## Changes to E-Rate Program Manual

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PART ONE: E-RATE PROGRAM CONTROLS

1.0 Statement of Purpose and Authority

These practices, procedures, and requirements shall govern the Dallas ISD E-Rate Program and are promulgated pursuant to the authority granted the E-Rate Compliance Officer pursuant to the Dallas ISD E-Rate Compliance Agreement, District Policy CAA (Local), and CAA (Regulation).

1.1 Internet Safety and Protection

The Children's Internet Protection Act (CIPA) requires recipients of federal technology funds for Internet access and/or internal connection services to comply with certain Internet filtering and policy requirements. A separate, but related provision of the Protecting Children in the 21st Century Act requires that policy include measures for educating minors about appropriate online behavior.

- The Technology Department is responsible for Internet filtering and utilizes this filtering to block access to visual depictions that might be deemed obscene, child pornography, or harmful to minors.
- The Counseling Services Department is responsible for the training and resources necessary to train staff to educate minors about appropriate online behavior and Cyberbullying.

1.2 Request For Proposal (RFP)

E-Rate eligible goods and services shall be purchased by Procurement Services using the District’s RFP to solicit competitive proposals from the supplier community. Procurement Services and associated departments shall collaborate to compile the scope of each RFP related to the E-Rate Program. Vendors are specifically not allowed to participate in this phase of the E-Rate Program.

The RFPs shall correspond with the District’s filing of its FCC Form 470 and must be open for at least 28 days in accordance with USAC rules. (However, Dallas ISD is imposing a thirty day time period for all RFPs unless waived by the E-Rate Compliance Officer - see Section 13.01). The solicitation shall be advertised publicly in accordance with Texas Education Code (TEC) 44.031(g). Any and all prospective suppliers must be allowed to submit proposals; service providers that do not yet have a Service Provider Identification number (SPIN) can still submit bids and be chosen to provide services. However, USAC will not be able to complete the review of a request or make a funding commitment without a SPIN. Therefore, suppliers must be registered with USAC and have obtained a SPIN number by February 15th so the District can timely file its FCC Forms and utilize the E-Rate Program.

FCC Form 470 shall describe specific services or functions for support, identify the correct category of services, identify recipients of services, and follow all applicable state and local procurement laws.

The E-Rate RFPs must contain specific language which clearly spells out the responsibilities and requirements incumbent upon an E-Rate Vendor/Service Supplier. An E-Rate Vendor/Service Supplier must be willing to comply with the following: a certification statement that they understand USAC rules and regulations, SPIN registration, Service Provider Annual Certification registration, E-Rate invoicing procedures pertaining to FCC Forms 472 and 474, conflict of interest requirements and other matters pertaining to the Compliance Agreement. The E-Rate Compliance Office shall coordinate such language with the Procurement Services and Legal Department.

In compliance with E-Rate Program Rules and District Policy, during the period of time the RFP process is open, communications regarding the open RFPs between District personnel, including Board members, and the supplier community is limited to the designated Procurement representative. Such communications must
assure open and fair competition with full disclosure to all RFP participants. The designated representative must be named in the RFP and shall function as the point of contact with the supplier community to handle all communications from vendors or other persons interested in the RFP during the course of the proposal and selection process. Said employee must document all such communications, whether telephonic, e-mail, or otherwise.

Further, the E-Rate RFPs must specify a due date, time, and place for the receipt of proposals. All bids received must be sealed.

In accordance with Procurement Services standard practice and TEC 44.031(g), proposal openings must occur after the (minimum) 28-day waiting period and are open to the public. (However, Dallas ISD is imposing a thirty day time period for all RFPs unless waived by the E-Rate Compliance Officer - see Section 13.01)

Participants in the preparation of the RFP shall provide their approval of the technical specifications and final RFP, with quality assurance approval from the E-Rate Director. Prior to submission, the FCC Form 477 shall also have the approval of the requesting department. All supporting documentation shall be retained with formal audit trails in accordance with the DOCUMENT RETENTION section of this regulation.

1.3 EVALUATION OF PROPOSALS

When bids are opened, the proposing company names must be documented on the Procurement Services approved form designated for this purpose.

Committees of representative stakeholders must evaluate the proposals. The committees must include knowledgeable personnel as designated by Procurement Services. The committees must be chaired and facilitated by a Procurement Service representative, who shall be responsible for all communications to and from the supplier community during the evaluation period and all documentation covering the proposal tabulation process.

The evaluation committees shall score each of the proposals that are submitted using a comparative, numerical system designed to promote open and fair competition. In accordance with USAC rules, price must be considered the most heavily weighted criterion in the evaluation, but other aspects of a supplier’s effectiveness, such as quality of products and services, are also evaluated. A weighted system is used to gage the respective value of the various criteria. The weights may differ slightly from project to project but price will always carry the heaviest weight. For instance, a cabling installation project may have a heavier scope of services weight than a project for simple delivery of goods, but price will be the most heavily weighted criterion in either case. The following criteria shall be used to evaluate E-Rate projects.

- Scope of services offered, certifications, technical resources;
- Purchase price;
- Past experience with Dallas ISD/other K-12 districts;
- M/WBE participation;
- Completeness of proposal response; and
- Reputation, references, good workmanship, financial stability.

The evaluation committees shall work independently of other District management not on the committee, senior administration, and the Board of Education. The committee shall score each supplier, perform the calculations, and make recommendations in accordance with the data. Where the committee selects an RFP with higher than average pricing, a detailed explanation shall be documented. Procurement Services representative must assure that all aspects of TEC 44.031(b) are considered by the committee, thereby assuring compliance with state procurement laws.

A formal audit trail containing signatures of each evaluation committee member, dates of meetings and those in attendance, tabulation summaries of all bids (both winning and losing bids), and conclusions reached shall be maintained by a Procurement Service representative and the E-Rate Department in accordance with retention requirements in the DOCUMENT RETENTION section of this regulation.

The recommendations of the evaluation committee shall be reviewed and approved by the requesting department-head or designee, and the Procurement Services Director or designee or the E-Rate Program
Director or designee. Following that approval process, the recommendations will be prepared for the Dallas ISD School Board and presented to the Board for a vote. In any case, if the recommendations from the evaluation committee are overridden by any party for any reason, the committee shall communicate such to the E-Rate Compliance Officer. The committee members shall document the details of the override, including the overriding parties’ name, the basis for the override and if the member believes or suspects any wrongdoing. The E-Rate Compliance Officer shall fully review and evaluate these actions and supporting data for possible communication to the federal regulators listed in the Compliance Agreement where necessary in accordance with the time frame specified in such agreement.

1.4 Contracting

Following Dallas ISD School Board approval, contracts are drafted and executed with the Board-awarded suppliers. The E-Rate Compliance Officer shall coordinate with the Legal Department to ensure the District’s standard E-Rate contract form contains express language required by the Compliance Agreement for E-Rate matters. The E-Rate Legal Department shall review and approve such contracts to validate express language that suppliers understand and pledge to abide by USAC rules and regulations pertaining to E-Rate business and conflict of interest requirements, as well as any statements expressly required under the District’s Compliance Agreement with the Federal Communications Commission.

The Procurement Services Executive Director, or designee, notifies the E-Rate Vendor/Service Provider that they have been awarded the winning bid. Approval signatories for the District’s E-Rate are completed by the Procurement Services Department.

Following the execution of contracts, the E-Rate Director shall complete the FCC Form 471, naming the service providers who have been awarded contracts under this process. The E-Rate Director shall also be responsible for the preparation of supporting schedules to calculate the applicable discount level for each service requested using the percentage of students eligible for free and reduced lunches under the National School Lunch Program obtained from the District’s Federal and State Compliance Department. The E-Rate Compliance Officer will submit the Form 471.

File copies of Form 471 shall contain the signature of all parties who contributed in preparing the document, supervisory review, quality assurance, compliance oversight, and formal approval parties. All supporting documentation shall be retained with formal audit trails in accordance with the DOCUMENT RETENTION section of this regulation.

1.5 Annual District Timeline for E-Rate Process

1. No later than June 1 – All E-Rate “Scope of Services” for the RFP should be delivered to the Procurement Department from requesting department
2. No later than August 31st – All RFP’s and 470’s should be posted
3. During the months of September and October – Evaluations should be completed
4. During the months of October, November, and December – Recommendations should be taken to the School Board
5. By the end of January – All contracts should be negotiated, completed, signed, and sent to E-Rate Director
6. January and February – All Item 21s are due to E-Rate Director

The timeline above should be followed for all purchases seeking E-Rate reimbursements. Any exceptions should be submitted, in writing, to the E-Rate Compliance Officer for approval.

Deadlines for each step in the process should be met in order to facilitate a timely submission of Form 471. If a deadline cannot be met, the E-Rate Compliance Officer should be given a written notification (detailing the specific need to deviate from the timeline cited above) in order to seek alternative solutions.
1.6 Application Review By USAC

Responses to USAC inquiries and requests for additional information shall be coordinated by the E-Rate Director. Questions regarding verification of compliance matters specific the Compliance Agreement shall be coordinated with the E-Rate Compliance Officer. All responses and any supporting documentation shall be retained in accordance with the DOCUMENT RETENTION section of this regulation.

1.7 Funding Decision From USAC

A funding commitment decision letter is issued by USAC to communicate details of its decision to approve or deny the District's funding requests. The District may elect to purchase eligible E-Rate goods and services independently of USAC with Dallas ISD School Board approval.

1.8 Procurement Process

Individual requisitions and purchase orders must be subsequently entered in the District's financial system to authorize and release specific pieces of work or specific purchases of goods for delivery. The requisitions pertaining to E-Rate goods shall be identified by a specific category code. The E-Rate requisitions for goods are approved for funding by supervisory personnel in the Technology Department who did not prepare the requisitions and are approved for adherence to District technology standards by specified Technology personnel. E-Rate purchase orders shall be prepared by the buyer/senior buyer for E-Rate matters regarding specific purchases of goods for delivery. If any purchase exceeds $50,000.00, it shall be approved pursuant to District Policy. Invoices pertaining to E-Rate Services (i.e. telephone, internet, etc.) will be paid by the Accounts Payable department. The E-Rate invoices for services are approved for funding by supervisory personnel in the Technology Department. A purchase order shall be assigned to each service so as to quickly identify that service for E-Rate reimbursement.

The E-Rate procurement process must follow all standard procurement policies and procedures, except where E-Rate requirements stated herein are more stringent.

1.9 Commencement of Services

The E-Rate Director, or designee, prepares FCC Form 486 to inform USAC that services have started. The E-Rate Compliance Officer approves and submits the form. File copies of FCC Form 486 shall contain the signature of all parties who contributed in preparing the document, supervisory review, quality assurance, compliance oversight, and formal approval parties. All supporting documentation shall be retained with formal audit trails in accordance with the DOCUMENT RETENTION section.

1.10 Invoicing

Any E-Rate Vendor/Service Provider that enters into a contract involving E-Rate funds with the District must adjust its billing policies and procedures to conform to the payment requirements of the USAC and E-Rate Program Rules. One of two invoicing methods shall be utilized: a) FCC Form 472 where the District pays the in-voice upfront and completes documentation for USAC to reimburse the District, or b) FCC Form 474 where the District pays the non-discounted portion of an invoice and USAC pays the discounted portion. In the case of FCC Form 474, the following rules shall apply:

1. Invoices shall contain all goods and services provided by the E-Rate Vendor/Service Provider and shall reflect all charges to both the District and USAC. This invoice must contain a comprehensive itemization of all charges and clearly set forth the appropriate percentage of payments due from USAC and the District.

2. Invoices shall itemize all E-Rate eligible and ineligible goods and/or services being procured per the corresponding purchase order.

3. Invoices shall be submitted to and reviewed by the District prior to submission of the invoice to USAC. The District shall review all such E-Rate Invoices within ten business days from their receipt by the Technology Department. The E-Rate Vendor/Service Provider shall only be permitted to submit the invoice to USAC after receiving written approval from the District. As a preventive control, the Director
of E-Rate shall enroll in the USAC “invoice check process”, which requires the District to certify such invoices prior to USAC payment.

4. Invoices shall be free of variances between items delivered and items billed. If variances are found, the District will notify the E-Rate Vendor/Service Provider of such variances and that the invoice has not been approved. Corrected invoices must be re-submitted.

1.11 Invoice Matching and Approval

Free goods or services shall be excluded from the E-Rate process. In addition, such invoices shall not be inflated to cover the cost of free goods or services.

The District is prohibited from allowing an E-Rate Vendor/Service Provider to pay any portion of the District’s allocated invoice (i.e., non-discounted portion pertaining to FCC Form 474 invoices).

Any benefit from pre-payment discounts shall be submitted to USAC.

The District shall pay its portion of an invoice no later than the time USAC makes its payment to the E-Rate Vendor/Service Provider. Deferred payment plans will jeopardize a funding request.

Prior to payment, an authorized employee of the Technology Department shall inspect the receipt, installation, and/or quality of work performed by an E-Rate Vendor/Service Provider and evidence such review by signature on the appropriate file copies which shall be submitted to the E-Rate Director for retention in accordance with the DOCUMENT RETENTION section of this regulation.

For exceptions identified during the invoice matching process, the buyer or designee, for E-Rate matters shall coordinate a resolution with the E-Rate Vendor/Service Provider. Where applicable, a revised invoice shall be submitted to the District or the service work revised to allow re-inspection by the Technology Department.

1.12 Invoice Disputes

Invoice disputes shall be escalated by the Accounting Department, who shall consult with the Chief Financial Officer and E-Rate Vendor/Service Provider as applicable to resolve such matters in a timely fashion.
1.13 General Internal Control Requirements

At a minimum, the District shall adhere to the following approval matrix for E-Rate matters initiated after the approval date of this regulation. Compliance oversight shall be the responsibility of the E-Rate Compliance Officer. The District may also request the services of an external consultant on certain E-Rate matters for an added layer of quality assurance. In addition, the Director of E-Rate, or designee, shall create and maintain documentation per the table of contents shown on the USAC Web site.

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<tr>
<th>Document</th>
<th>Preparer Sign-off</th>
<th>Supervisor Sign-off</th>
<th>Quality Assurance Sign-off</th>
<th>Final Release to USAC</th>
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<td>IT Department</td>
<td>IT Director</td>
<td>Assistant Superintendent for IT</td>
<td>E-Rate Director</td>
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1.14 Document Retention

The E-Rate Compliance Officer, or designee, shall retain documents (i) as required by 47 CFR 54.516, and (ii) in accordance with the guidance in the Schools and Libraries Universal Service Support Mechanism, Fifth Report and Order, 19 FCC Rcd 15808, 15823-25 (2004) or such subsequent additional guidance as the FCC may provide. In addition, the District shall retain all documents that are related to performance under this E-Rate Compliance Agreement, including documents relevant to determining compliance or noncompliance. Such documents shall be retained for at least five years following the expiration of the Compliance Agreement, and longer if E-Rate contracts executed between Funding Year 2011 and Funding Year 2014 remain in effect.

The E-Rate Department will have a copy of all documents relative to E-Rate. In addition, each Department will keep copies of their documents, relative to E-Rate, thus having duplication of all E-Rate documentation required.

E-rate records retention is an action-based retention period (last date of service plus five years). All E-Rate records should not ship to the Records Center before the required action takes place and these records become inactive. Active records should remain with the owning department or campus. The record retention process must follow all Dallas ISD policies and procedures, except where E-Rate requirements stated herein are more stringent.

1.15 Consequences of Noncompliance

Noncompliance with the District's E-Rate Policy or E-Rate Program Rules may be grounds for disciplinary action, including but not limited to, criminal and civil prosecution, warning, censure, reprimand, suspension, loss of pay and dismissal, cancellation of contracts/commitments, recoupment of disbursed E-Rate funds, and suspension/debarment from the E-Rate Program.
1.16 Remedies for Noncompliance

The E-Rate Compliance Officer shall communicate and consult with the District’s Legal Services Department, outside counsel, Superintendent, and/or the Dallas ISD School Board or USAC where appropriate, to address the following areas, as necessary:

1. Material noncompliance or violations of the Compliance Agreement or E-Rate Program Rules;
2. Suspension of funding;
3. Request for deadline extension; and
4. Appeal process.

1.17 Contact Information

For questions relating to this regulation or any E-Rate matter, or to report any known, alleged, or suspected noncompliance with E-Rate Program Rules or the District’s Compliance Policy, please contact the following:

The Dallas ISD E-Rate Hotline at 1-800-530-1608
PART TWO: PROCUREMENTS, CONFLICTS OF INTEREST AND GIFTS

2.0 Statement of Purpose and Authority

- These practices, procedures and requirements shall govern the procurement of all goods and services for which E-rate funding will be sought in whole or in part. These practices, procedures and requirements are intended to ensure that all E-Rate Program activities are conducted in accordance with all state and local procurement and other applicable laws (including those relating to competitive bidding procedures), Dallas ISD conflict of interest and gift policies, and E-Rate Program rules and requirements, including the Commission's rules and orders requiring fair and open competitive bidding process.

- These practices and procedures are promulgated pursuant to the authority granted the E-Rate Compliance Officer pursuant to the Dallas ISD E-Rate Compliance Agreement, District Policy CAA (Local), and CAA (Regulation).

2.1 Procurement Method

All contracts for goods and/or services to be funded in whole or in part with E-Rate program funding shall be procured in accordance with District policy, Texas law, and the rules and requirements governing the E-Rate Program.

All contracts for goods and/or services to be funded in whole or in part with E-Rate program funding shall be awarded only as a result of a fair and open competitive bidding process.

2.2 Specifications for Goods and Services

The Executive Director of Procurement Services, or designee, shall be responsible for development of design specifications for E-Rate procurements. The Executive Director of Procurement Services, or designee, shall consult with the Executive Director of Information Technology Services, or designee, in developing the specifications.

Design specifications and pricing shall be consistent with the applicable bid request and technology plan.

No individual or entity who is likely to participate in an upcoming procurement shall play any role in the development or writing of any portion of the specifications for the upcoming procurement. Any individual or entity who assists the District in any manner, directly or indirectly, in the development of any portion of a design specification shall not be permitted to participate in bid or any proposal or participate in any contract that relates in any way to the specifications with which the individual or entity assisted.

A current E-rate vendor may assist in the development, preparation or drafting of a design specification but that vendor may not participate in any response submitted to the District or any contract that relates in any way to the specifications with which the individual or entity assisted.

2.3 E-Rate Procurement Documents

All procurements shall remain open at least the minimum period of time required by E-Rate Program rules. Dallas ISD is imposing a thirty day time period for all RFPs unless waived by the E-Rate Compliance Officer. Addenda to bid documents or requests for proposal that do not materially change the bid document or RFP will not necessarily extend the time for response; however the Executive Director of Procurement Services determines any such
need for extension.

The Executive Director of Procurement Services, or designee, shall determine the criteria to be used in evaluating the responses to bids and RFP's. The criteria shall be consistent with District policy, Texas law and the rules and requirements of the E-Rate Program.

The Executive Director of Procurement Services, or designee, shall determine the weighting to be given the criteria used to evaluate responders. Price must weigh more heavily than any other factor, but price need not be weighted at fifty percent (50%) or more of the criteria.

The criteria to be used in evaluating the responses to bids and RFP's and the weighting to be given the criteria shall be published in the bid or RFP.

To the extent practicable bid documents and RFP's shall contain contracts or contract language with which the responder is expected to agree and sign.

E-Rate Rider ("Effective June 25, 2009, the District entered a Settlement Agreement with the United States of America through the Department of Justice and the Federal Communications Commission resolving an investigation into certain aspects of the District's participation in the Schools and Libraries Program of the Universal Service Fund, commonly known as the E-Rate Program. As part of that settlement the District agreed to an E-Rate Compliance Plan and the Board of Trustees adopted an E-Rate Compliance Policy (which may be found in Board Policy CAA (Local)). In addition, the Superintendent of Schools on August 18, 2009 signed a new E-Rate Program Regulation (which may be found at CAA (Regulation)). The obligations outlined in these documents apply for three E-Rate funding years (that is, those beginning July 1, 2009, July 1, 2010, and July 1, 2011) with a sixty day extension, unless the District fails to substantially comply with the requirements, in which case the period of application will be extended. These obligations extend to contracts between the District and its E-Rate vendors.")

All bid documents and RFP's shall contain the following language:

Every vendor of goods and services selected to participate in the District's E-Rate program will be required to sign a contract with the District that includes the following provisions. Any vendor selected with an existing contract with the District will be required to agree to an amendment containing the same provision.

1. The vendor must expressly acknowledge:

a) That the E-Rate Program is a federal program and that compliance with the E-Rate Program Rules and Requirements, including the obligations to comply with state and local procurement laws, applicable federal laws (e.g. the Commission's rules and orders requiring a "fair and open" competitive bidding process free from conflicts of interest and inappropriate gift giving) and the instructions, notices, and certifications in the E-Rate Program application forms is a condition of receiving Universal Service Funds payments and of participation in the E-Rate Program;

b) That USAC is obligated to recover funds disbursed in violation of E-Rate Program Rules and Requirements. See Federal-State Joint Board on Universal Service, Changes to the Board of Directors for the National Exchange Carrier Association, Inc., Schools and Libraries Universal Service Support Mechanism, Order on Reconsideration and Fourth Report and Order, CC Docket Nos. 96-45, 97-21, 02-6, 19 FCC Rcd 15252 (2004); Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Fifth Report and Order, 19 FCC Rcd 15808 (21204);

c) That a vendor's violation of E-Rate Program Rules and Requirements, including the requirements for a fair and open competitive bidding process, and the District's E-Rate Compliance Policy, which incorporates the E-Rate Regulation, may be grounds for rescission of vendor contracts or even debarment depending on the severity of the violation and repetitive nature of the misconduct.

d) That the vendor will be required to submit each FCC Form 474 to Dallas ISD for review and approval before the Vendor submits the FCC Form 474 to USAC for payment.
2. The vendor must certify to the District that within 60 calendar days of the beginning of the contract term:
   a) The vendor's personnel who will be handling Dallas ISD E-Rate Program matters have reviewed the rules and requirements governing the E-Rate Program;
   b) The vendor's personnel who will be handling Dallas ISD E-Rate Program matters have reviewed training materials specified by USAC, including the information identified for service providers on the schools and libraries section of USAC's website, http://www.usac.org/sli, and the information in the Schools and Libraries Reference Area of the website;
   c) The vendor's personnel who will be handling Dallas ISD E-Rate Program matters will make best efforts to attend USAC-sponsored training workshops;
   d) The vendor's personnel who will be handling Dallas ISD E-Rate Program matters will subscribe to and timely review the weekly Schools and Libraries Newsbrief at http://www.usac.org/sli/tools/news-briefs/Default.aspx.
   e) The vendor will represent and warrant that it has complied in all respects with the requirement that the competitive bidding process for E-Rate goods and services was "fair and open" and consistent with the rules and requirements of the FCC.

3. The vendor will acknowledge that for a period of one year from June 25, 2009, all Applicable Dallas ISD Personnel shall be prohibited from accepting any gifts, meals, entertainment, or any other thing of value (except for items of little intrinsic value, such as greeting cards, key chains and pens) from any outside entity that provides or seeks to provide goods or services pursuant to the E-Rate Program. (This will continue until the Compliance Agreement is no longer in effect.) Thereafter Applicable Dallas ISD Personnel may only accept such gifts, items or other things of value to the extent consistent with applicable state, local and federal law, including E-Rate Program Rules and Requirements (e.g. the rules requiring "fair and open" competitive bidding process), the Dallas ISD ERCP and other school district policies. Violation of these rules by a vendor may result in termination of contracts and other sanctions.”

The procurement documents will include a requirement that any physical product delivered (i.e. network electronics, servers, switches, etc.) be delivered with a separate label (in addition to the District Fixed Asset tag) that will be the responsibility of the vendor to affix. This label will clearly identify each component as having been procured with E-Rate funds, and have appropriate notifications to users. Likewise, this label will carry an identifying applicable FRN number. Upon completion of the project, the vendor will be responsible for documenting all hard goocs installed under the project, including location, FRN number, model number, etc.

24 Receipt and Evaluation of Responses to E-Rate Procurements

All responses to E-Rate procurements shall be received at the time, at the place and in the manner specified in the bid document or the RFP. The Executive Director of Procurement Services, or designee, shall make the determination whether a vendor response shall be accepted and deemed responsive or not.

All responses to E-Rate program procurements shall be evaluated by a team of at least five evaluators. The Executive Director of Procurement Services, or designee, shall solicit and approve names for the evaluators. In addition, at least one non-voting representative shall come from the Department requesting services and at least one shall be from the Procurement Services Department. All evaluators will have received training on the rules and requirements of the E-Rate Program. Every evaluator will sign a conflict of interest form before receiving copies of the responses received from responders.

The identity of the evaluation committee shall be public; however, the scoring of responses shall be done anonymously, with only the total score for each vendor being published. The Executive Director of Procurement Services, or a designee, who is not an evaluator shall
oversee the evaluation and shall calculate the scores given by each evaluator.

The selected bid shall be consistent with the bid request.

All bids submitted will be carefully considered and the bid selected will be for the most cost-effective service or equipment offering, with price being the primary factor, and will be the most cost-effective means of meeting educational needs and technology plan goals. In determining which service offering is the most cost-effective, entities may consider relevant factors other than the pre-discount prices submitted by providers but price must be the primary factor considered.

The prices in any bid or response shall have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other bidder, responder or competitor relating to those prices, the intention to submit a bid or response, or the methods or factors used to calculate the prices offered.

The prices in any bid or response will not be knowingly disclosed by the bidder or responder, directly or indirectly, to any other bidder, responder or competitor before bid opening (in the case of a sealed bid solicitation) or contract award (in the case of a negotiated solicitation) unless otherwise required by law.

No attempt will be made by any individual or entity to induce any other individual or entity to submit or not to submit an offer for the purpose of restricting competition.

The Executive Director of Procurement Services, or designee, shall require that any lower cost response than the recommendation of the committee be fully documented as being an inferior value to the District.

The Executive Director of Procurement Services, or designee, shall require complete documentation of any "value add" response to ensure that it represents a clear improvement in value to the District.

Based strictly upon the evaluations the evaluation committee shall recommend one or more responders to be selected. The evaluation committee may also recommend that no responder be selected. The recommendation of the evaluation committee is only a recommendation to the Board of Trustees. The Board of Trustees shall make the decision which one or more responder should be awarded a contract. The Board of Trustees may also decide to make no award.

Protests of any decision or action relating to a procurement process shall be handled in accordance with Board policy.

2.5 Vendor Communications

Before, during and after the pendency of any E-Rate procurement, any questions from prospective vendors (including their employees, agents, or representatives or anyone acting on their behalf) shall be directed to the Executive Director of Procurement Services, or designee, for response, if any is required. Except as provided above, there shall be no contact between any District employee and any employee, agent or representative of a prospective vendor before, during and after the pendency of an E-Rate procurement concerning the procurement.

Prospective vendors (including their employees, agents, or representatives or anyone acting on their behalf) shall refrain from communicating directly or indirectly with individual members of the Board of Trustees before, during and after the pendency of an E-Rate procurement concerning the procurement.

Any communication between a current E-Rate vendor and the District shall be strictly limited to the subject of the on-going District business with the vendor.

2.6 Vendor Conflicts of Interest

All prospective E-Rate vendors shall certify that there are no hidden terms, side agreements or payments, other undisclosed arrangements, or conflicts of interest that are
inconsistent with general and state law, District policies, and the policies and requirements of the E-Rate Program.

All prospective E-Rate vendors shall fill out and turn in with bid responses the conflict of interest questionnaire required by the State of Texas. See Exhibit A attached.

All prospective E-Rate vendors shall fill out and turn in with bid responses the District's conflict of interest questionnaires, including disclosure of family interest. See Exhibit B attached.

Failure to fill out and timely return any required conflict of interest questionnaire or form may be grounds for disqualification of a vendor from further consideration in the pending procurement.

2.7 Gifts

Vendors and prospective vendors, including their agents and representatives, are prohibited from giving any gift, meal, entertainment or any other item of value to any District employee participating in any way in an E-Rate procurement.

This prohibition extends to the members of the employee's immediate family, including spouse (or partner), children, parents, and siblings of the employee.

District employees involved in any manner with any E-Rate procurement are strictly prohibited from accepting any gift, meal, entertainment or any other item of value from any vendor or prospective vendor.

This prohibition extends to the members of the employee's immediate family, including spouse (or partner), children, parents, and siblings of the employee.

2.8 E-Rate Eligible Employee Agreement, Conflicts of Interest, and Reporting Requirements

E-Rate Eligible Employees (EEE) includes individuals or entities that:

1. Determine whether goods or services are eligible for support under the E-Rate Program;
2. Prepare bids;
3. Communicate and/or work with E-Rate service providers, E-Rate consultants, or USAC;
4. Perform other contractual activities related to the E-Rate program;
5. Prepare, review, approve, sign or submit E-Rate applications, technology plans or other forms related to the E-Rate Program; and
6. Are responsible for auditing and monitoring the District's compliance with the terms of the E-Rate Compliance Agreement and with E-Rate Program Rules and Requirements, as well as for establishing contractual and other requirements to ensure training of contractors, consultants, and other entities or individuals substantively involved on behalf of the District with the E-Rate Program. See CAA (Local).

Members of the EEE shall sign the "Dallas Independent School District Agreement to Certain Rules Governing Dallas ISD E-Rate Eligible Employee" ("E-Rate Eligible Employee Agreement") before being eligible to participate in the E-Rate Program. See Exhibit C attached.

Members of the EEE are prohibited from participating in contracts with E-Rate Vendors where there is a relationship that presents a conflict of interest, including family relationships and substantial business relationships as defined in the E-Rate Eligible Employee Agreement. See Exhibit C attached.

Members of the EEE are required to disclose conflicts of interest with current and prospective E-Rate Vendors by completing a Conflict of Interest Disclosure Affidavit and submitting the same to the Executive Director of Procurement Services as soon as possible after the member of the EEE becomes aware of the conflict of interest.

Any District employee who knows or suspects that with regard to any E-Rate program procurement there has been a violation of these policies, procedures and requirements, or of District policy, or of Texas law, or of the rules and requirements of the E-Rate program shall report the knowledge or suspicion to one or more of the following: the employee's direct
supervisor; the E-Rate Compliance Officer; the District's Office of Professional Responsibility; the District's internal auditor; or the E-Rate whistle-blower hotline number listed on the District's web site.

Any District employee must immediately report all suspected violations to either the District's E-Rate Compliance Officer (ERCO) or the District's E-Rate Hotline at 1-800-530-1608. Upon receipt of any suspected E-Rate violation, the District's ERCO will contact the appropriate FCC/USAC official concerning the suspected violation in accordance with District Policy.

The report may be made anonymously.

PART THREE: ASSET MANAGEMENT

3.0 Statement of Purpose and Authority

- The purpose of the ITS ("Network Services") E-Rate Asset and Inventory Process is to provide procedures for identifying and tracking E-Rate qualified technology equipment district-wide.

- The inventory process generally includes receiving, temporary storage, labeling and storage, withdrawal, issue, and movement of the item through work-in-process routine. It also involves tracking the item's movement at various stages and maintaining records of those events and their effects. Without processes there can be delayed IT projects, lost revenue, security breaches leading to non-compliance fines, failed audits and productivity loss. The policy procedures are provided to aid and ensure accountability and responsibility.

- These practices and procedures are promulgated pursuant to the authority granted the E-Rate Compliance Officer pursuant to the Dallas ISD E-Rate Compliance Agreement, District Policy CAA (Local), and CAA (Regulation) and the E-Rate Compliance Policy (Compliance Agreement).

3.1 Network Services Process Compliance

Network Services E-Rate Coordinator works in conjunction with Network Services Exec. Director, Network Services Director, Network Services Manager of Bond Services, Network Services Technician E-Rate Inventory, and the E-Rate Department to the defined process by all stakeholders as required to assure the effectiveness and efficiency of this process to pass annual external audits as directed by the E-Rate Compliance Agreement. (See guidelines for "ITS E-RATE ASSET AND INVENTORY PROCESS" at: http://www.dallasisd.org/Page/8161)

3.2 Network Services Process Activities

Installation

1. Dallas ISD's Service Center 1 will receive shipment, secure then transport to appropriate campus
2. Vendor will, configure, and affix E-Rate Asset Tags to devices as well as clearly identify inventory by the funding request number (FRN) and E-rate Year it was purchased.
3. After the walkthrough to audit installed devices, Vendor will provide inventory and closing binder upon receipt by Dallas ISD for verification of installed devices and cabling.

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Inventory Documentation

1. All information must be logged into DALLAS ISD E-rate inventory tracking system using the following criterion:

   A. E-rate funding year of purchased is clearly tagged permanently on each item.
   B. Serial Number of item.
   C. Location where item is located.
   D. Funding Request Number tagged permanently on each item.
   E. Description of item.
   F. When item was installed.
   G. Where item was installed.
   H. The signature of an authorized DALLAS ISD technology agent confirms receipt of the installed inventory.

Inventory Maintenance

1. E-Rate Inventory personnel creates initial master inventory to include serial number, school name, purchase order number, FRN, and asset tag number in E-Rate database.
2. Inventory counts are performed as per policy to identify missing assets regularly.
3. All missing assets will be reported within the required timeframes per the Compliance Agreement to the ERCO, the Superintendent, the FCC, and USAC.

Redeployment

1. Inventory of removed and redeployed devices prepared by vendor to include
   A. location where device was removed
   B. date of removal
   C. FRN
   D. new E-Rate eligible installation site
   E. completion date of installation.
   F. serial number

2. The device will be redeployed to another school that was listed on the Block 4 of the Form 471.
3. The redeployed device must be redeployed and operating in an E-Rate eligible school.
4. E-Rate rules do not allow for uninstalled devices to be kept in a warehouse.

- Notification to USAC of equipment movement only has to occur when equipment is moved from an eligible location to a location that was not on the Form 471.

- If equipment is moved from a school that is listed on the Form 471, Block 4 to another school that is listed on the Form 471, Block 4, USAC will not to be notified of the transfer.

Record Retention

1. Vendor will submit electronic copy of the Asset Load spreadsheet with the final deliverables

2. "Removed and Redeployed" inventory is documented on the E-Rate Inventory Management Spreadsheet and Hayes database to include:
   A. location where device was removed
   B. date of removal
   C. serial number

3. A Fixed Asset Register shall be properly implemented to identify all equipment purchased with E-Rate funding for a period of 10 years and shall mirror the USAC suggested fields to be included in the E-Rate Fixed Asset Register.
4.0 Effective Date

These policies, procedures and requirements originally became effective on November 23, 2009 and have been amended with the latest version as of the date of the Superintendent’s signature. The provisions in this manual shall remain in effect until rescinded or amended in writing duly authorized.

Dr. James Terry, Chief Financial Officer
E-Rate Compliance Officer

Mike Miles, Superintendent of Schools

Date: 6/4/15
EXHIBIT A: Conflict of Interest Disclosure Statement and Conflict of Interest Questionnaire, CIQ Form
Notice to Vendors
Conflict of Interest Disclosure Statements
Texas Local Government Code, Chapter 176

Vendors are required to file a Conflict of Interest Questionnaire with the District if a relationship exists between the vendor’s company and an officer of the District.

Conflicts of interest exist if:

1. the person has employment or other business relationship with the local government officer or a family member receiving taxable income; or

2. the person has given the local government officer or family member one or more gifts (excluding food, lodging, transportation, and entertainment) that have an aggregate value of more than $250 in the twelve month period preceding the date the officer becomes aware of an executed contract or consideration of the person for a contract to do business with the District.

Forms must be filed:

1. No later than the seventh business day after the date that the person begins contract discussions or negotiations with the government entity, or submits to the entity an application, response to a request for proposal or bid, correspondence, or other writing related to a potential agreement with the entity.

2. The Vendor also shall file an updated questionnaire
   a. not later than September 1 of each year in which a covered transaction is pending, and
   b. the seventh business day after the date of an event that would make a statement in the questionnaire incomplete or inaccurate.

3. A vendor is not required to file an updated questionnaire if the person had filed an updated statement on or after June 1, but before September 1 of the year.

(No one is required to file a disclosure under this statute before January 1, 2008)

Board of Trustee Members of the Dallas Independent School District can be found on the Dallas ISD Website:
http://www.dallasisd.org/domain/447

Mike Miles, Superintendent of Schools

If you are required to file, send the completed form to Dallas Independent School District, Procurement Services Department, 3700 Ross Avenue, Box 89, Dallas, Texas 75204.
CONFLICT OF INTEREST QUESTIONNAIRE
For vendor or other person seeking to do business with local governmental entity

Name of Person Completing Form:  
Name of Company Completing Form:  

(Required Field)  
(Required Field)

This questionnaire reflects changes made to the law by H.B. 1491, 80th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code by a person who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the person meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code.

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

1 Name of person who has a business relationship with local governmental entity.

2 Check this box if you are filing an update to a previously filed questionnaire.

☐ (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.

3 Name of local government officer with whom filer has employment or business relationship:  

(List Name of Officer in space provided above)

If naming government officer above, completion of A, B, C & D below is required. If no conflict, check box at line 4 below.

This section (item 3 including subparts A, B, C & D) must be completed for each officer with whom the filer has affiliation or business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.

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

☐ Yes ☐ No

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

☐ Yes ☐ No

C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director or holds an ownership of 10 percent or more?

☐ Yes ☐ No

D. Describe each employment or business relationship with the local government officer named in this section.

4 ☐ Check here if you are NOT reporting a conflict with any government officer of Dallas ISD

5

Signature (Required)  
Date

THIS PAGE MUST BE COMPLETED, SIGNED AND RETURNED WITH YOUR RESPONSE
EXHIBIT B: Family Conflict of Interest Questionnaire

This Questionnaire must be completed by every individual or entity that contracts or seeks to contract with the District for the sale or purchase of property, goods, or services.
The questionnaire(s) required by this policy shall be filed with the Executive Director of Procurement Services, or designee, not later than the seventh (7th) business day after the date that the individual or entity begins contracts discussions or negotiations with the District or submits to the District an application, response to a request for proposals or bids, correspondence, or other writing related to a potential agreement with the District. If the individual or entity becomes aware of new facts or change of facts that would make the completed questionnaire(s) inaccurate, the individual or entity shall file an amended questionnaire(s) within seven (7) days of the date the individual or entity first learned of the new facts or changes in facts.

Family or family relationship means a member of an individual's immediate family, including spouse, parents, children (whether natural or adopted), aunts, uncles, and siblings.

For individuals who contract or seek to contract with the District for the sale or purchase of any property, goods, or services:

Identify each and every family relationship between yourself (and any member of your family) and any full-time District Employee (and any member of such employee's family) (please include name and sufficient information that will allow proper identification of any named individual):

For entities that contract or seek to contract with the District for the sale or purchase of property, goods, or services:

Identify each and every full-time District employee (and any member of the employee's family) who serves as an officer or director of the entity, or holds an ownership interest of 10 per cent or more in the entity (please include name and sufficient information that will allow proper identification of any named individual):

If more space is required please attach a second page. If the answer to any question is none, or not applicable, please write "None" or "Not Applicable" in the space reserved for that answer.

"I certify that the answers contained in this questionnaire are true and correct."

Individual: _______________________________ Date: ________________

Entity: ________________________________

By: _______________________________ Date: ________________

Signature

Title: _______________________________

Certified this _____ day of ___________, 20___, by ___________________________

Notary Public in and for the State of Texas.
EXHIBIT C: Dallas Independent School District Agreement to Certain Rules Governing Dallas ISD E-Rate Eligible Employee
DALLAS INDEPENDENT SCHOOL DISTRICT
AGREEMENT TO CERTAIN RULES GOVERNING DALLAS ISD
E-RATE ELIGIBLE EMPLOYEE

I, ____________________, have agreed to serve as an E-rate Eligible Employee (EEE) at Dallas Independent School District ("District"). I have read this Agreement to Certain Rules Governing Dallas ISD E-RATE ELIGIBLE EMPLOYEE ("Agreement") and affirm that I understand this Agreement. I state and affirm upon my oath that, at all times while serving as a member of the EEE, I will follow the Agreement as well as any additional requirements that may be required by the District or the rules relating to the E-Rate program.

Family or family relationship means a member of an individual’s immediate family, including spouse or partner, parents, children (whether natural or adopted), aunts, uncles, and siblings.

Substantial Business Relationship with an entity means:

- Employee, officer or director of the entity;
- Ownership of ten percent of more of the voting stock or shares of the business entity;
- Ownership of ten percent or more of the fair market value of the business entity;
- Ownership of $15,000 or more of the fair market value of the business entity;
- Funds received from the business entity exceed ten percent of the individual’s gross income for the previous year.

1. I agree that so far as I am concerned these rules apply to myself and to any member of my family as defined here.

2. I affirm that neither I nor any member of my family as defined herein has a substantial business relationship as defined herein with any current vendor(s) of technology goods and/or services to the District.

3. Should I or any member of my family develop a substantial business relationship with a current vendor(s) of technology goods and/or services to the District, I will within seven (7) business days notify the District’s Chief Compliance Officer/E-Rate Compliance Officer (ERCO).

4. I have completed the Conflict of Interest Disclosure Affidavit and have identified any potential vendor(s) of technology goods and/or services to the Dallas Independent School District in which I or a member of my family as defined in this document has a significant business relationship.

5. Should I or any member of my family develop a substantial business relationship with a previously unidentified potential vendor(s) of technology goods and/or services to the District, I will within seven (7) business days submit an amended Conflict of Interest Disclosure Affidavit and notify the Chairman of the Committee, the District’s Director of Purchasing and the District’s Director of Technology Services.
6. I affirm that I will treat all information I receive from the District relating to the District’s technology goods and services, including plans regarding technology goods and services as confidential.

7. I affirm that I will not share any information I receive from the District relating to the District’s technology goods and services, including plans regarding technology goods and services with anyone else, including but not limited to any member of my family or any entity that sells technology goods and/or services with which I or any member of my family has any relationship.

8. I affirm that I will not make any use of any information I receive from the District as an employee of the District to further the interests of any person or entity other than the District.

9. I am generally aware of the federal statute and rules regulating the E-rate program. I understand that the E-Rate rules require a fair and open competitive bidding process and that the District must conduct a fair and open competitive bidding process, consistent with all requirements relating to the E-Rate program. I understand all potential bidders and service providers must have access to the same information and must be treated in the same manner throughout the procurement process; that requirements or specifications must be available to all potential providers at the same time and in a uniform manner; and that it is a violation of the competitive bidding rules if the District has a relationship with a service provider that would unfairly influence the outcome of a competition or would furnish the services provider with ‘inside’ information. I agree that should my activity as an employee of the District raise a question about potential violation of these rules, any potential vendor of technology goods and/or services with whom I or a member of my family has a significant business relationship will be disqualified from participating in District procurements or contracts of technology goods and/or services.

10. I will not seek access to nor receive from the District information that might be construed as giving a potential bidder inside information. I will not advise the District of specifications or receive information about specifications ahead of other potential bidders. If I do so, I understand that any potential vendor of technology goods and/or services with whom I or a member of my family has a significant business relationship will be disqualified from participating in District procurements or contracts of technology goods and/or services.

11. I affirm that I may discuss new technologies with the District, but that I will not provide:
   - Any vendor-specific language for any District RFP’s or form 470’s;
   - Any template RFP’s or forms 470;
   - Any assistance with any RFP or bid;
   - Any assistance in determining the types of service the District will seek on a procurement or bid or form 470;
   - Any assistance to the District with the filling out of the 470’s.
   If I do so, I understand that any potential vendor of technology goods and/or services with whom I or a member of my family has a significant business relationship will be disqualified from participating in District procurements or contracts of technology goods and/or services.

12. I understand that for the life of the E-rate Compliance agreement, all Dallas ISD E-rate Eligible Employee’s will abide by the E-rate Compliance Agreement’s gift policy as stated as applicable for the first year of the E-rate Compliance Agreement.

13. I understand that it is a crime to offer, confer, or agree to confer or solicit, accept or agree to accept from another any benefit as consideration for the recipient’s decision, opinion, recommendation, vote or other
exercise of discretion as a public servant. Benefit means anything reasonably regarded as economic gain or advantage, including benefit to any other person in whose welfare the beneficiary is interested.

14. I understand that it is a crime for a public servant who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions of government to solicit, accept or agree to accept any benefit from a person the public servant knows is interested in or likely to become interested in any contract, purchase, payment, claim or transaction involving the exercise of his discretion.

15. I understand that it is a crime for an individual to offer, confer, or agree to confer any benefit on a public servant that he or she knows the public servant is prohibited by law from accepting.

16. I understand that federal law contains a number of provisions that make similar types of misconduct, and conspiracy to commit such prohibited misconduct, federal crimes.

17. I agree to immediately report all suspected violations of the E-rate rules and regulations to either the District’s Chief Compliance Officer/E-Rate Compliance Officer or the District’s Office of Professional Responsibility, or the District’s Fraud, Waste, and Abuse hotline at 1-800-530-1608. Upon receipt of any suspected E-Rate violation the District’s ERCO will immediately contact the appropriate FCC/USAC official concerning the suspected violation.

18. I understand and agree that to the extent my employment to the on District puts me in a position that I am or become privy to information about potential or pending procurements or bids for technology goods and/or services not shared with other potential bidders, any potential vendor of technology goods and/or services with whom I or a member of my family has a significant business relationship will be disqualified from participating in District procurements or contracts of technology goods and/or services.

19. I understand that if I fail to comply with this Agreement any potential vendor of technology goods and/or services with whom I or a member of my family has a significant business relationship will be disqualified from participating in District procurements or contracts of technology goods/ and or services. I further understand that the decision to disqualify will be within the sole discretion of the District.

Signature: __________________________

Date:___________

ACKNOWLEDGEMENT

STATE OF TEXAS

COUNTY OF ____________

Sworn to and subscribed before me the undersigned authority on this ___ day of__________ (month, __________)
(year).

________________________________________, Notary Public in and for the State of Texas.