

GARLAND INDEPENDENT SCHOOL DISTRICT REQUEST FOR QUALIFICATIONS (RFQ)

February 5, 2021

FOR: BOND UNDERWRITING SERVICES

RFQ# 362-21



Due Date: MARCH 2, 2021

Time: 2:30 P.M. LOCAL TIME

Location: Garland ISD, Purchasing Department
Attn: Mark Booker, Executive Director of Purchasing
501 S. Jupiter Road
Garland, Texas 75042

INTRODUCTION

The Garland Independent School District ("District") is issuing this request for qualifications ("RFQ"), which are due no later than 2:30 P.M. local time on MARCH 2, 2021, to firms that have expressed interest in providing underwriting services for future bonds issued by the District. These bonds will be either new money, refunding, or a combination of both. The District will select a pool of qualified underwriters ("Firm" or "Firms") who will be called upon to provide their underwriting services, as either Senior Manager or Co-Manager, based on the unique needs of the particular bond transaction. The District does not guarantee that all firms, over the term of this service agreement (see Term section), will be selected to serve as Senior Managing Underwriter. The unique needs of each transaction and the strength of the firms—as determined by the District—will dictate each transaction's underwriting syndicate. The District also does not guarantee that firms selected for the pool will be part of any future underwriting syndicate, but only that they will have an opportunity to be selected. The selection of firms for each bond transaction will be on a case-by-case basis.

The District will consider negotiated sales for all future bond transactions, but explicitly reserves the right to sell bonds on a competitive basis at any time during the term of this agreement using either the Firms or other firms not in the pool. The District also reserves the right to enter into private placements with any member of the Firm, as well as, with firms not selected through this RFQ process.

Nothing in this RFQ, or the receipt by the District of qualifications from prospective firms, shall obligate the District to complete negotiations with any firm. The District will select the Firms based on its assessment of the qualifications submitted (see Submission Requirements section).

The District requires that once firms have received this RFQ, and through the time the RFQs are due, they refrain from contacting any District school board member or any employee of the District except for the authorized individuals listed in this RFQ (see Authorized District Contacts section). Because the District will utilize its financial advisor, Hilltop Securities Inc.¹, to assist in reviewing the submitted RFQs, the District asks that Hilltop Securities Inc also not be contacted during the RFQ process². Any contact with District board members, District employees (other than those authorized), or Hilltop Securities Inc. by firms seeking to have their qualifications reviewed will result in immediate disqualification from being considered as a member of the pool and possibly any debt transaction the District may engage in the future.

Sections I through X below provide additional information to prospective firms while section XI lists the information the District requires be submitted to review qualifications as well as the criteria the District will use to assess those qualifications. Sections XII through XV are additional instructions and terms with Attachments A and B need to be completed, signed, and returned with the RFQ response.

I. BACKGROUND INFORMATION

The District has a student population of approximately 55,850 students in pre-kindergarten through 12, on 72 campuses and is the second largest independent school district, by enrollment, in Dallas County. The District serves the cities of Garland, Sachse, and Rowlett. The District has completed a Facilities Condition Assessment for a potential new bond program.

¹ Hilltop Securities Inc., and its related parties, are precluded from submitting qualifications under this RFQ as they are providing financial advisor services to the District.

² The prohibition on contacting FS applies only to matters regarding this RFQ. The District understands many firms contact FS for a myriad of issues and does not intend to prohibit that type of communication.

The last bond election was in 2014. All bonds authorized in 2014 have been sold. In addition to possible new money sales in the future, the District will avail itself of refunding opportunities for its current outstanding debt when the market conditions are favorable. In prior years, the District sold bonds under the Qualified School Construction Bond ("QSCB") program. In the event a similar program is offered in the future by the federal or state government, the District and FS will determine whether it is advantageous to sell debt under the program. In the event it is, the District intends to use the Firms to assist in selling bonds under the program, but is in no way committing that the Firms have sole right to handle the transactions. While it is the intent of the District to use only firms selected through this RFQ process for debt transactions covering the time period laid out below, the District reserves the right to utilize any underwriting firm, whether in the pool of selected firms or not, for any debt transaction in the future.

The District is currently rated Aaa by Moody's and AA+ by Fitch.

II. TERM

The District intends to use the Firms for a period of five years, with an option to renew annually with mutual consent, for up to an additional five years. The initial five-year period will start from the date the District's school board ("Board") considers and accepts the recommendation from administration. This date is expected to be April 27, 2021, but could be anytime up until December 19, 2021. Selected firms, upon approval by the Board, will receive a "Notice of Award" letter from the District's Executive Director of Purchasing. Only firms receiving this award letter will be considered for approval. Submitting firms should be careful to not construe their submission of qualifications to the District as making the approved list. The District may use the qualifications submitted to pick firms on an as-needed basis to assist with refunding transactions or other non-new money debt issues. The District reserves the right, in the event of an unsuccessful bond election, to use firms that did not respond to this RFQ for these type of transactions.

III. RIGHTS RESERVED BY GARLAND ISD

Garland ISD reserves the following rights:

- i. To cancel this RFQ in whole, or in part, by issuance of a revised or amended RFQ, at the sole discretion of the District.
- ii. To accept, reject, or negotiate modifications in any terms of the firm's qualifications.
- iii. To conduct interviews, as needed.
- iv. To reject and/or disqualify any and all submitted qualifications, to select firms that appear to be most qualified for the services the District is seeking, and to negotiate separately in any manner necessary to serve the interests of the District.
- v. To waive any formalities, technicalities, or other defects in the RFQ process, if deemed in the best interest of the District.
- vi. To request clarification and/or correction of submitted qualifications for the purpose of eliminating minor errors, clerical errors, and/or non-substantive irregularities.
- vii. To be the sole judge of qualifications.
- viii. To make all decisions regarding the RFQ including, without limitation, the right to decide whether a response substantially complies with the requirements of this RFQ.
- ix. To sell bonds on a competitive basis at any time during the term of this agreement using either the firms selected or other firms not in the pool.
- x. To enter into private placements with any member of the firm as well as with firms not selected through this RFQ process.

IV. INDEMNIFICATION

Firms submitting qualifications agree to indemnify and hold harmless Garland ISD and all its officers, agents, employees acting in their individual and official capacity, and all entities, their officers, agents, and employees who are participating in this effort, from all suits, claims, actions, damages, demands or other demands of any character, name and description brought for or on account of any injuries or damages received or sustained by any person, persons or property on account of any negligence act or fault of the Offeror, or of any agent, employee, subcontractor or supplier in the execution of, or performance under any agreement which may result from selection.

V. GOVERNING LAW AND VENUE

Selected firms agree the laws of the State of Texas shall apply to the relationship between the District and Firms and all of the rights and obligations of the parties hereto and all of the terms and conditions hereof shall be construed, interpreted and applied in accordance with and governed by and enforced under the laws of the State of Texas, and the parties hereto agree that venue shall be in Dallas County, Texas.

VI. CONFLICT OF INTEREST

If applicable, firms submitting qualifications must submit to the District a Conflict of Interest Questionnaire. The Questionnaire can be found at: <https://www.ethics.state.tx.us/forms/conflict/>

VII. PROPRIETARY INFORMATION

All materials submitted by prospective firms to establish their qualifications, including any email or mail correspondence between the firm and District, during the time the District is accepting RFQs will become property of the District and, therefore, subject to §552 of the Texas Government Code, commonly referred to as the Texas Public Information Act ("Public Information Act") <https://www.texasattorneygeneral.gov/open-government/members-public/overview-public-information-act> . If a prospective firm does not wish proprietary information submitted to be disclosed under the Public Information Act, each page containing proprietary information must be clearly marked "PROPRIETARY" in large font. The District will, to the extent allowed by law, attempt to keep this proprietary information from disclosure. If information deemed proprietary is requested by a proper method under the Public Information Act, the District will seek a ruling from the Attorney General of Texas. Failure by prospective firms to **clearly identify** proprietary information will result in all unmarked submitted material being deemed to fall under the Public Information Act. The District will not notify prospective firms of its intent to release non-proprietary information requested under the Public Information Act.

VIII. AUTHORIZED DISTRICT CONTACTS

Should any prospective firm wish to contact the District for further information or clarification of any part of this RFQ, they must contact by email the employees listed below. In the interest of transparency, all questions submitted, whether by email, phone, or mail, will be addressed and disseminated, both question and response, to all prospective firms by Addendum posted to the Garland ISD website no later than February 16, 2021 by 4:00 PM at: <https://www.garlandisd.net/connect/do-business/current-opportunities> . The District employees listed below are the only two individuals prospective firms are allowed to contact regarding this RFQ. In the event the District determines that on-site presentations by prospective firms are necessary, the Executive Director of Purchasing will contact them.

Email to:

Mark Booker
Executive Director of Purchasing
501 S. Jupiter Road
Garland, TX 75042
972-487-3009
Bids@garlandisd.net and
NRNunez@garlandisd.net

Copy to:

Brent Ringo, Ed.D
Chief Financial Officer
P.O. Box 469026
Garland, Texas 75046
972-487-3100
bringo@garlandisd.net

IX. PROSPECTIVE FIRM ATTESTATION

By submitting qualifications in response to this RFQ, prospective firms attest to have read the RFQ in its entirety and agree to all the rights reserved by the District, including those listed in the section titled Rights Reserved by Garland ISD, as well as those included throughout the RFQ, see Attachments A and B. Further, by submitting qualifications, prospective firms accept and agree to the methods, criteria, and evaluation the District will use in selecting the Firms. Prospective firms also acknowledge the District will not reimburse any expense the firm incurred in the preparation of the response to this RFQ. If prospective firms cannot adhere to or abide these requirements spelled out in this RFQ, **it is strongly recommended they do not submit qualifications.**

X. CAUSES FOR REMOVAL

The District will consider the following reasons as justification to remove Firms from the pool of underwriters:

- Failure to adequately demonstrate to the District the firm's ability to market and sell District debt.
- Removal of offices from Texas.
- Frequent turnover in bankers and underwriters assigned to serve the District.
- Firm bringing legal action against the District.
- Disciplinary action, investigation, or lawsuits being taken against firm by any local, state or federal agency who hold regulatory authority over the firm such as, but not limited to, Municipal Securities Rulemaking Board (MSRB), National Association of Securities Dealers (NASD), and Securities and Exchange Commission (SEC).
- Lawsuits being filed against firm by former clients.
- Contact with any District board member or employee, other than authorized District contacts, to advocate for inclusion of firm in underwriting transaction.
- Consistent failure to perform in the District's best interest during bond sales as determined independently by the District, Senior Managing Underwriter, and the District's financial advisor.

XI. EVALUATION CRITERIA AND SUBMISSION REQUIREMENTS

The District will use the criteria listed below to evaluate the prospective firms and to make the final selection of firms to be recommended to the Board as Firms. The District reserves the right to use additional criteria not enumerated in this RFQ if doing so will result in the District obtaining the best pool of underwriters.

EVALUATION CRITERIA

The elements listed below will be used to make award decisions based on demonstrated competence and a reasonable fee.

Criteria to be considered by the District in the selection of underwriters include:

- Experience in underwriting, both as Senior Manager and Co-Manager, Texas school district bonds
- Prior performance in underwriting Texas school district bonds
- Institutional and retail distribution and marketing capabilities
- Financial position of firm
- Presence in Texas
- Potential conflicts of interest
- Prior experience with the District
- Firms ability to present innovate ideas regarding debt issuance that have been adopted successfully by other Texas school districts
- Regulatory violations and legal matters
- Level of expertise among professionals assigned to work with the District
- References from recent Texas school district clients where firm served as Senior or Co-Managing underwriter.
- Fees

SUBMISSION REQUIREMENTS

All firms are required to submit the following information and address requests and questions listed. The proposer will furnish satisfactory evidence of capability to provide in a professional and timely manner the services stated in the Request for Qualifications. To meet this requirement, provide the following:

FIRM PROFILE

Provide a comprehensive overview of your firm to include a Cover Letter of Introduction signed by the person authorized to commit the firm contractually. Describe your firm's organizational structure, location of its headquarters, the number and location of offices in Texas, the number of professionals in public finance, the number of institutional salespeople, the number of registered representatives in Texas, and information about your firm's public sector underwriting operation. List your firm's current capital position and how much of that capital your firm would commit to underwrite a District bond issue.

Please include any acquisitions or mergers your firm has made in the last five years and take care to distinguish between pre and post-acquisition or merger transactions when listing your firm's experience for the past five years. Please disclose any proposed mergers or acquisitions involving your firm.

FIRM PERSONNEL

Include résumés of firm staff who will be assigned to the District. Include their years of experience directly related to public finance and the number of years they have with the firm. If they have relevant experience with other firms engaged in public finance, please list as well.

Provide any other information about the experience of staff assigned to work with the District (including staff not directly providing services, but who can be used as a resource) that you feel gives your firm an advantage over other firms in being selected as a member of the pool.

FIRM EXPERIENCE

Provide your firm's experience for the last five years in assisting Texas school districts with underwriting services as Senior Managing Underwriter. Specify whether the transaction was negotiated or competitive. Include par, issuer, and date of issue.

Provide your firm's experience for the last five years in assisting Texas school districts with underwriting services as Co-Manager. Specify whether the transaction was negotiated or competitive. Include par, issuer, and date of issue.

For experience related to both Senior and Co-Managers, please describe your firm's ability to access both retail and institutional investors.

FIRM'S UNDERSTANDING OF DISTRICT DEBT STRUCTURE

Provide your firm's understanding of the District's current debt structure and offer ideas on how the District should handle future bond structures, credit rating agency requirements, and investor marketing strategies. Provide any innovative ideas your firm suggests for the District's debt or provide information on other innovative ideas you have successfully implemented with other Texas school districts.

REFERENCES

Please provide five (5) references for Texas school districts for which your firm provided underwriting services for the last three years. All references should have up-to-date contact information including names and titles of individuals who have direct knowledge of your underwriting services, phone and/or cell numbers, and email addresses.

FEES

Shown below is the principal structure for a prospective bond issue with par amount of \$100 million. Based upon market conditions on February 1, 2021, provide underwriting takedown by maturity. In addition, include underwriter's expenses, management fee, underwriters' counsel fee, etc. Assume that the issue is PSF guaranteed, with the District's underlying ratings of "Aaa/AA+". Assume February 1, 2021 dated and delivery date, with first interest payment August 15, 2021, and first principal maturity February 15, 2022.

Also, based on Municipal Market Data (MMD) dated February 1, 2021, and assuming 4.00% interest coupons for all maturities insert proposed yields and spread to MMD for each maturity.

PROPOSED PRINCIPAL STRUCTURE
\$100,000,000
Unlimited Tax School Building Bonds, Series 2021

Date Maturing (February 15)	Principal Amount	Coupon	AAA MMD Feb. 1, 2021	Spread to MMD	Yield	Takedown
2022	\$ 3,330,000	4.00%				
2023	3,465,000	4.00%				
2024	3,605,000	4.00%				
2025	3,755,000	4.00%				
2026	3,910,000	4.00%				
2027	4,065,000	4.00%				
2028	4,235,000	4.00%				
2029	4,405,000	4.00%				
2030	4,585,000	4.00%				
2031	4,775,000	4.00%				
2032	4,970,000	4.00%				
2033	5,170,000	4.00%				
2034	5,380,000	4.00%				
2035	5,600,000	4.00%				
2036	5,830,000	4.00%				
2037	6,070,000	4.00%				
2038	6,315,000	4.00%				
2039	6,575,000	4.00%				
2040	6,840,000	4.00%				
2041	7,120,000	4.00%				
\$ 100,000,000						

	\$/1,000	Total Amount (\$)
Average Takedown by Maturity		
Management Fee		
Underwriter's Expenses		
Underwriter's Counsel Fee		
Total		

SPECIFIC REQUESTS AND QUESTIONS

Please submit your answers by first restating the request or question preceding your response. Include your responses to the following in a section that is separate from all other submission requirements.

- a. Please provide the name, address, phone number, email, and title of the individual(s) submitting qualifications on behalf of the responding firm and to whom questions or requests for additional information should be directed. By submitting this information, prospective firms acknowledge the person(s) listed are indeed authorized to respond to this RFQ.
- b. Discuss your firm's approach to member orders. Describe your firm's position on submitting orders late in the order period on maturities that are already adequately or oversubscribed. Do you use oversubscription on a member basis to leverage a lowering of yields? If not, please explain.

- c. If selected as Senior Managing Underwriter for a District transaction, what factors would you consider in recommending to the District the composition of the remaining syndicate members?
- d. If selected as Senior Managing Underwriter for a District transaction, explain whether you would advocate for Group Net or Net Designated orders and why.
- e. If selected as Senior Managing Underwriter, how would you inform the District of each member's performance in the transaction? What (fair) metrics would you use to assist the District in determining whether each member of the syndicate "showed up" to work the transaction for the benefit of the District?
- f. If selected as Senior Managing Underwriter, what steps would you take to ensure that all members of the syndicate are treated fairly with respect to credit for orders? What data will you provide to the District that shows this fair treatment? At the conclusion of each transaction, the District, at its discretion, will poll all Co- Managers regarding the transaction to determine how the Senior Managing Underwriter performed.
- g. Explain in detail any disciplinary actions taken by a federal, state, industry or other regulatory body, including but not limited to, the Municipal Securities Rulemaking Board (MSRB), Financial Industry Regulatory Authority (FINRA), or Securities and Exchange Commission (SEC) relating to your firm's municipal activities for the last five years. Describe in detail any lawsuits/countersuits filed against your firm by municipal clients in federal, state, or local courts for the last five years.

Completed Attachments A and B

XII. SUBMISSION INSTRUCTIONS

Prospective responders are required to format responses as identified in section titled "Submission Requirement." Each section shall be labeled and placed in the order listed. The flash drive shall be submitted in a format that can be opened and read by Adobe Acrobat or Adobe Reader. Responses are due by **March 2, 2021 by 2:30 P.M. Local Time.** **Responses received after this date and time will not be considered.**

All addenda will be issued via the district website at <https://www.garlandisd.net/connect/do-business/current-opportunities> (Current Bid List). All addenda, if required, will be posted on the aforementioned website by **February 16, 2021 by 4:00 P.M.** It is the firm's responsibility to check this website for addenda postings prior to submitting responses.

Firms finding errors, requests for additional information, omissions, or corrections that need to be made in this document shall contact the Purchasing Department in writing before **February 12, 2021 by 4:00 P.M.** Written requests shall be submitted via email to bids@garlandisd.net AND NRNunez@garlandisd.net . **Responses will not be provided for questions received after the deadline.**

- Qualifications must be signed by an authorized individual to contractually bind their firm when submitting the qualifications. Failure to sign the qualifications will be considered as a "mistake in qualifications," and the qualifications will be rejected as "non-responsive."
- Upon notification of potential selections for award, the person or entity submitting this RFQ must give notice to the District if the person or an owner or operator of the business entity has been convicted of a felony. The notice must include a general description of the conduct resulting in this conviction of a felony (this requirement does not apply to a publicly held corporation). In the event that any one or more of the

provisions contained in this RFQ (or resulting purchase order) shall be held by a court of competent jurisdiction to be invalid, illegal, or unenforceable, such provisions shall not affect any other provision hereof, and this Request for Qualifications (or any resulting purchase order) shall be construed as if the invalid, illegal, or unenforceable provision(s) had never been contained herein.

- Number of Copies of Proposal

Submit one (1) original signed copy of the proposal and one a flash drive.

- Delivery: Responses to the RFQ should be addressed to:

Mark Booker, Executive Director of Purchasing
 Garland Independent School District
 501 S. Jupiter
 Garland, Texas 75042
 (972) 487-3009

Delivery of the hard copy shall be submitted in accordance with the procedures listed. Mark the sealed envelope in the lower left hand corner with RFQ#, time, and due date.

Hand-carried submissions shall be delivered to Garland ISD Purchasing Department 501 S. Jupiter, Garland, Texas 75042. An exterior bid depository (Purchasing Drop Box) is available at the entrance to the Harris Hill Administrative offices located at the address provided above. The submission must be placed inside the depository at your convenience but no later than 2:30 p.m. on the prescribed due date listed in the solicitation. A submission is considered received when Purchasing has retrieved the package from the Purchasing Drop Box and the submission is date/time stamped before the deadline.

Note: Submissions must be sealed and not exceed 14"x10" x 5" to use the Purchasing Drop Box

Proposals submitted via the U. S. Postal Service are to be mailed to:

Garland ISD Purchasing Department P. O. Box 469026, Garland, Texas 75046-9026
 Clearly mark all Proposal envelopes as instructed on the front page. Allow sufficient transit time.

Delivery of submission to other Departments within the District is not considered as delivery to the Purchasing Department. The submission must be date/time stamped by Purchasing before the deadline.

XIII. SCHEDULE

A schedule is listed below and may change based on the needs of the district

Deadline for RFQ Inquiries/Questions (See XII)	February 12, 2021 @ 4:00 PM
Addenda will be posted (See XII)	No Later Than February 16, 2021 by 4:00 PM
RFQ submitted to the District	No Later Than March 2, 2021 @ 2:30 PM
Approval of firm by Board of Trustees (estimated)	April 27, 2021

XIV. BOARD OF TRUSTEE APPROVAL

The Board of Trustees expects to engage with a firm for five years with annual renewal options as stated in "II. Terms." However, the Board of Trustees expressly reserves the right to reject all submittals, to review the relationship on an annual basis, and formally approve each year's extension.

The Garland ISD reserves the right to cancel any contract resulting from this RFQ at any time, for any reason (or for no reason) with a thirty-day (30) written notice to the firm.

The firm may cancel any resulting contract, at any time for any reason, or for no reason with a sixty (60) day written notice. Any notice required or permitted to be delivered to the firm shall be deemed to be delivered when mailed by registered or certified mail, return receipt requested, postage prepaid, and addressed to the bidder's address appearing on the face of the Request for Qualifications (or as subsequently revised or changed). Any compensation due the firm will be limited to items received and/or services performed and accepted by the District. It is possible that the Board could terminate the relationship at any time; however, the Board of Trustees does not desire or expect that to be the case and assumes that a long and satisfactory relationship will develop.

XV. CERTIFICATIONS

Pursuant to Texas Government Code Chapter 2272, the District is prohibited from contracting with any abortion provider or an affiliate of an abortion provider whereby the provider or affiliate receives something of value derived from state or local tax revenue. Any contract entered into by the District is void if the prospective vendor has such a prohibited affiliation or contractual relationship. By submitting a response to the RFQ, you are certifying to the District that you do not have such an affiliation or contractual relationship.

Pursuant to Texas Government Code Chapter 2252, Company certifies that it is not a company identified on a list prepared and maintained pursuant to Texas Government Code § 806.051, 807.051, or 2252.153 ("Foreign Terrorist Organization List"). In the event that Company is added to a Foreign Terrorist Organization List at any time during this Agreement, Company shall promptly provide notice to the District. Garland ISD may terminate this Agreement immediately upon receipt and verification of information, by any means, that Company has been added to a Foreign Terrorist Organization List.

Pursuant to Texas Government Code Chapter 2271, Company certifies that it does not boycott (as defined in Texas Government Code Chapter 808) Israel and will not boycott Israel during the term of this Agreement with the Garland ISD.

Respondent certifies that the individual and/or firm on whose behalf this proposal is submitted is not listed on the Federal Government's excluded parties list (SAM).

By submitting qualifications, the interested firm certifies that its company, corporation, firm, partnership, or individual has not prepared this proposal in collusion with any other bidder and that the contents of this RFQ as to prices, terms, or conditions have not been communicated by the undersigned or by any employee or agent to any other person or firm engaged in this type of business prior to the official opening of this submittal.

(THIS SPACE LEFT INTENTIONALLY LEFT BLANK)

ATTACHMENT A

Deviation/Compliance Form

An authorized company representative must sign this form to indicate compliance with the RFQ provisions and all other information contained in this solicitation. All **deviations** shall be listed on this page, with complete detailed conditions and information included or attached.

In the absence of any deviation entry on this form, the respondent assures the District of their full compliance with the RFQ

Please list deviations below (attach additional sheets, if needed):

Company Name

Printed Name Title

Signature

ATTACHMENT B

CONFIDENTIAL INFORMATION DECLARATION & COPYRIGHT AUTHORIZATION FORM

The respondent must stamp in bold red letters the term "CONFIDENTIAL" or "PROPRIETARY" on every page of any part of a bid that the bidder claims is confidential or proprietary. *Furnishing confidential or proprietary information is discouraged.* The District cannot guarantee that the District will be allowed to keep the information submitted confidential. The District may reject as non-conforming any bid that contains confidentiality claims that the District in its sole discretion considers vague or unreasonable.

All portions of the RFQ of bids that are not marked as confidential or proprietary will generally be considered public information once the contract is awarded. The District assumes no liability or responsibility for release of any information not properly marked. The District assumes no liability or responsibility for release of any information that is properly marked but is determined by the Texas Attorney General or a court of law to be subject to release. In the event that the District receives a request for disclosure of material marked "confidential" or "proprietary", the District may request a ruling from the Texas Attorney General concerning whether such material must be disclosed.

Proposals asserted to be copyright protected in their entirety are unacceptable and may, in the District's sole discretion, be disqualified as non-responsive. By submitting copyrighted materials as part of your bid, you hereby grant the District authorization to reproduce and provide copies of such information in response to a valid request for information under the Texas Public Information Act, Texas Government Code Chapter 552. By submitting copyrighted materials, you are representing that you have the authority to grant such authorization for the reproduction and release of such information. You further agree to waive any and all claims against the District regarding the release of such copyrighted information including, but not limited, to any claim of copyright infringement when released in response to a valid request for information under the Texas Public Information Act, Texas Government Code Chapter 552.

- Contents of this document are NOT considered Confidential or Proprietary

- Contents of this document ARE considered Confidential or Proprietary. Please identify the pages and/or sections declared Confidential or Proprietary by properly marking the pages &/or sections as confidential or proprietary and listing them below:

The undersigned affirms that the District assumes no liability/responsibility for the release of any information if this form is not properly completed, signed and the appropriate pages clearly marked as directed. The undersigned further grants authorization for the reproduction and release of any information asserted to be copyright protected in response to a request for information under the Texas Public Information Act, and waives any and all claims regarding the release of such information.

Printed Name

Signature Title Date