Government Code. As applicable, the person submitting a response to this solicitation must complete and submit **Attachment No. 14, Conflict of Interest Questionnaire Form**. This completed form must be signed and submitted with the solicitation response.

ATTACHMENT NO. 1
HOUSTON COMMUNITY COLLEGE SYSTEM
INVITATION FOR BIDS
BID/CONTRACT AWARD FORM

PROJECT TITLE: Miscellaneous Medical Supplies & Equipment
PROJECT NO.: 08-06

Name of Bidder/Contractor: _____

Address: _____

Telephone: _____

Fax: _____

E-mail: _____

Receipt of Bid Amendments Number(s): _____

The undersigned hereby proposes to furnish all labor, materials, supervision and any other services necessary to complete the above referenced project for the bid amount(s) listed on the Schedule of Items and Prices, Attachment No. 2.

The undersigned certifies that the amount(s) contained in Attachment No. 2 have been carefully checked and are submitted as correct and final.

Signed By: _____

Name: _____
(Type or Print)

Title: _____
(Type or Print)

ATTEST: _____
(Secretary, if Bidder is a Corporation)

SEAL:
(If Corporation)

ACCEPTANCE AND CONTRACT AWARD FORM

(This page to be completed by HCC.)

Purchase Order No. _____ (for payment purposes only)
Project No. 08-06

Contractor to perform the work required herein in accordance with Purchase Order(s) issued by HCC and the Terms and Conditions of Purchase posted on the HCC website at www.hccs.edu, incorporated herein by reference, and the prices, scope of services and general terms and conditions attached hereto and made a part hereof.

HOUSTON COMMUNITY COLLEGE SYSTEM

Executed for and on behalf of the Houston Community College System pursuant to approval by the Board of Trustees on _____, 2007

Signed By: _____

Name: Michael Kyme
Title: Executive Director, Procurement Operations

ATTACHMENT NO. 2

**SCHEDULE OF ITEMS AND PRICES
For
Miscellaneous Medical Supplies & Equipment**

The Bidder/Contractor shall furnish all resources and services necessary and required to supply and deliver (F.O.B. destination) Miscellaneous Medical Supplies & Equipment in accordance with the general terms and conditions of the sample contract for the price(s) listed below.

| <u>Item No.</u> | <u>Description</u> | <u>Qty</u> | <u>Unit</u> | <u>Unit Bid Price</u> | <u>Extended Bid Amount</u> |
|-----------------|---|------------|-------------|-----------------------|----------------------------|
| 001 | Super Pulley Force Table, Pasco Scientific Part Number #ME-9447 or Equal | 6 | ea. | \$_____ | \$_____ |
| | Bidding on: _____ (Manufacturer/Model No.) | | | | |
| 002 | Super Pulley with Clamp, Pasco Scientific Part Number #ME-9448A or Equal | 12 | ea. | \$_____ | \$_____ |
| | Bidding on: _____ (Manufacturer/Model No.) | | | | |
| 003 | Intro Dyn 2.2 w/Carts, Pasco Scientific Part Number #ME-9452A or Equal | 6 | ea. | \$_____ | \$_____ |
| | Bidding on: _____ (Manufacturer/Model No.) | | | | |
| 004 | Ballistic Pendulum/ Launcher, Pasco Scientific Part Number #ME-6830, or Equal. | 6 | ea. | \$_____ | \$_____ |
| | Bidding on: _____ (Manufacturer/Model No.) | | | | |
| 005 | Variable-G Pendulum, Pasco Scientific Part Number #EX-9904 or Equal | 6 | ea. | \$_____ | \$_____ |
| | Bidding on: _____ (Manufacturer/Model No.) | | | | |

| <u>Item No.</u> | <u>Description</u> | <u>Qty</u> | <u>Unit</u> | <u>Unit Bid Price</u> | <u>Extended Bid Amount</u> |
|-----------------|--|------------|-------------|-----------------------|----------------------------|
| 006 | Energy Trans Calorimeter, Pasco Scientific Part Number #ET-8499 or Equal. | 6 | ea. | \$_____ | \$_____ |
| | Bidding on: _____ (Manufacturer/Model No.) | | | | |
| 007 | Bar Magnets (set of 2), Pasco Scientific Part Number #SE-8687 or Equal. | 18 | ea. | \$_____ | \$_____ |
| | Bidding on: _____ (Manufacturer/Model No.) | | | | |
| 008 | Economy Resonance Tube, Pasco Scientific Part Number #WA-9495 or Equal. | 6 | ea. | \$_____ | \$_____ |
| | Bidding on: _____ (Manufacturer/Model No.) | | | | |
| 009 | Open Speaker, Pasco Scientific Part Number #WA-9900 or Equal. | 6 | ea. | \$_____ | \$_____ |
| | Bidding on: _____ (Manufacturer/Model No.) | | | | |
| 010 | Sine Wave Generator Pasco Scientific Part Number #WA-9867 or Equal. | 6 | ea. | \$_____ | \$_____ |
| | Bidding on: _____ (Manufacturer/Model No.) | | | | |
| 011 | Field Mapper Kit, Pasco Scientific Part Number #PK-9023 or Equal. | 6 | ea. | \$_____ | \$_____ |
| | Bidding on: _____ (Manufacturer/Model No.) | | | | |
| 012 | Resistivity Apparatus, Pasco Scientific Part Number #EM-8812 or Equal. | 6 | ea. | \$_____ | \$_____ |
| | Bidding on: _____ (Manufacturer/Model No.) | | | | |

| <u>Item No.</u> | <u>Description</u> | <u>Qty</u> | <u>Unit</u> | <u>Unit Bid Price</u> | <u>Extended Bid Amount</u> |
|-----------------|---|------------|-------------|-----------------------|----------------------------|
| 013 | AC/DC Electronics Lab, Pasco Scientific Part Number #EM-8656 or Equal. | 6 | ea. | \$_____ | \$_____ |
| | Bidding on: _____ (Manufacturer/Model No.) | | | | |
| 014 | DC Power Supply, 0-30V 115/220V Pasco Scientific Part Number #SE-8587 or Equal. | 12 | ea. | \$_____ | \$_____ |
| | Bidding on: _____ (Manufacturer/Model No.) | | | | |
| 015 | Basic Digital Multimeter, Pasco Scientific Part Number #SE-9786A or Equal. | 12 | ea. | \$_____ | \$_____ |
| | Bidding on: _____ (Manufacturer/Model No.) | | | | |
| 016 | Pasco Mass and Hanger Set, Pasco Scientific Part Number #ME-9348 or Equal. | 6 | ea. | \$_____ | \$_____ |
| | Bidding on: _____ (Manufacturer/Model No.) | | | | |
| 017 | Slotted Mass Set, Pasco Scientific Part Number #SE-8704A or Equal. | 12 | ea. | \$_____ | \$_____ |
| | Bidding on: _____ (Manufacturer/Model No.) | | | | |
| 018 | Calipers (Stainless Steel, Slide), Pasco Scientific Part Number #SF-8711 or Equal. | 12 | ea. | \$_____ | \$_____ |
| | Bidding on: _____ (Manufacturer/Model No.) | | | | |
| 019 | Archim Prcple. Expt Kit., Pasco Scientific Part Number #EX-9909 or Equal. | 6 | ea. | \$_____ | \$_____ |
| | Bidding on: _____ (Manufacturer/Model No.) | | | | |

020 Computer-Based Optics System II
Part Number #OS-8548B or Equal 6 ea. \$ _____ \$ _____

Bidding on: _____
(Manufacturer/ Model No.)

021 Ohaus Scout Pro 2000G,
Pasco Scientific
Part #SE-8757A or Equal 6 ea. \$ _____ \$ _____

Bidding on: _____
(Manufacturer/Model No.)

TOTAL BID AMOUNT (LINE ITEM NUMBERS 001 – 021): \$ _____

ATTACHMENT NO. 3

GENERAL TERMS AND CONDITIONS

1. **Contract Award**

A response to the solicitation is an offer to contract with Houston Community College System ("HCC") based on the terms and conditions contained herein. Bids do not become contracts until they are accepted by HCC through issuance of written purchase orders or other duly executed documents.

2. **Delivery Requirements**

Delivery shall be made within sixty (60) business days after receipt of purchase order. Items to be delivered to HCC shall be plainly marked with the assigned HCC purchase order number. HCC shall not be responsible for any goods delivered or services performed without the benefit of a duly signed purchase order issued by HCC Procurement Operations Department. All items shall be delivered to the Houston Community College System, Southwest College, Attn: Roland Fields, 2811 Hayes Road, Houston, Texas 77082-2642.

3. **Shipping Terms**

Prices shall be F.O.B. Destination to the delivery location designated on the HCC authorized purchase order. The Contractor shall retain title and control of all goods until they are delivered and accepted by HCC. All risk of transportation and all related charges shall be the responsibility of the Contractor. HCC will notify the Contractor promptly of any damaged goods and will assist the Contractor in arranging for inspection of the items delivered to HCC.

4. **Warranty**

The Contractor shall provide a standard commercial warranty for all items delivered under this contract.

5. **Interpretation, Jurisdiction and Venue**

The Contract shall be construed and interpreted solely in accordance with the laws of the State of Texas. Venue of any suit, right or cause of action arising under or in connection with the contract shall be exclusively in Harris County, Texas.

6. **Compliance with Laws**

The Contractor shall give all notices and comply with all Federal, State of Texas and local laws. Upon request, the Contractor shall furnish to HCC certificates of compliance with all such laws.

7. **Taxes**

HCC is tax exempt as a governmental subdivision of the State of Texas under Section 501C (3) of the Internal Revenue Code. Limited Sales Tax Number: 1-74-1709152-1.

8. **Termination for Convenience**

HCC may, at its option and discretion, terminate or reduce the statement of work or other requirements of the contract at any time, without any default on the part of the contractor, by giving thirty (30) calendar days written notice thereof to the Contractor.

9. Termination for Convenience

HCC may, at its option and discretion, terminate or reduce the statement of work or other requirements of the contract at any time, without any default on the part of the contractor, by giving thirty (30) calendar days written notice thereof to the Contractor.

10. Termination for Default

HCC may terminate the contract immediately for default, by giving written notice thereof to the Contractor, if the Contractor neglects to execute the work properly; performs in an unsatisfactory manner or fails to perform any provisions of the contract. In the event of termination for default, HCC shall have against the Contractor, all remedies provided by law and equity.

11. Ethics Conduct

Any direct or indirect actions taken to unduly influence competitive purposes, to circumvent equal consideration for competitive bidders, or to disregard ethical and legal trade practices will disqualify vendors and contractors from current and future consideration for participation in HCC orders and contracts.

12. Changes

HCC shall have the right, at any time, to make changes within the scope of the contract. If such change causes a material increase in the contractor's cost and/or the time for performance, the Contractor shall so notify HCC in writing within ten (10) calendar days from the date of the contractor's receipt of the notice of change, and an equitable adjustment in the price and/or the time of performance shall be mutually agreed upon between the parties. No such change shall be effective in the absence of express written direction of HCC.

13. Insurance Requirements

The Contractor agrees to comply with the insurance requirements contained herein, if any.

14. Indemnification

The Contractor shall hold HCC, its agents, employees, trustees and other officers harmless from any claim or liability asserted against it by reason of the negligence of the Contractor, its agents, servants and employees in the performance of the Contract.

15. Independent Contractor

It is agreed and understood that the Contractor shall be deemed to be an independent contractor in all its operations and activities hereunder; that the employees furnished by the Contractor to perform the services required by the contract shall be deemed to be Contractor’s employees or independent subcontractors; that the Contractor’s employees shall be paid by the Contractor; and the Contractor and its employees shall be responsible for all obligations and reports covering social security, unemployment insurance, income tax, and other reports and deductions required by State and Federal law.

16. Assignment

The Contractor may not assign or transfer any of its rights, duties or obligations under this Agreement, in whole or in part, without the prior written consent of HCC. This Contract shall inure to the benefit of, and be binding upon, the parties hereto and their respective successors and permitted assigns.

17. Notices

All notices hereunder by either party to the other shall be in writing, delivered personally, by certified or registered mail, return receipt requested, or by overnight courier, and shall be deemed to have been duly given when delivered personally or when deposited in the United States mail, postage prepaid addressed as follows:

Houston Community College System:

Procurement Operations
3100 Main Street
Houston, Texas 77002
ATTN: Michael Kyme,
Executive Director, Procurement Operations

Contractor:

Attn: _____

18. Invoicing and Payment

The Contractor shall submit an original invoice to the address shown below for the goods or services which have been inspected and accepted by HCC:

Houston Community College System
Accounts Payable
P.O. Box 667460
Houston, Texas 77266-7460

Reference: Project No. 08-06 and the applicable purchase order number.

Generally, payment will be made within thirty (30) calendar days after receipt of a properly prepared invoice or acceptance of the goods or services, whichever is later. Payment shall be considered made when HCC deposits the Contractor’s payment in the mail or the date on which an electronic transfer of funds occurs.

19. **Entire Agreement**

This Contract and its accompanying exhibits contain the entire understanding of the parties regarding the services or materials provided and supersede all prior agreements, oral or written, and all other communications between the parties relating to the subject matter. This Contract shall not be amended or modified, except by mutual written agreement between the parties hereto.

ATTACHMENT NO. 4

PROJECT NO. 08-06

HOUSTON COMMUNITY COLLEGE SYSTEM

DETERMINATION OF GOOD FAITH EFFORT

Bidder _____

Address _____

Phone _____ Fax Number _____

In making a determination that a good faith effort has been made, HCC requires the Bidder to complete this form and submit supporting documentation explaining in what ways the Bidder has made a good faith effort to attain the goal. The Bidder will respond by answering "yes" or "no" to the following and provide supporting documentation.

- _____ (1) Whether the Bidder provided written notices and/or advertising to at least five (5) certified small businesses or advertised in general circulation, trade association and/or small businesses focus media concerning subcontracting opportunities.
- _____ (2) Whether the Bidder divided the work into the reasonable portions in accordance with standard industry practices.
- _____ (3) Whether the Bidder documented reasons for rejection or met with the rejected small business to discuss the rejection.
- _____ (4) Whether the Bidder negotiated in good faith with small businesses, not rejecting qualified subcontractors who were also the lowest responsive bidder.

NOTE: If the Bidder is unable to meet the solicitation goal or if any of the above items (1-4) are answered "no", the Bidder must submit a letter of justification.

Signature of Bidder

Title

Date

**ATTACHMENT NO. 5
SMALL BUSINESS UNAVAILABILITY CERTIFICATE**

I, _____, _____, of
 (Name) (Title)

_____,
 (Name of bidder's company) certify that on the date(s) shown, the small businesses listed herein were contacted to solicit Bids for Materials or Services to be used on Project #08-06

| DATE CONTACTED | SMALL BUSINESS Name | TELEPHONE NO. | CONTACT PERSON | MATERIALS OR SERVICES | RESULTS |
|----------------|---------------------|---------------|----------------|-----------------------|---------|
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |
| 6. | | | | | |

To the best of my knowledge and belief, said small business was unavailable for this solicitation, unable to prepare a bid or prepared a bid that was rejected for the reason(s) stated in the RESULTS column above.

The above statement is a true and accurate account of why I am unable to commit to awarding subcontract(s) or supply order(s) to the small business listed above.

NOTE: This form to be submitted with all Bidder documents for Waiver of small business participation. (See Instructions to Bidders)

Signature: _____

**ATTACHMENT NO. 6
SMALL BUSINESS DEVELOPMENT QUESTIONNAIRE**

Note: Vendors are to complete this form along with a **copy** of the Contractor and First Tier Subcontractor/Supplier Participation Form and return it in a separate envelope to:

**Houston Community College System
Procurement Operations/Small Business Development
Post Office Box 667517
Houston, Texas 77266-7517
Ref: HCC Project No. 08-06**

FIRM NAME: _____

FIRM ADDRESS: _____

TELEPHONE: _____

FAX NUMBER: _____

EMAIL ADDRESS: _____

CONTACT PERSON'S NAME AND PHONE NO. _____

SIGNATURE OF FIRM'S AUTHORIZED OFFICIAL: _____

NAME AND TITLE (Type or Print): _____

COMPANY MAJORITY OWNERSHIP (Check one in each column)

| <u>ETHNICITY</u> | <u>GENDER</u> | <u>LOCATION</u> |
|---|---------------------------------|--|
| <input type="checkbox"/> African American (AA) | <input type="checkbox"/> Male | <input type="checkbox"/> Houston (H) |
| <input type="checkbox"/> Asian Pacific American (APA) | <input type="checkbox"/> Female | <input type="checkbox"/> Texas (T) |
| <input type="checkbox"/> Caucasian (C) | | <input type="checkbox"/> Out of State (O) |
| <input type="checkbox"/> Hispanic American (HA) | | Specify State _____ |
| <input type="checkbox"/> Native American (NA) | | <input type="checkbox"/> Public Owned (PO) |
| <input type="checkbox"/> Other (O) Specify _____ | | |

BUSINESS CLASSIFICATION

| | |
|---|--|
| <input type="checkbox"/> DBE Disadvantaged Business Enterprise | <input type="checkbox"/> SB Small Business |
| <input type="checkbox"/> WBE Women Owned Business Enterprise | <input type="checkbox"/> MBE Minority Business Enterprise |
| <input type="checkbox"/> HUB Historically Underutilized Business | <input type="checkbox"/> Other: _____ |

Please provide information regarding certifying agency (if any)

| Name of Agency | Certificate Number | Expiration Date |
|-----------------------|---------------------------|------------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

CONTRACTOR AND FIRST TIER SUBCONTRACTOR PARTICIPATION FORM

Bidder/offeror following participants in this solicitation and any resulting Contract. All bidders / offerors, including small businesses bidding as prime contractors, are required to demonstrate good faith efforts to include eligible small businesses (as first tier subcontractors) in their bid/proposal submissions.

| CONTRACTOR | Specify in Detail Type of Work to be Performed | Indicate below the following: Small Business (SB) and Certification Status, if any (i.e. SB – COH, METRO, etc.) | Percentage of Contract Effort | Price |
|--|--|--|----------------------------------|-------|
| Business Name: | | | | |
| Business Address: | | | | |
| Telephone No. : | | | | |
| Contact Person Name/E-mail: | | | | |
| SUBCONTRACTOR(S) (Attach separate sheets if more space is needed) | | | | |
| Business Name: | | | | |
| Business Address: | | | | |
| Telephone No. : | | | | |
| Contact Person: | | | | |
| Business Name: | | | | |
| Business Address: | | | | |
| Telephone No. : | | | | |
| Contact Person: | | | | |
| Business Name: | | | | |
| Business Address: | | | | |
| Telephone No. : | | | | |
| Contact Person: | | | | |
| Business Name: | | | | |
| Business Address: | | | | |
| Telephone No. : | | | | |
| Contact Person: | | | | |

Business Name: _____ Submitted By (Name): _____

Contractor Total: \$ _____

Address: _____

Subcontractor (s) Total: \$ _____

Telephone/Fax: _____ Date: _____

Grand Total: \$ _____

ATTACHMENT NO. 8

NON-DISCRIMINATION STATEMENT

The undersigned certifies that he/she will not discriminate against any employee or applicant for employment or in the selection of subcontractors because of race, color, age, religion, gender, national origin or disability. The undersigned shall also take action to ensure that applicants are employed, and treated during employment, without regard to their race, color, religion, gender, age, national origin or disability. Such action shall include, but shall not be limited to the following: employment, upgrading or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other compensation, and selection for training, including apprenticeship.

Name/Title: _____
(Type or Print)

Signature: _____ Date: _____

Company Name: _____
(Type or Print)

Address: _____

Telephone Number: _____

**ATTACHMENT NO. 9
CERTIFICATION AND DISCLOSURE STATEMENT**

A person or business entity entering into a contract with HCC is required by Texas Law to disclose, in advance of the contract award, if the person or an owner or operator of the business entity has been convicted of a felony. The disclosure should include a general description of the conduct resulting in the conviction of a felony as provided in section 44.034 of the Texas Education Code. The requested information is being collected in accordance with applicable law. This requirement does not apply to a publicly held corporation.

If an individual:
Have you been convicted of a felony? YES or NO

If a business entity: YES or NO

Has any owner of your business entity been convicted of a felony? _____

Has any operator of your business entity been convicted of a felony? _____

If you answered yes to any of the above questions, please provide a general description of the conduct resulting in the conviction of the felony, including the Case Number, the applicable dates, the State and County where the conviction occurred, and the sentence.

I attest that I have answered the questions truthfully and to the best of my knowledge.

By: _____ Date: _____

Name: _____

Title: _____

Business Entity: _____

Signature of Firm's Authorized Official: _____

State of Texas

sworn to and subscribed before me at _____

Texas, this the _____ day of _____, 2007

Notary Public for the State Of: _____

ATTACHMENT NO. 10

STATE OF TEXAS AFFIDAVIT

This company, contractor, or subcontractor agrees to refrain from discrimination in terms and conditions of employment on the basis of race, color, religion, sex, physical handicap, or national origin, and agrees to take affirmative action as required by Federal Statutes and Rules and Regulations issued pursuant thereto in order to maintain and ensure nondiscriminatory employment practices.

Signed: _____

Name of Company: _____

Address of Company: _____

State of Texas

Sworn to and subscribed before me at _____ Texas,

this the _____ day of _____, 2007.

Notary Public for the State Of: _____

**ATTACHMENT NO. 11
BUSINESS QUESTIONNAIRE**

FIRM NAME: _____

FIRM ADDRESS: _____

TELEPHONE: _____

FAX NUMBER: _____

EMAIL ADDRESS: _____

CONTACT PERSON'S NAME AND PHONE NO. (Type or Print):

SIGNATURE OF FIRM'S AUTHORIZED OFFICIAL: _____

NAME AND TITLE (Type or Print): _____

Do you or any officer, partner, owner, sales representative and/or spouse work for the Houston Community College System? _____ Yes _____ No

If yes, please specify: _____

State in which your home office / headquarters is located? _____

If headquarters is located out of state, does that state have preferential treatment on Bids? _____

If yes, list percentage. _____%

Name of Financial Institution _____ Contact Person _____
Title _____

Please indicate how you became aware of this procurement? Source: _____

*Example: Newspapers (Chronicle, El Dia, Houston Star, African American News, etc.)
Houston Minority Business Council, HCC Website, Chamber of Commerce, etc.)*

TYPE OF ORGANIZATION

Individual Sole Proprietorship
 Partnership Corporation, Incorporated in _____

Federal Employer Identification Number _____
 (Note: please refer to Attachment No. 13, Vendor Application Instructions)

How long in business under present name _____
 Number of persons now employed _____

BUSINESS CLASSIFICATION

DBE Disadvantaged Business Enterprise **SB** Small Business
 WBE Women Owned Business Enterprise **MBE** Minority Business Enterprise
 HUB Historically Underutilized Business Other: _____

** HCC is an equal opportunity / educational institution, which does not discriminate on the basis of race, religion, national origin, gender, age or disability. HCC encourages small and disadvantaged businesses to seek procurement opportunities.*

REFERENCES

List three references (local or otherwise) which have been or are now your customer and at least one in which you have performed comparable work in quantity and scope to that specified in this solicitation.

| | Name of Firm | Address | Point of Contact | Telephone # |
|----|--------------|---------|------------------|-------------|
| 1. | _____ | _____ | _____ | _____ |
| 2. | _____ | _____ | _____ | _____ |
| 3. | _____ | _____ | _____ | _____ |

State of Texas

Sworn to and subscribed before me at _____

Texas, this the _____ day of _____, 2007

Notary Public for the State of: _____

ATTACHMENT NO. 12

ASSURANCE OF SBDP GOAL

The undersigned certifies that he/she has read, understands and agrees to be bound by the small business provisions set forth in this Solicitation. The undersigned further certifies that he/she is legally authorized to make the statements and representations in the Solicitation and that said statements and representations are true and accurate to the best of his/her knowledge. The undersigned will enter into formal agreement(s) for work identified on the **CONTRACTOR AND FIRST TIER SUBCONTRACTOR PARTICIPATION** form conditioned upon execution of a contract with HCC. The undersigned agrees to attain the small business utilization percentages of the total offer amount as set forth below:

Small Business Participation Goal = **BEST EFFORT**

The undersigned certifies that the firm shown below has not discriminated against any small business or other potential subcontractor because of race, color, religion, gender, age, veteran's status, disability or national origin, but has provided full and equal opportunity to all potential subcontractors irrespective of race, color, religion, gender, age, disability, national origin or veteran status.

The undersigned understands that if any of the statements and representations are made knowing them to be false or there is a failure to implement any of the stated commitments set forth herein without prior approval of HCC's Chancellor or the duly authorized representative, the Bidder may be subject to the loss of the contract or the termination thereof resulting from this bid and could be ineligible for future HCC contract awards.

Signature _____

Title _____ Date of Signing _____

Firm Name _____

Address _____

Telephone Number _____

ATTACHMENT NO. 13 VENDOR APPLICATION INSTRUCTIONS

The Houston Community College System Purchasing department has developed an online vendor application system. This system is designed to allow firms or individuals that are interested in doing business with HCC to register online and become part of our vendor database. Once registered, you will receive a password and personal login information that will allow you to modify your vendor information anytime a change occurs with your company. You will have the flexibility to add or delete commodity lines, update phone numbers and contact information, etc. This database will allow HCC to notify, via email, all companies that match the desired commodity criteria for procurement opportunities within Houston Community College System. What a great way to never miss out on an HCC bid or proposal opportunity again.

Please take a moment to go to the Houston Community College System Purchasing department website and register as a vendor. The website address to access the vendor registration form is
http://216.119.142.201/HCCS/Supplier_Registration_Form.asp

Once you have completed your application, please print out a copy of the completed application and submit it with your completed bid package. If you do not have internet access you are welcome to use a computer at any HCC library to access the website and register.

ATTACHMENT NO. 14

CONFLICT OF INTEREST QUESTIONNAIRE

CONFLICT OF INTEREST QUESTIONNAIRE FORM CIQ
For vendor or other person doing business with local government entity

This questionnaire is being filed in accordance with chapter 176 of the Local Government Code by a person doing business with the government entity. **OFFICE USE ONLY**
Date Received

By Law this questionnaire must be filled with the records administrator of the local government not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. See Section 76.006, Local Government Code.

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

1 Name of Person doing business with local government entity.

2 . Check this box if you are filing an update to a previous questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than September 1 of the year for which an activity described in Section 176.006(a), Local Government Code, is pending and not later that the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)

3 Describe each affiliation or business relationship with an employee or contractor of the local government entity who makes recommendations to a local government officer of the local government entity with respect to the expenditure of money.

4 Describe each affiliation or business relationship with a person who is a local government officer and who appoints or employs a local government officer of the local government entity that is the subject of this questionnaire.

CONFLICT OF INTEREST QUESTIONNAIRE FORM CIQ
For vendor or other person doing business with local government entity

5 Name of local government officer with whom filer has affiliation or business relationship. (Complete this section only if the answer to A, B, or C is YES.)

This section, item 5 including subparts A, B, C, & D, must be completed for each officer with whom the filer has affiliation or business relationship. Attach additional pages to the Form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income from the filer of the questionnaire?

Yes No

B. Is the filer of the questionnaire receiving or likely to receive taxable income from or at the direction of the local government officer named in this section AND the taxable income is not from the local government entity?

Yes No

C. Is the filer of this questionnaire affiliated with a corporation or other business entity that the local government officer serves as an officer or director, or holds an ownership of 10% or more?

Yes No

D. Describe each affiliation or business relationship.

6 Describe any other affiliation or business relationship that might cause a conflict of interest.

7 _____

Signature of person doing business with the government entity

_____ Date

**Houston Community College System
Procurement Operations**



SAMPLE CONTRACT DOCUMENTS

By and Between

HOUSTON COMMUNITY COLLEGE SYSTEM

And

FOR

PROJECT NO. 08-06

SAMPLE CONTRACT EXHIBITS

**EXHIBIT A
BID / AWARD FORM**

Note: (Attachment No. 1 of this solicitation may become Exhibit A in the resulting contract.)

**EXHIBIT B
SCHEDULE OF ITEMS AND PRICES**

Note: (Attachment No. 2 of this solicitation may become Exhibit B in the resulting contract.)

**EXHIBIT C
GENERAL TERMS AND CONDITIONS**

Note: (Attachment No. 3 of this solicitation may become Exhibit C in the resulting contract.)

**EXHIBIT D
CONTRACTOR AND FIRST TIER SUBCONTRACTOR/SUPPLIER PARTICIPATION FORM**

Note: (Attachment No. 7 of this solicitation may become Exhibit D in the resulting contract.)

**EXHIBIT E
First Tier Subcontractor Payment Certification Form**

**EXHIBIT F
SUBCONTRACTOR PROGRESS ASSESSMENT FORM**

**EXHIBIT E
HOUSTON COMMUNITY COLLEGE SYSTEM**

FIRST TIER SUBCONTRACTOR PAYMENT CERTIFICATION FORM

PROJECT NO./TITLE: Project # 08-06 Miscellaneous Medical Supplies & Equipment

NAME OF SUBCONTRACTOR: _____

ADDRESS: _____

I hereby certify that the above firm has received payment on _____ from _____ in the
(Date) (Prime Contractor)
amount of \$ _____ as full payment of our Invoice No. _____ dated _____ for work
performed during _____ under Contract/Project No. _____.
(Enter Time Period)

Signature: _____

Name (Print or Type) : _____

Title: _____

Date: _____

Telephone: _____

- Instructions:** 1. This form shall be completed and signed by an officer of the subcontractor's company for each payment received from the prime contractor and shall be returned to the prime contractor for its submission to HCC.
2. The prime contractor shall attach this completed form to each invoice for payment submitted to HCC/Acct. Dept.

EXHIBIT F

HOUSTON COMMUNITY COLLEGE SYSTEM

SUBCONTRACTOR PROGRESS ASSESSMENT FORM

Project No./Title: Project # 08-06 Miscellaneous Medical Supplies & Equipment

Reporting Period: From _____ To _____

Prime Contractor: _____

Total Contract Amount (Prime Contractor): \$ _____

| List Subcontractor(s) name below. | Total Subcontract Amount | Amount Paid This Period | Total Paid to Date |
|-----------------------------------|--------------------------|-------------------------|--------------------|
| Name: _____ | \$ _____ | \$ _____ | \$ _____ |
| | | | |
| | | | |
| | | | |
| | | | |

I hereby certify that _____ has made timely payments from proceeds of prior payments, and will make payments

(Prime Contractor)

within five (5) calendar days of receipt of funds now due from HCC to our subcontractor(s) in accordance with the contractual arrangements with them.

Signature: _____

Name (Print or Type): _____

Title: _____

Date: _____

Telephone: _____

Instruction: This form shall be completed and signed by an officer of the prime contractor's company and shall be attached to each invoice for payment submitted to HCC/Acct. Dept.