

**Houston Community College System
Purchasing Department**



HOUSTON COMMUNITY COLLEGE SYSTEM

INVITATION FOR BIDS

FOR

BIOLOGICAL SAFETY CABINETS WITH SUPPORT STANDS

PROJECT NO. 06-25

INVITATION FOR BIDS

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HOUSTON COMMUNITY COLLEGE SYSTEM
INVITATION FOR BIDS - SUMMARY

Date: April 11, 2006

Project Title: Biological Safety Cabinets with Support Stands

Project No. 06-25

ISSUED BY:

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

SUBMIT INQUIRIES TO:

Name: Georgia Coats
Title: Senior Buyer

Telephone: (713) 718-5004
Fax: (713) 718-2113
Email: georgia.coats@hccs.edu

Project Overview: The Houston Community College System (“HCC”) is seeking sealed bids from qualified firms to supply and deliver two (2) Biological Safety Cabinets with Support Stands, 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 or his designee.

Bid Opening Time/Location: Sealed bids in original form for work/items described herein will be received until April 26, 2006, 4:00 P.M. (Local Time) at the Purchasing Department, 3100 Main (11th Floor, Room #11A06), Houston, Texas 77002, and at that time publicly opened and read aloud in Conference Room #11A07.

Delivery: All deliveries shall be completed within fifty (50) working days after receipt of a written purchase order issued by HCC.

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 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 OF 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. **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.

6. **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.

7. **TAXES**

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

8. **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.

9. **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:

- [1] Between a potential vendor, service provider, bidder, offeror, lobbyist or consultant and any Trustee;
- [2] Between any Trustee and any member of a selection or evaluation committee; and
- [3] 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:

- [1] The contract is awarded by the Chancellor or his designee; or
- [2] 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:

- [1] Duly noted pre-bid or pre-proposal conferences.
- [2] Communications with the HCC General Counsel.
- [3] Emergency contracts.
- [4] Presentations made to the Board during any duly-noticed public meeting.
- [5] 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.
- [6] 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.

10. **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 are strictly prohibited.

11. **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.3)
- Small Business Unavailability Certificate (Attachment No. 4)
- Contractor & First Tier Subcontractor/Supplier Participation Form (Attachment No. 6)
- Non-Discrimination Statement (Attachment No. 7)
- Certification & Disclosure Statement (Attachment No. 8)
- Affidavit Form (Attachment No. 9)
- Business Questionnaire (Attachment No. 10)
- Assurance of SBDP Goal (Attachment No. 11)

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
Purchasing Department
3100 Main Street (11th Floor)
Houston, Texas 77002
Reference: Project No. 06-25
Attn: Georgia Coats**

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

DESCRIPTION OF PROJECT: Biological Safety Cabinets with Support Stands
PROJECT NO.: 06-25

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. _____

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 _____

Signed By: _____

Name: Michael Kyme
Title: Executive Director, Procurement Operations

ATTACHMENT NO. 2

SCHEDULE OF ITEMS AND PRICES

For

Biological Safety Cabinets w/Support Stands

The Bidder/Contractor shall furnish all resources and services necessary and required to supply/deliver, items listed herein, in accordance with the general terms and conditions of the proposed contract for the price(s) listed below:

<u>Item No.</u>	<u>Description</u>	<u>Qty</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Extended Bid Amount</u>
001	Biological Safety Cabinets with Support Stand Envirco Model #EBC-70 (Part No. 10451) (Support Stand P/N: 10277)	2	EA	\$ _____	\$ _____

002 Shipping and Handling Charges Lump Sum \$ _____

Total Bid Amount (Items 001-002): \$ _____

Delivery Address:

The items shall be delivered to the following address:

**Houston Community College
Attn: Kleve Smith
Town & Country Center
1050 W. Sam Houston Parkway N.
Houston, Texas 77043**

ATTACHMENT NO. 3

PROJECT NO. 06-25

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. 4
SMALL BUSINESS UNAVAILABILITY CERTIFICATE**

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

_____, certify that on the date shown below, I contacted the following small business(es)
 (Business Name) to obtain a Bid for Materials or Services to be utilized on HCC Project No. 06-25.

DATE CONTACTED	SMALL BUSINESS	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/proposal 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 was unable to award a subcontract(s) or supply orders(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: _____
 (Bidder/Offerer)

**ATTACHMENT NO. 5
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
Economic Development Office
Post Office Box 667517
Houston, TX 77266-7517**

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)

ETHNICITY

GENDER

LOCATION

____ African American (AA)

____ Male

____ Houston (H)

____ Asian Pacific American (APA)

____ Female

____ Texas (T)

____ Caucasian (C)

____ Out of State (O)

____ Hispanic American (HA)

Specify State _____

____ Native American (NA)

____ Public Owned (PO)

____ Other (O) Specify _____

BUSINESS CLASSIFICATION

____ **DBE** Disadvantaged Business Enterprise

____ **SB** Small Business

____ **WBE** Women Owned Business Enterprise

____ **MBE** Minority Business Enterprise

____ **HUB** Historically Underutilized Business

____ Other: _____

Please provide information regarding certifying agency (if any)

Name of Agency

Certificate Number

Expiration Date

ATTACHMENT NO. 6

CONTRACTOR AND FIRST TIER SUBCONTRACTOR/SUPPLIER PARTICIPATION

Bidder/offerer presents the following participants in this solicitation and any resulting Contract. All bidders / offerers, including small businesses bidding as prime contractors, are required to demonstrate good faith efforts to include eligible small businesses in their bid submissions as subcontractors and/or suppliers.

CONTRACTOR	Type of Work to be Performed or Materials Supplied	Indicate if Small Business, DBE, HUB, MBE, etc.	Percentage of Contract Effort	Price
Business Name:				
Business Address:				
Telephone No. :				
Contact Person:				
SUBCONTRACTORS				
Business Name:				
Business Address:				
Telephone No. :				
Contact Person:				
Business Name:				
Business Address:				
Telephone No. :				
Contact Person:				
SUPPLIERS				
Business Name:				
Business Address:				
Telephone No. :				
Contact Person:				
Business Name:				
Business Address:				
Telephone No. :				
Contact Person:				

Submitted by: _____ Business Name: _____

TOTAL \$ _____

Address: _____

Contractor \$ _____

Telephone/Fax: _____ Date: _____

Subcontractor(s) \$ _____

Supplier (s): \$ _____

ATTACHMENT NO. 7

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. 8

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: YES or NO
Have you been convicted of a felony? _____

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 _____, 2006

Notary Public for the State

Of _____

ATTACHMENT NO. 9

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 _____, 2006.

Notary Public for the State

Of _____

**ATTACHMENT NO. 10
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 _____
Social Security Number, if an individual _____

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 _____, 2006

Notary Public for the State
of _____

ATTACHMENT NO. 11

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 = _____

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. 12 HCCS VENDOR APPLICATION

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.

**Houston Community College System
Purchasing Department**



**HOUSTON COMMUNITY COLLEGE SYSTEM
PROPOSED/SAMPLE CONTRACT DOCUMENTS**

FOR

BIOLOGICAL SAFETY CABINETS WITH SUPOPRT STANDS

PROJECT NO. 06-25

PROPOSED/SAMPLE CONTRACT EXHIBITS

EXHIBIT A

BID/AWARD FORM

(Attachment No. 1 will become Exhibit A in the resulting contract.)

EXHIBIT B

SCHEDULE OF ITEMS AND PRICES

(Attachment No. 2 will become Exhibit B in the resulting contract.)

EXHIBIT C

SCOPE OF SERVICES/SPECIFICATION/STATEMENT OF WORK

(Attachment No. 3 will become Exhibit C in the resulting contract.)

EXHIBIT D

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 therein. Bids do not become contracts until they are accepted by HCC through issuance of written purchase orders or other duly executed documents.

2. Contract Term

The Contract performance period shall be fifty (50) working days after receipt of a written purchase order issued by HCC, unless otherwise extended or terminated by the Houston Community College System in accordance with the terms and conditions of this Contract.

3. 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.

4. 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.

5. 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.

6. 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.

7. **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.

8. **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.

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

The Contractor hereby agrees to attain small business participation in the amount of _____% of the total contract amount. The Contractor agrees to enter into agreements for the Work identified in Attachment No. _____, entitled Contractor and First Tier Subcontractor/Supplier Participation. The subcontracting goal applies to all vendors regardless of their status. The Contractor's failure to comply with the aforementioned small business participation provisions may result in:

- Withholding of payment until such compliance is achieved or a waiver of the provisions is provided by HCC.
- Revocation of any benefits and incentives provided under the program or suspension or termination of the contract in whole or in part.

10. **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.

11. **Insurance Requirements**

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

12. 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.

13. 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.

14. 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.

15. 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:
Purchasing Department (11th Floor)
3100 Main Street
Houston, Texas 77002
ATTN: Michael Kyme,
Executive Director of Procurement

Contractor:

ATTN:_____

16. 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 Agreement may not be amended or modified, except by mutual written agreement between the parties hereto.

17. 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. 06-25 and the associated 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.

EXHIBIT E

CONTRACTOR AND FIRST TIER SUBCONTRACTOR/SUPPLIER PARTICIPATION

Bidder/offerer presents the following participants in this solicitation and any resulting Contract. All bidders / offerers, including small businesses bidding as prime contractors, are required to demonstrate good faith efforts to include eligible small businesses in their bid submissions as subcontractors and/or suppliers.

CONTRACTOR	Type of Work to be Performed or Materials Supplied	Indicate if Small Business, DBE, HUB, MBE, etc.	Percentage of Contract Effort	Price
Business Name:				
Business Address:				
Telephone No. :				
Contact Person:				
SUBCONTRACTORS				
Business Name:				
Business Address:				
Telephone No. :				
Contact Person:				
Business Name:				
Business Address:				
Telephone No. :				
Contact Person:				
SUPPLIERS				
Business Name:				
Business Address:				
Telephone No. :				
Contact Person:				
Business Name:				
Business Address:				
Telephone No. :				
Contact Person:				

Submitted by: _____ Business Name: _____
 Address: _____
 Telephone/Fax: _____ Date: _____

TOTAL \$ _____
 Contractor \$ _____
 Subcontractor(s) \$ _____
 Supplier (s): \$ _____

EXHIBIT F

**HOUSTON COMMUNITY COLLEGE SYSTEM
SUBCONTRACTOR / SUBCONSULTANT / SUPPLIER PAYMENT CERTIFICATION**

Project No. _____

(This form is to be completed by the Subcontractor/Subconsultant or Supplier for each payment received from the Prime Contractor/Consultant.)

NAME OF FIRM: _____

ADDRESS: _____

The above firm is a: (check one)

- Subcontractor
- Subconsultant
- Supplier

I hereby certify that the above firm has received payment on _____ from _____ in the amount of \$ _____ as full payment of our invoice dated _____ for work performed or materials provided during _____ under subject Contract/Project No.
(Time Period)

(To be signed by Officer of the Firm)

Signature _____

Printed or Typed Name _____

Title _____

Please Mail This Form To:
Houston Community College System
Purchasing Department
3100 Main Street, (11th Floor)
Houston, TX 77002
Attn: Georgia Coats, Senior Buyer

EXHIBIT G

HOUSTON COMMUNITY COLLEGE SYSTEM

PROGRESS ASSESSMENT REPORT OF WORK SUBCONTRACTED

Reporting Period: From _____ To _____

Consultant / Contractor _____ Project No. _____

Total Contract Amount (Prime Contractor): \$ _____

Subconsultant / Subcontractor / Supplier (Name)	Total Subcontract Amount \$ _____	Amount Paid This Period \$ _____	Total Paid to Date \$ _____

I hereby certify that _____ has made timely payments from proceeds of prior payments, and will make payments within five (5) calendar days of receipt of funds now due from HCC to our subcontractors and suppliers in accordance with contractual arrangements with them.
(Prime Contractor)

To be reported monthly:

Name: _____
 Signature: _____
 Title: _____
 Phone: _____
 Date: _____

Mail This Form To:
Houston Community College System
Purchasing Department
3100 Main Street, (11th Floor)
Houston, TX 77002
Attn: Georgia Coats, Senior Buyer

