



**SOUTH TEXAS  
COLLEGE**

# **Board of Trustees**

## **Special Board Meeting**

**Tuesday, August 01, 2017**

**4:00 p.m.**

**Pecan Campus**

**Ann Richards Administration Building**

**Board Room**

**McAllen, Texas**

**Online Board Packet**

**SOUTH TEXAS COLLEGE  
BOARD OF TRUSTEES SPECIAL MEETING  
Tuesday, August 1, 2017 @ 4:00 p.m.  
Ann Richards Administration Building Board Room  
Pecan Campus, McAllen, Texas 78501**

**AGENDA**

"At anytime during the course of this meeting, the Board of Trustees may retire to Executive Session under Texas Government Code 551.071(2) to confer with its legal counsel on any subject matter on this agenda in which the duty of the attorney to the Board of Trustees under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code. Further, at anytime during the course of this meeting, the Board of Trustees may retire to Executive Session to deliberate on any subject slated for discussion at this meeting, as may be permitted under one or more of the exceptions to the Open Meetings Act set forth in Title 5, Subtitle A, Chapter 551, Subchapter D of the Texas Government Code. At this meeting, the Board of Trustees may deliberate on and take any action deemed appropriate by the Board of Trustees on the following subjects:"

- I. Call Meeting to Order**
  
- II. Determination of Quorum**
  
- III. Consideration and Action As Necessary on Property (including Flood),  
Named Storm, Wind, Hail, and Other Related Insurance Coverage**
  
- IV. Adjournment**

## **Consideration and Action as Necessary on Invitation for Bids for Property/Inland Marine, Boiler & Machinery, and Terrorism Risk Insurance Act Coverage**

The Board is asked to approve and authorize the release of an Invitation for Bids for Property/Inland Marine, Boiler & Machinery, and Terrorism Risk Insurance Act (TRIA) coverage.

On July 25<sup>th</sup>, 2017 the Board rejected proposals for Property and other related insurance coverages, and instructed staff to solicit competitive bids for Property Insurance coverage in the amount of \$100M with a 2% deductible for windstorm damage and a 1% deductible for hail damage.

Staff, in consultation with Mr. Raul Cabaza, III, Risk Management Consultant, and Mr. Jesus Ramirez, Legal Counsel, have determined that there is additional information for the Board to consider before this solicitation for bids can be released.

### **Extension of Current Policy:**

The College has a current Property Insurance policy, with related coverage, which expires on August 31, 2017. Staff have confirmed that this policy could be extended by Hartford Insurance, through Montalvo Insurance Agency. The Board is asked to authorize Dr. Reed, College President, to approve this extension through November 1, 2017 if necessary to prevent any lapse in coverage during the bid solicitation and review process.

### **Rejection and Re-solicitation of Terrorism Risk Insurance Act (TRIA) Insurance:**

On July 25, 2017 the Board awarded the TRIA coverage to Carlisle Insurance Agency, Inc., in the amount of \$4,270. Staff has since been advised that this pricing was included as part of the larger Property Insurance proposal, and is not available as a stand-alone policy as approved by the Board.

The Board is asked to reject the previously approved award of TRIA coverage and to include this coverage in the solicitation for new bids.

### **Coverage Limit**

On July 25, 2017 the Board instructed staff to solicit competitive bids based upon a coverage limit of \$100M. After consulting with administration as well a disclosure to the Finance, Audit, and Human Resources Committee, it was determined the limit is reasonable.

The Risk Management Consultant has further clarified his recommendation of coverage limits. He has advised staff that the College should seek full coverage for "all other perils"

and could seek reduced coverage for Named Storm coverage and for Wind & Hail coverage.

Mr. Cabaza will present his recommendations and respond to questions from the Board at the meeting.

**Admitted vs. Non-Admitted Carriers**

The Risk Management Consultant has advised that the solicitation can be written to only allow admitted carriers to respond, or to also allow non-admitted carriers to respond.

Admitted insurance companies are licensed by the Texas Department of Insurance and comply with regulations as part of that licensure. Non-admitted insurance companies lack this licensure and do not necessarily comply with related regulations or procedures.

**Determination of Best Value**

Staff has been advised by legal counsel that the Board may seek to use additional criteria beyond pricing, in determining which bid provides the College with the best value.

**Recommendation:**

It is recommended that the Board of Trustees of South Texas College approve and authorize the College President to approve extension of existing Property Insurance coverage through November 1, 2017 with Montalvo Insurance Agency as necessary, reject the TRIA policy approved on July 25, 2017 with Carlisle Insurance Agency, Inc., and approve and authorize staff to publish the Invitation For Bids (IFB) as presented.

**The following Minute Order is proposed for consideration by the Board of Trustees:**

The Board of Trustees approves and authorizes the College President to approve extension of existing Property Insurance coverage through November 1, 2017 with Montalvo Insurance Agency as necessary, rejects the TRIA policy approved on July 25, 2017 with Carlisle Insurance Agency, Inc., and approves and authorizes staff to publish the Invitation For Bids (IFB) as presented.

**Approval Recommended:**

**Shirley A. Reed, M.B.A., Ed.D.**  
**President**



# SOUTH TEXAS COLLEGE

**South Texas College**  
PURCHASING DEPARTMENT  
P. O. BOX 9500  
MCALLEN, TX 78502-9500

## INVITATION FOR BIDS

**IFB NUMBER**

**17-18-1013**

**BIDS MUST BE RECEIVED BEFORE:**

**4:00 p.m., August 14, 2017**

**Opening will be public**

**Submit bids to:**  
South Texas College  
Purchasing Department  
3200 W. Pecan Blvd, Bldg N, Ste 145  
McAllen, TX 78501

Show IFB Number, Opening Date and Time on Return Envelope

**NOTE:** Bid packet must be time stamped at **South Texas College Purchasing Department** before the hour and date specified for receipt of bids.

Bids must be submitted in duplicate in a sealed envelope plainly marked with the name and address of the entity submitting a bid. The bid packet must contain the following: PROPERTY INSURANCE and the date and time of the submittal deadline.

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### **APPENDICES:**

- 1) Comprehensive Annual Financial Report
- 2) Property Schedule
- 3) Business Income Worksheet
- 4) Inland Marine-Contractor's Equipment Schedule
- 5) Insurance Premium Summary
- 6) Loss Data

## **INTRODUCTION: Invitation for Bids (IFB)**

### **1.1 General Information**

**SOUTH TEXAS COLLEGE (STC)** requests bids for property, boiler and machinery, and inland marine insurance coverage per terms outlined in these specifications in accord with approved or acceptable insurance practice in the State of Texas.

Shepard Walton King Insurance Group (SWK) has been retained as the consultant by *STC* and is compensated by South Texas College. SWK will not engage as a proposer.

### **1.2 Timetable**

1.2.1 Bids are due in **duplicate on August 14, 2017 at 4:00 P.M.** Sealed envelopes will be opened in public. Please label any trade secrets or confidential information to avoid public disclosure.

1.2.2 Bids will be considered at a meeting of the STC Board of Trustees in August of 2017. It is possible, but not certain that a decision will be reached at that meeting. The selected proposer will be notified after the board meeting in which the contract is awarded. The contract effective date is September 1, 2017.

1.2.3 Binders are to be delivered to **STC** on or before **September 1, 2017**.

1.2.4 Policies are due to **STC** by **November 15, 2017**.

### **1.3 Selection**

1.3.1 Respondents are advised that the College reserves the right to award the bid which offers best value and/or which is in the College's best interest. The lowest premium, based on the coverage specifications for coverage and deductibles, shall be given the greatest weight in this determination. For purposes of the College's determination of the lowest premium, a policy addressing the coverages and deductibles specified in this request for bids shall establish the amount of the bid. STC acknowledges that each proposer's policy may include ancillary benefits as part of its insuring instrument. To the extent these endorsements, if any, are not part of its standard insuring package, Company shall separately list the reduction in premium, if any, which it would offer to delete those ancillary benefits.

1.3.2 STC may waive any informalities, technicalities or minor irregularities or may reject any and all bids (anything herein contained to the contrary notwithstanding) if said action results in assuring best value and/or is in the best interest of STC.

#### **1.4 Submission of Bid – Designated Representative**

Please submit **one original and two copies** of your bid with specimen policies in a sealed envelope plainly marked “Bids for Property Insurance.” Submit bids to:

Mrs. Rebecca Cavazos, Director of Purchasing  
South Texas College  
3200 West Pecan Blvd, Bldg. N, Ste. 145  
McAllen, Texas 78501

Phone: 956-872-4680  
E-mail: beckyc@southtexascollege.edu

Bids must be received at or before 4:00 P.M. on the due date. Telephone, telephonic email or fax bids will not be accepted. STC or its agents will not be responsible for misdirected mail or packages. Any delay in mail or delivery is at the risk of the proposer. Bids received after the deadline will be returned unopened.

#### **1.5 Underwriting Information**

Due care and diligence have been used in preparation of the specifications and/or applications and the information contained therein is believed to be substantially correct. The ultimate responsibility, however, for determining the full extent of the exposures and the verification of information rests solely on the proposer.

#### **1.6 Company Eligibility**

All bids must include the name of the insurance company. Intergovernmental Risk Pools should include the latest audited financial statement and the name of its excess insurance company. STC requires an insurance company rating of AVII or better as published by the A.M. Best Company, Inc., on the invitation for bid due date. Bids from Non-Admitted Carriers will be treated in accordance with Texas law (specifically Texas Insurance Code Chapter 981 and regulations found in the Texas Administrative Code Chapter 15) and the recommendation of STC’s Legal Counsel. Proposers are commended to carefully review sections 1.3.1 and 1.3.2.

#### **1.7 Qualifications of Agents**

The proposer must meet these qualifications:

- 1.7.1 The recording agent must have been licensed to conduct fire and casualty insurance business in Texas for the last five years.
- 1.7.2 The agency must be producing a minimum annual gross property and casualty premiums of at least \$1,000,000 average for each of the past five years and provide information demonstrating experience working for public school districts or other public entities.



1.7.3 The agency must provide a Certificate of Errors and Omissions Coverage with the minimum limits of \$2,000,000 annual aggregate with a maximum deductible of \$50,000

1.7.4 Provide a description of your agency and resumes of the personnel who would be assigned to service South Texas College.

## **1.8 Questions Concerning the Specifications**

Questions should be addressed to the designated representative via e-mail:

Mrs. Rebecca Cavazos, Director of Purchasing  
South Texas College  
3200 West Pecan Blvd., Bldg. N, Ste. 145  
McAllen, Texas 78501

Phone: 956-872-4680

E-mail: [beckyc@southtexascollege.edu](mailto:beckyc@southtexascollege.edu)

It shall be the bidder's responsibility to advise the College if any language requirements, or any combination thereof, inadvertently restricts or limits the requirements to a single source or otherwise unduly or unnecessarily prohibits the submission of a bid. The notification must be received by the College's designated representative within five (5) days of the date of published notice of the College's request for bids. Such notification must be in writing and sufficiently call to the attention of the designated representative any perceived problem with the specification. A response from the College providing a clarification or amendment of the specification will follow. Any questions related to this request for bids must be directed solely to the designated representative and must be in writing and timely. All responses will be addressed to the entire field of bidders.

## **1.10 Specimen Policy to be Submitted**

Please enclose with your bid and complete legible specimen policy with all endorsements, forms, policy jackets and examples of declaration pages.

## **1.11 General Policy Conditions**

### **1.11.1 Name Insured and Address**

South Texas College, the Board of Trustees, all past and present Trustees, Directors, members of the Board of Education, employees of the educational entity, student teachers, and volunteers within the scope of their duties on behalf of STC.

### **1.11.2 Term of Policy**

Policy effective date is to be September 1, 2017 for a 1-year period.

### 1.11.3 Cancellation Provisions

60 days notice of cancellation (except for non-payment) and 60 days notice of non-renewal or material change.

1.11.4 South Texas College's Federal ID number is: 74-2683499

### 1.12 Certificate of Interested Parties (Form 1295)

Respondents are advised that if awarded a contract as a result of this solicitation, the awarded entity will be required to file Form 1295 (Certificate of Interested Parties). In 2015, the Texas Legislature adopted [House Bill 1295](#), which added Section 2252.908 of the Government Code. Section 2252.908 of the Government Code prohibits South Texas College from entering into a contract resulting from this solicitation unless the business entity awarded a contract submits a Disclosure of Interested Parties to South Texas College.

Once STC notifies a business entity of an award of a contract, the business entity **must** follow these steps in order to have the contract fully executed:

- Go to the Texas Ethics Commission website located at: [https://www.ethics.state.tx.us/whatsnew/elf\\_info\\_form1295.htm](https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm) and complete Form 1295
- Print the Form 1295 and have it notarized
- Submit a copy of Form 1295 to the South Texas College Purchasing Department

On Form 1295 that you complete, please enter the following information in sections 1, 2 and 3:

1. Your company's name
2. South Texas College
3. Invitation for Bid number and title

The following definitions are included in Section 2252.908 of the Government Code:

**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.

**Interested party:** (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.

**Controlling interest:** (1) an ownership interest or participating interest in a business entity by virtue of units, percentages, shares, stocks, 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.

### **1.13 Submittal Checklist**

Respondents are instructed to complete and return the following documents as a part of their bid submittal.

- PROPERTY/INLAND MARINE SUBMISSION FORM with premium information (Section 2 of IFB)
- BOILER AND MACHINERY INSURANCE with premium information (Section 3 of IFB)
- Specimen Policy (See Section 1.10 of IFB)
- Signed and Completed Execution of Offer
- Signed and Completed Notification of Criminal History
- Addenda Checklist
- Conflict of Interest Questionnaire

**2. PROPERTY/INLAND MARINE SUBMISSION FORM**

**A. Minimum Program**

1. Limits to Insure (See schedules in appendix):

Buildings	\$277,955,526
Business Personal Property	\$ 22,448,258
Electronic Data Processing Equip.	\$ 23,908,377
Business Income & Extra Expense	\$ 39,239,402 (excluding ordinary payroll)
	\$363,551,563

Inland Marine

Contractor's Equipment	\$ 397,521
Fine Arts (personal property others)	\$ 25,000

2. Policy Limits:

\$363,551,563	All Other Perils
\$100,000,000	Named Storm
\$100,000,000	Wind & Hail – All Other
\$ 5,000,000	Flood – Zone B
\$ 10,000,000	Flood – Zones X and C
\$ 1,000,000	Earthquake/Movement

Inland Marine

Contractor's Equipment	\$397,521
Fine Arts (personal property others)	\$ 25,000

3. Deductibles:

Option 1:

2%	Named Storm	Per form CP 03 25 10 12 or company specific form which operates in same fashion.
1%	Hail	To apply in same fashion as Named Storm deductible.
\$100,000	All Other Wind	
\$100,000	All Other Perils	
\$100,000	Flood – Zones X and C	
\$500,000	Flood – Zone B	
\$ 1,000	Fine Arts / Personal Property of Others	

Option 2:

2%	Windstorm	Per form CP 03 21 10 12 or company specific form which operates in same fashion.
1%	Hail	To apply in same fashion as Windstorm deductible.
\$100,000	All Other Perils	
\$100,000	Flood – Zones X and C	
\$500,000	Flood – Zone B	
\$ 1,000	Fine Arts / Personal Property of Others	

4. The policy form should provide coverage for the perils of fire, extended coverage and special extended coverage including theft of contents. Coverage is to be provided on a replacement cost basis.

**B. Building / Contents Minimum Standards**

1. Provide blanket coverage.
2. Co-insurance should be waived
3. The policy must cover fences, poles, stadiums, parking lot lights, back stops even if not specifically listed on the schedule.
4. Include coverage for newly acquired or constructed property
5. Include extra expense coverage
6. Include debris removal
7. Include Ordinance or Law Coverage – Coverage A must be the building limit
8. Include Terrorism Coverage for both Certified and Non-Certified Acts of Terrorism
9. Other policy coverage terms and conditions the insurance company considers part of its standard school/college insuring package. Refer to 1.3.1.

**C. Quotations:**

	<b>Property / Electronic Data Processing Equip.</b>	<b>Inland Marine</b>	<b>Fine Arts Extension</b>
Limit of Insurance:	\$363,551,563	\$397,521	\$25,000

Option 1:

<u>Deductibles:</u>	<u>Requested</u>	
Named Storm	2%	
Hail	1%	
All Other Wind	\$100,000	
All Other Perils	\$100,000	
Flood - Zones X / C	\$100,000	
Flood - Zone B	\$500,000	
Fine Arts - Others	\$ 1,000	Premium _____

In accordance with Section 1.3.1 list any enhancements, endorsements and corresponding premium change.

Option 2:

<u>Deductibles:</u>	<u>Requested</u>	
Windstorm	2%	
Hail	1%	
All Other Perils	\$100,000	
Flood - Zones X / C	\$100,000	
Flood - Zone B	\$500,000	
Fine Arts - Others	\$ 1,000	Premium _____

In accordance with Section 1.3.1 list any enhancements, endorsements and corresponding premium change.

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**D. Exact Name of Insurer** *(not company group or wholesaler)*

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**E. A. M. Best's Rating on due date. Intergovernmental Risk Pools** shall provide the following data: Name of Excess Insurance Carrier, AM Best Rating, Amount of Excess Insurance, Excess Insurance Policy Period, the pool SIR and a current financial statement.



**EXECUTION OF OFFER**

In compliance with this solicitation, and subject to all the conditions herein, the undersigned offers and agrees to furnish any or all commodities or services at the prices quoted. Failure to sign the offer, or signing it with a false statement, shall void the submitted offer or any resulting contract, and the Respondent may be removed from STC vendor lists.

By signature hereon, the Respondent hereby certifies that he/she is not currently delinquent in the payment of any franchise taxes owed the State of Texas under Chapter 171, Tax Code.

By signature hereon, the Respondent hereby certifies that the firm is not debarred, suspended or otherwise declared ineligible to contract by any federal, state or local public agency.

By executing this offer, Respondent affirms that he/she has not given, offered to give, nor intends to give at anytime hereafter, any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant in connection with the submitted offer.

By the signature hereon, the Respondent hereby certifies that neither the Respondent nor the firm, corporation, partnership, or institution represented by the Respondent or anyone acting for such firm, corporation, or institution has violated the antitrust laws of this State, codified in Section 15.01, et seq., Texas Business and Commerce Code, or the Federal antitrust laws, nor communicated directly or indirectly the offer made to any competitor or any other person engaged in such line of business.

By signature hereon, Respondent certifies that the individual signing this document and the documents made part of this solicitation is authorized to sign such documents on behalf of the company and to bind the company under any contract which may result from the submission of this bid.

By signature hereon, Respondent affirms that he has not prepared, or assisted in the preparation of, the specifications or other requirements for this solicitation.

bid must include Taxpayer Identification Number, full firm name and address of Respondent. Failure to manually sign bid will disqualify it. The person signing the bid should show title or authority to bind his/her firm in contract.

Taxpayer Identification Number: \_\_\_\_\_

Respondent/Company: \_\_\_\_\_

Signature: \_\_\_\_\_

Name (Typed/Printed): \_\_\_\_\_

Title: \_\_\_\_\_

Street: \_\_\_\_\_



City/State/Zip: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

Fax No.: \_\_\_\_\_

**THIS SECTION MUST BE COMPLETED, SIGNED, AND RETURNED WITH BID RESPONDENT'S. FAILURE TO SIGN AND RETURN THIS SHEET MAY RESULT IN THE REJECTION OF YOUR BID.**

**NOTIFICATION OF CRIMINAL HISTORY**

**THIS FORM MUST BE COMPLETED,  
SIGNED, AND RETURNED WITH BID**

State of Texas legislative Bill No. 1 Section 4.034, Notification of Criminal History, Subsection (a) states  
“a person or business entity that enters into a contract with a school district must give advance 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 the conviction of a felony.”

Subsection (b) states “a school district may terminate a contract with a person or business entity if the district determines that the person or business entity failed to give notice as required by Subsection (a) or misrepresented the conduct resulting in the conviction. The district must compensate the person or business entity for services performed before the termination of the contract.”

**THIS NOTICE IS NOT REQUIRED OF A PUBLICLY-HELD CORPORATION**

Please check off one box and sign the form in the appropriate space

I, the undersigned agent for the firm named below, certify; that the information concerning notification of felony convictions has been reviewed by me and the information furnished is true to the best of my knowledge.

VENDOR'S NAME: \_\_\_\_\_

AUTHORIZED COMPANY OFFICIAL'S NAME (PRINTED): \_\_\_\_\_

A.  My firm is a publicly held corporation; therefore, this reporting requirement is not applicable.

SIGNATURE OF COMPANY OFFICIAL \_\_\_\_\_

B.  My firm is not owned nor operated by anyone who has been convicted of a felony.

SIGNATURE OF COMPANY OFFICIAL \_\_\_\_\_

C.  My firm is owned and/or operated by the following individual(s) who has/have been convicted of a felony:

Name of Felon(s) \_\_\_\_\_

Details of Conviction(s) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**SIGNATURE OF COMPANY OFFICIAL**

\_\_\_\_\_

## ADDENDA CHECKLIST

Any addenda issued by STC to this IFB will become part of the IFB. Addenda will be numbered sequentially. Respondent must indicate on this sheet the receipt of any and all addenda and submit it as part of his bid.

Receipt is hereby acknowledged of the following addenda to this IFB.

No. 1 \_\_\_\_\_

No. 2 \_\_\_\_\_

No. 3 \_\_\_\_\_

No. 4 \_\_\_\_\_

Company/Entity Name: \_\_\_\_\_

\_\_\_\_\_  
Authorized Signature

# CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor or other person doing business with local governmental entity

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.

### OFFICE USE ONLY

Date Received

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.

\_\_\_\_\_  
Name of Officer

This section (item 3 including subparts A, B, C & D) must be completed for each officer with whom the filer has an employment or other 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

\_\_\_\_\_  
Signature of person doing business with the governmental entity

\_\_\_\_\_  
Date

Adopted 06/29/2007