

CERTIFICATE OF INTERESTED PARTIES (FORM 1295)

In 2015, the Texas Legislature adopted House Bill 1295, which added section 2252.908 of the Government Code. The law states that a governmental entity or state agency may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency.

The law applies only to a contract of a governmental entity or state agency that either (1) requires an action or vote by the governing body of the entity or agency before the contract may be signed or (2) has a value of at least \$1 million.

A contract does not require an action or vote by the governing body of a governmental entity or state agency if (1) the governing body has legal authority to delegate to its staff the authority to execute the contract; (2) the governing body has delegated to its staff the authority to execute the contract; and (3) the governing body does not participate in the selection of the business entity with which the contract is entered into.

Aldine ISD must file a copy of the all disclosure forms with the Texas Ethics Commission not later than 30 days after receiving the form. The bill applies only to a contract entered into on or after January 1, 2016.

Definitions:

To assist you with this process, definitions pertaining to Interested Parties have been added below:

- (a) Contract includes an amended, extended, or renewed contract.
- (b) Business entity includes an entity through which business is conducted with a governmental entity or state agency, regardless of whether the entity is a for-profit or nonprofit entity. The term does not include a governmental entity or state agency.
- (c) Controlling interest means: (1) an ownership interest or participating interest in a business entity by virtue of units, percentage, shares, stock, or otherwise that exceeds 10 percent; (2) membership on the board of directors or other governing body of a business entity of which the board or other governing body is composed of not more than 10 members; or (3) service as an officer of a business entity that has four or fewer officers, or service as one of the four officers most highly compensated by a business entity that has more than four officers.
- (d) Interested party means: (1) a person who has a controlling interest in a business entity with whom a governmental entity or state agency contracts; or (2) a person who actively participates in facilitating a contract or negotiating the terms of a contract with a governmental entity or state agency, including a broker, intermediary, adviser, or attorney for the business entity.
- (e) Intermediary, for purposes of this rule, means, a person who actively participates in the facilitation of the contract or negotiating the contract, including a broker, adviser, attorney, or representative of or agent for the business entity who:

- (1) receives compensation from the business entity for the person's participation;
- (2) communicates directly with the governmental entity or state agency on behalf of the business entity regarding the contract; and
- (3) is not an employee of the business entity.

Form 1295 Disclosure of Interested Parties:

Before a contract can be amended, extended, or renewed with Aldine ISD, laws adopted by the Texas Ethics Commission require you to make known all interested parties.

- 1) As required by law, please complete the Texas Ethics Commission, "Form 1295 - Certificate of Interested Parties" *electronically* on the Texas Ethics Commission website:
https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm
 - a. Click the "LOG IN" button
 - b. Click on the words "Click here if you don't have a user ID" to establish a *Business Entity* account
- 2) After your account is confirmed and verified by Texas Ethics Commission
 - a. Log in to your account, Click "Manage My 1295 Forms" to start a certificate
 - b. If applicable in the "Contract ID Number" field, reference the Aldine ISD Contract/Bid ID number or Project ID number and a contract/bid description.
 - c. Add all interested parties for your business entity.
- 3) Print the Form 1295 and review the form for accuracy (The form should include a filing certification number and date)
- 4) Include the Form 1295 with your bid/RFP submission

Thank You.

Carlotta Nicholas
Director of Purchasing

