

Definitions

“Agent” means a third party who undertakes to transact some business or manage some affair for another person by the authority or on account of the other person. The term includes an employee.

“Business relationship” means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

1. A transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
2. A transaction conducted at a price and subject to terms available to the public; or
3. A purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

“Family relationship” means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Subchapter B, Chapter 573, Government Code. [See DBE]

“Gift” means a benefit offered by a person, including food, lodging, transportation, and entertainment accepted as a guest. The term does not include a benefit offered on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient.

“Local government officer” means a member of the board; the superintendent; or an agent (including an employee) of the district who exercises discretion in the planning, recommending, selecting, or contracting of a vendor.

“Vendor” means a person who enters or seeks to enter into a contract with the district. The term includes an agent of a vendor. The term includes an officer or employee of a state agency when that individual is acting in a private capacity to enter into a contract. The term does not include a state agency except for Texas Correctional Industries.

Local Gov't Code 176.001

Required Vendor Disclosure

The Texas Ethics Commission shall adopt a conflict of interest questionnaire that requires disclosure of a vendor's business and family relationships with a district. *Local Gov't Code 176.006(b)*

A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with the district and:

1. Has an employment or other business relationship with a local government officer of the district, or a family member of the officer, described by Local Government Code 176.003(a)(2)(A);
2. Has given a local government officer of the district, or a family member of the officer, one or more gifts with the aggregate value specified by Local Government Code 176.003(a)(2)(B), excluding any gift described by Local Government Code 176.003(a-1); or
3. Has a family relationship with a local government officer of the district.

Local Gov't Code 176.006(a)

The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the date that the vendor:

1. Begins discussions or negotiations to enter into a contract with a district;
2. Submits to the district an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the district; or
3. The date the person becomes aware:
 - a. Of an employment or other business relationship with a local government officer, or a family member of the officer;
 - b. That the person has given one or more gifts; or
 - c. Of a family relationship with a local government officer.

Local Gov't Code 176.006(a-1)

Updating
Incomplete or
Inaccurate
Questionnaires

A vendor shall file an updated completed questionnaire with the appropriate records administrator not later than the seventh business day after the date on which the vendor becomes aware of an event that would make a statement in the questionnaire incomplete or inaccurate. *Local Gov't Code 176.006(d)*

Vendors Who Are
Local Government
Officers

A person who is both a local government officer and a vendor of the district is required to file the questionnaire only if the person enters or seeks to enter into a contract with the district, or is an agent of a person who enters or seeks to enter into a contract with the district. *Local Gov't Code 176.006(e)*

PURCHASING AND ACQUISITION
VENDOR RELATIONS

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(LEGAL)

- Validity of Contract The validity of a contract between a vendor and the district is not affected solely because the vendor fails to comply with these requirements. *Local Govt Code 176.006(i)*
[See BBFA]
- Electronic Filing** The required questionnaire, including signature requirements, may be filed electronically in a form approved by the Commission. *Local Govt Code 176.008*
- Internet Posting** A district shall provide access on the district's Internet website to the required conflict of interest statements and questionnaires filed with the records administrator. *Local Govt Code 176.009*