

Request for Determination of Ability to Contract

Certification

In accordance with the requirements of Texas Government Code §2252.901, Texas Human Resources Code §40.034, and 40 Texas Administrative Code, Part 19, Rules §730.1801 to §730.1807, Contractor/Potential Contractor hereby acknowledges the following:

1. Contractor/Potential Contractor has read Texas Government Code §2252.901, Texas Human Resources Code §40.034, and 40 Texas Administrative Code, Part 19, Rules §730.1801 to §730.1807, and verifies that no current or former Texas Department of Family and Protective Services (DFPS) employees or their relatives violate the Conflict of Interest provisions set forth in the statutes and/or rules noted in this certification. If Contractor/Potential Contractor is a sole proprietor, Contractor/Potential Contractor verifies that Contractor/Potential Contractor has not been a DFPS employee within the last 365 days.
2. Contractor/Potential Contractor is under a continuing obligation throughout the term of the contract, and any subsequent renewal, to notify the DFPS contract manager of any change to this certification within ten (10) business days; and
3. The contract with Contractor/Potential Contractor may be terminated for cause if:
 - a) Contractor/Potential Contractor knowingly provides incorrect information in this certification; or
 - b) Contractor/Potential Contractor uses a subterfuge, such as a subcontract arrangement, to avoid the application of the rules in Texas Government Code §2252.901, Texas Human Resources Code §40.034, or Subchapter S of Chapter 730 of the Texas Administrative Code.

☒ Contractor/Potential Contractor **certifies** the above statements.

☐ Contractor/Potential Contractor **cannot certify** the above statements and has notified or will notify the appropriate DFPS staff per the instructions noted on page 2.

KEITH SELF

Printed Name of Authorized Representative

COUNTY JUDGE

Title of Authorized Representative

COLLIN COUNTY

Legal Name of Potential Contractor

Signature of Authorized Representative

Date

23939923

Procurement or Contract Number CHILD WELFARE

Guidance for Form 4732

Texas Department of Family and Protective Services (DFPS) uses this form to determine its ability to contract with providers. DFPS requires potential nongovernmental contractors to complete this form and certify the accuracy of the information contained herein.

Texas Government Code §2252.901 does not allow a state agency to enter into a contract with a former or retired employee of the agency until the first anniversary of the employee's last date of employment with the agency. This section applies to individuals, not business entities.

If the contract relates to a program or service for which a former DFPS employee or officer was directly concerned or had administrative responsibility over, Texas Human Resources Code §40.034 prohibits those individuals from directly or indirectly trying to obtain a contract with DFPS until one year after the termination date of the individual's employment with DFPS.

Texas Administrative Code Chapter 40, Part 19, §§730.1801–1807 specifies the contracting ethics rules by which DFPS awards contracts to nongovernmental organizations.

- In certain circumstances, DFPS is prohibited from contracting directly with:
 - Former or Current Employees;
 - Certain Relatives of Former Employees (spouses, children or stepchildren, parents or spouse's parents, siblings or spouse's siblings);
 - Certain Relatives of Current Employees (spouses, children, parents, and siblings); and
 - Organizations Owned or Controlled in whole or in part by Former or Current Employees or their Relatives.
- Individuals or entities in the categories above cannot have a substantial financial interest in the contractor for a two-year period after the date of terminating employment with DFPS.
 - Substantial financial interest is defined as a former DFPS employee, board member, or their relatives, having a 10% or more ownership in the contractor or its stock; an investment of \$2500 or more in the contractor; or, if the former employee held one of the noted positions*, receiving a 25% or more increase in overall annual benefits compared to the former DFPS salary and benefits.
- Individuals or entities in the categories above cannot have a substantial involvement in the development of the contract for a four-year period after the date of terminating employment with DFPS.
 - Substantial involvement in the development of the contract is defined as direct or indirect participation by a former employee, former board member, or their relatives, in the development of program policy, which influenced the type of services provided by the contracting organization. The positions noted below* are assumed to have had such participation.

The DFPS Commissioner may waive these determinations for current employees if he or she finds it would create an undue hardship; or for former employees if there is no reasonable alternative.

NOTE:

If contractor/potential contractor cannot certify the statements in this 4732, the contractor/potential contractor should send a letter via mail, e-mail, or fax to the procurement officer mentioned in the solicitation packet or the contract manager in charge of the contract.

The letter should explain the following: the name(s) of contractor/potential contractor's employee(s) who potentially violate the conflict of interest rules, which rule or rules could be potentially violated, and any other pertinent information that would help DFPS address whether there is a conflict of interest for the contractor/potential contractor and/or DFPS.

* Board member; executive director; deputy executive director; assistant executive director; regional administrator; assistant regional administrator; regional director; program director; contract manager of the contract or same program area; program specialist in same program area; contract specialist in the same program area; attorneys; and business officers, when the contract is of the type the business office manages.