

**Texas Department of Transportation
Toll Operations Division
Application for Provision of Services**

This Application form shall be utilized only by vendors wishing to offer services supporting Texas Department of Transportation (TxDOT) toll projects or systems at no cost to the State. This solicitation is conducted in accordance with Transportation Code, §228.052 and Title 43, Texas Administrative Code, §27.84.

INSTRUCTIONS: 1) Complete the *Company Name* section including the complete business name and address. Provide the business' State or Federal Employer Identification Number (EIN). 2) Complete the *Contact Information* section. 3) In the *Services Opportunities* section indicate the type of service being proposed. **Select one service type only.** Complete a separate Application for each type of service being offered. 4) Sign and date the Application. 5) Complete the Vendor Qualifications form.

Return the completed Application and Vendor Qualifications forms to TOD_Contracting@txdot.gov.

Company Name			
Name		EIN	
Address			
	(Street)	(City)	(State) (Zip Code)
Contact Information			
Primary Contact			
	(First Name)	(Last Name)	(Title)
Phone		Email	
Service Opportunities (Select one only. See Instructions above.)			
	Programs	Service Level Description	
<input type="checkbox"/>	Fleet Accounts	<i>This account type is for approved applicants who manage a large number of vehicles and wish for a more direct way of accounting for tolls. Tolls must be guaranteed through Auto-Pay and some technical development and testing is required. See the Fleet Account Agreement for a complete description and requirements.</i>	
<input type="checkbox"/>	Retail Tag Sales	<i>Sales and physical distribution of TxTags</i>	
<input type="checkbox"/>	Service Provider (Software)	<i>Account Enrollment; Payment Processing; Add/Update Customer Info (Name, Address, Phone, and Email); Add/Update/Remove Vehicle Info (Plate, YR, MK, and Model); Request Tag by Mail; Statement Delivery Opt-in; and View/Print a Statement</i>	
CERTIFICATION AND SIGNATURE			
I, the undersigned, hereby certify that I am authorized to enter into an agreement on behalf of the aforementioned company. I furthermore acknowledge I have read and agree to the Applicant Terms and Conditions attached hereto. I acknowledge that in the event a Purchase Order for services is awarded, my company shall be bound by the descriptions, requirements, and qualifications for the above selected services as described in the executed Agreement to provide the services.			
Signature			Date
FOR TXDOT USE ONLY			
TxDOT Approval Signature			Date

TEXAS DEPARTMENT OF TRANSPORTATION
APPLICATION FOR PROVISION OF SERVICES
TERMS AND CONDITIONS

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TEXAS DEPARTMENT OF TRANSPORTATION
TERMS AND CONDITIONS

PART 1. INTRODUCTION

1.1 GENERAL: These Terms and Conditions apply to all solicitations offered by the Texas Department of Transportation (TxDOT) (each, a “solicitation”) for the provision of the following services, which are provided in support of TxDOT’s toll operations: (a) fleet account programs to manage the payment of tolls; (b) retail tag sales; and (c) service providers (software). The term “application” refers to the qualifications package submitted to TxDOT in application to a solicitation. The term “applicant” refers to any party who submits an application.

TxDOT reserves the right to enter into multiple agreements for any of the services described above, and agreements will not be exclusive to any particular provider. Providers may apply for more than one type of service agreement. TxDOT reserves the right to suspend acceptance of applications for any of the services at any time.

1.2 STATUTORY AUTHORITY: This procurement falls under the statutory authority of Government Code Chapter 2151 (commonly known as the “Purchasing Act”), Chapter 2155 (Purchasing: General Rules and Procedures), Chapter 2157 (Purchasing Methods) and Chapter 2161 (Historically Underutilized Businesses, “HUBs”), Transportation Code §228.052 (Operation of Toll Project or System), and 43 TAC §27.84 (No-Cost Contracts for Services to Support the Operation of Department Toll Projects.) The purchasing procedures include statutory requirements and those requirements established by rule of the Texas Comptroller of Public Accounts (CPA), Statewide Procurement Division (SPD) as contained in 34 TAC §20.31 and other applicable Federal and State statutes and rules herein cited.

1.3 TITLE VI ASSURANCE: TxDOT, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and 49 C.F.R. Part 21 and 28 CFR Section 50.3, hereby notifies all applicants that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit applications to this invitation and will not be discriminated against on the grounds of race, color, or national origin, in consideration for an award.

Nondiscrimination programs require that federal-aid recipients, sub-recipients, and contractors prevent discrimination and ensure nondiscrimination in all of their programs and activities, whether those programs and activities are federally-funded or not.

1.4 ENVIRONMENTAL IMPACT: It is the intent of TxDOT to purchase goods, equipment, and services having the least adverse environmental impact within the constraints of statutory purchasing requirements, departmental need, availability, and sound economic considerations in accordance with 34 TAC §20.38.

PART 2. GENERAL INSTRUCTIONS

2.1 SPECIFICATIONS

- (a) The applicant shall carefully examine the solicitation. The applicant shall be responsible for securing any additional information from the TxDOT Toll Operations Division needed to gain a clear and full understanding of TxDOT’s requirements.
- (b) TxDOT will not be bound by any oral statement or representation contrary to the written specifications of the solicitation. Any revision, clarification, or interpretations pertaining to the solicitation will be in writing and issued by TxDOT as an Addendum. Any changes or interpretation not in an Addendum will not legally bind TxDOT. Any Addendum must be issued through TxDOT’s Toll Operations Division.
- (c) The goods furnished or services performed shall be in accordance with the specifications set forth in the solicitation and with the Terms and Conditions of the Agreement. TxDOT will provide clarifications of the specifications and determine the quality and acceptability of work performed. If the solicitation is for a service, TxDOT will determine the manner of performance, the rate of progress of the work and whether the vendor’s performance of the service is acceptable.

2.2 APPLICATION SUBMISSIONS

- (a) Applicant shall submit the number of applications required in the manner stated in the specification or on the solicitation.
- (b) Application should be submitted as directed in the instructions provided on the application form.
- (c) Documentation provided with the application should be complete and comprehensive. TxDOT will not be responsible for locating or securing information not included in the application. Failure to furnish required documentation with the application may result in the application being deemed incomplete and non-responsive, resulting in rejection. TxDOT will not be responsible for any expenses relating to applications or development of documentation that may result from this solicitation.
- (d) Failure to sign the application may disqualify the application. The person signing the application must have authorization to contractually bind the company. The application shall include an Employer Identification Number (EIN), full firm name and address of company.
- (e) For applications submitted electronically, TxDOT will not be responsible for failure of electronic equipment or operator error. Applications that are illegible, incomplete, or otherwise non-responsive will not be considered.
- (f) **APPLICANT EXCEPTIONS OR CONDITIONED APPLICATIONS:** Exceptions taken by the applicant to TxDOT's Terms and Conditions will not be considered.
- (g) TxDOT reserves the right to accept or reject all or any part of any application, waive minor technicalities and make an award to best serve the interests of the State. TxDOT reserves the right to reject any application not prepared and submitted in accordance with the solicitation requirements.

2.3 DISCLOSURE OF APPLICATION: Information submitted in an application will not be returned to the applicant. The Public Information Act (PIA), Government Code Chapter 552, allows the public to have access to information in the possession of a governmental body through an open records request. Therefore, the applicant shall clearly identify in the application any confidential or proprietary information. Proprietary information identified by the applicant in the application, will be kept confidential by TxDOT to the extent permitted by state law. TxDOT merely raises the exception on behalf of the vendor. TxDOT takes no legal position on disclosure. TxDOT will use best efforts to give the applicant or the awarded vendor an opportunity to present to the Office of the Attorney General its arguments for non-disclosure of its identified confidential or proprietary information.

2.4 ALTERATIONS OR WITHDRAWAL OF APPLICATIONS

- (a) Any alterations to an application must be communicated in writing to TxDOT in the same manner the application was submitted and must be approved by an authorized agent of the applicant.
- (b) An application may be withdrawn if requested in writing prior to issuance of a purchase order. A withdrawn application will not be considered for award but will be retained by TxDOT according to the application information confidentiality provision referenced in these Terms and Conditions.

2.5 DETERMINING AWARD: Submission of an application to a solicitation is an offer to contract with TxDOT based upon the terms, conditions and specifications contained in the solicitation. Applications do not become contracts unless and until they are accepted through an authorized TxDOT designee by issuance of a purchase order. TxDOT reserves the right to reject an application from an applicant whose goods or services to TxDOT or other state agencies have been documented as unsatisfactory in providing the same goods or service.

2.6 PREFERENCES: An applicant may claim a preference under 34 TAC §20.306. To claim a preference, an applicant shall identify the preference on the solicitation or on the application to the solicitation. If the appropriate area on the solicitation or application is not marked, a preference will not be granted unless other documents included in the application show a right to the preference.

PART 3. APPLICANT AFFIRMATIONS

3.1 FALSE STATEMENTS: Applicant represents and warrants that all statements and information prepared and submitted in its application are current, complete, true and accurate. Signing the application with a false statement is a material breach of contract and shall void the submitted application or any

resulting purchase orders, and may result in removal of the applicant from the Centralized Master Bidders List.

3.2 CONFORMANCE: The applicant warrants to TxDOT that all goods and services furnished shall conform in all respects to the terms of the purchase order, including any drawings, specifications or standards incorporated therein, and be free of any defects in materials, workmanship, and design. In addition, applicant warrants that goods and services are suitable for and will perform in accordance with the purposes for which they are intended.

3.3 GRATUITIES: The applicant has not given or offered to give, nor intends to give at any time hereafter any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant in connection with its submitted application.

3.4 CERTAIN BIDS AND CONTRACTS PROHIBITED: Under Government Code Section 2155.004, a state agency may not accept a bid or award a contract that includes proposed financial participation by a person who received compensation from the agency to participate in preparing the specifications or solicitation on which the bid or contract is based. If the applicant is not eligible, then any contract resulting from the solicitation shall be immediately terminated. Under Section 2155.004, Government Code, the applicant certifies that the individual or business entity named in the bid or contract is eligible to receive the specified contract and acknowledges that this contract may be terminated and payment withheld if this certification is inaccurate.

3.5 ANTITRUST LAWS: Neither the applicant nor the firm, corporation, partnership, or institution represented by the applicant, or anyone acting for such firm, corporation or institution has (1) violated the antitrust laws of the State of Texas or the federal antitrust laws, or (2) communicated the contents of the application directly or indirectly to any competitor or any other person engaged in the same line of business.

3.6 DECEPTIVE TRADE PRACTICES: UNFAIR BUSINESS PRACTICES: The applicant represents and warrants that it has not been the subject of allegations of deceptive trade practices violations under Business & Commerce Code Chapter 17, or allegations of any unfair business practice in any administrative hearing or court suit and that applicant has not been found to be liable for such practices in such proceedings. Applicant certifies that it has no officers who have served as officers of other entities who have been the subject of allegations of deceptive trade practices violations or allegations of any unfair business practices in an administrative hearing or court suit and such officers have not been found to be liable for such practices in such proceedings.

3.7 COLLUSION: The applicant has not colluded with, nor received any assistance from, any person who was paid by TxDOT to prepare specifications or a solicitation on which applicant's application is based and will not allow any person who prepared the respective specifications or solicitation to participate financially in any contract awarded.

3.8 INELIGIBILITY UNDER FAMILY CODE: Under Section 231.006, Family Code, the applicant certifies that applicant and any other individual or business entity named in the contract or application are eligible to receive the specified payment and acknowledges that this contract may be terminated and payment may be withheld if this certification is inaccurate. Any applicant subject to Section 231.006 must include the names and Social Security numbers of each person holding at least a 25% ownership interest in the business entity submitting the application. This information must be provided prior to award.

NOTE: Pursuant to Government Code Section 403.055 and Family Code Section 231.006, a contract will not be issued to an applicant and warrants will be held by CPA if the vendor owes delinquent child support payment(s), a delinquent state tax, or other tax collected by the CPA.

3.9 CONTRACTING WITH EX-TXDOT EXECUTIVE DIRECTOR: Under Government Code Section 669.003, TxDOT may not enter into a contract with the executive director of TxDOT, an individual who was the executive director of TxDOT during the four years before the date of the contract, or with anyone who employs a current or former executive head of a state agency affected by Section 669.003, unless the Transportation Commission approves the contract in an open meeting and notifies the Legislative Budget Board, not later than the fifth day before the date of the vote, of the terms of the proposed contract.

- (a) Accordingly, applicant certifies that:
- (1) applicant is not the executive director of TxDOT;

(2) applicant was not at any time during the past four years the executive director of TxDOT; and

(3) applicant does not employ a current or former executive director of TxDOT;

or

(b) applicant and TxDOT have complied with the requirements of Government Code Section 669.003 concerning approval of the Transportation Commission and notice to the Legislative Budget Board.

Applicant acknowledges that the contract can be terminated at any time, and payments withheld, if this certification is false.

NOTE: If Section 669.003 applies, applicant must provide the following information as an attachment to the solicitation application: Name of applicable former TxDOT executive director, date of separation from TxDOT, position with applicant, and date of employment with applicant. This information is subject to public disclosure under Section 660.004.

3.10 DEBT TO THE STATE: Applicant agrees that any payments due under this contract will be applied towards any debt, including but not limited to delinquent taxes and child support, that is owed to the State of Texas.

3.11 APPLICANT ELIGIBILITY

(a) Applicant certifies that the responding entity and its principals are eligible to participate in this transaction and have not been subject to suspension, debarment, or similar ineligibility determined by any federal, state or local governmental entity, and that applicant is in compliance with the State of Texas statutes and rules relating to procurement, and that applicant is not listed on the federal government's terrorism watch list as described in Executive Order 13224. Entities ineligible for federal procurement are listed at: <https://www.sam.gov>.

(b) Under Section 2155.006(b) of the Texas Government Code, a state agency may not accept a bid or award a contract, including a contract for which purchasing authority is delegated to a state agency, that includes proposed financial participation by a person who, during the five-year period preceding the date of the bid or award, has been:

(1) convicted of violating a federal law in connection with a contract awarded by the federal government for relief, recovery, or reconstruction efforts as a result of Hurricane Rita, as defined by Section [39.459](#), Utilities Code, Hurricane Katrina, or any other disaster occurring after September 24, 2005; or

(2) assessed a penalty in a federal civil or administrative enforcement action in connection with a contract awarded by the federal government for relief, recovery, or reconstruction efforts as a result of Hurricane Rita, as defined by Section [39.459](#), Utilities Code, Hurricane Katrina, or any other disaster occurring after September 24, 2005.

Under Section [2155.006](#), Government Code, applicant certifies that the individual or business entity named in the bid or contract is not ineligible to receive the specified contract and acknowledges that the contract may be terminated and payment withheld if this certification is inaccurate.

Applicant acknowledges that if TxDOT determines that applicant was ineligible to have the bid accepted or contract awarded under Government Code Section 2155.006, TxDOT may immediately terminate the contract without further obligation to the vendor.

(c) Applicant certifies that it is not:

(1) A person required to register as a lobbyist under Government Code Chapter 305.

(2) A public relations firm.

(3) A government consultant.

3.12 NEPOTISM DISCLOSURE

- (a) In this section, the term “relative” means:
 - (1) a person's great grandparent, grandparent, parent, aunt or uncle, sibling, niece or nephew, spouse, child, grandchild, or great grandchild, or
 - (2) the grandparent, parent, sibling, child, or grandchild of the persons spouse.
- (b) A notification required by this section shall be submitted in writing to the person designated to receive official notices under this purchase order and by first-class mail addressed to TxDOT Toll Operations Division, Attn: Contracting, 12719 Burnet Road, Austin, Texas, 78727.. The notice shall specify the vendor's firm name, the name of the person who submitted the notification, the purchase order number, the district, division, office or regional service center of TxDOT that is principally responsible for the purchase order, the name of the relevant vendor employee, the expected role of the vendor employee on the project, the name of the TxDOT employee who is a relative of the vendor employee, the title of the TxDOT employee, and the work location of the TxDOT employee.
- (c) By signing the solicitation the applicant is certifying that the applicant does not have any knowledge that any of its employees or any employees of a subcontractor who are expected to work under this purchase order has a relative who is employed by TxDOT unless the applicant has notified TxDOT of each instance as required by subsection (b).
- (d) If the vendor learns at any time that any of its employees or that any of the employees of a subcontractor who are performing work under this purchase order have a relative who is employed by TxDOT, the vendor shall notify TxDOT under subsection (b) of each instance within thirty days of obtaining that knowledge.
- (e) If the vendor violates this section, TxDOT may terminate the purchase order immediately for cause, may impose any sanction permitted by law, and may pursue any other remedy permitted by law.

3.13 BOYCOTTING ISRAEL: Applicant certifies its company does not boycott Israel and will not during the term of the purchase order.

PART 4. GENERAL TERMS AND CONDITIONS

4.1 ORDERS:

- (a) Only authorized TxDOT purchasers have the authority to place orders for goods and services. Purchase orders must be issued by a TxDOT purchaser prior to a vendor providing the service.
- (b) Vendor acceptance of a purchase order and delivery of goods or services without an approved purchase order number or release number issued by TxDOT may result in the rejection of delivery, return of goods at the vendor's cost and also result in non-payment.

4.2 SITE VISITS: Prior to award of the purchase order, designated TxDOT representatives may conduct unannounced visits to inspect the applicant's and its subcontractor's facilities during normal business hours to ensure applicant is able to provide the services in accordance with TxDOT specifications.

PART 5. INSURANCE

5.1 PRIOR TO PURCHASE ORDER AWARD: The Applicant shall provide the required TxDOT insurance form upon written request from TxDOT and shall not perform services under the purchase order until this form is received by TxDOT. Failure to provide proof of insurance within the time frame requested by TxDOT may result in the vendor's application being declared non-responsive and disqualified from further consideration for award.

5.2 WAIVER OF SUBROGATION ENDORSEMENT: The Applicant's Worker's Compensation insurance policy shall have a waiver of subrogation endorsement in favor of TxDOT. TxDOT will allow deductible policies.

5.3 WORKERS' COMPENSATION INSURANCE: Amounts of coverage are minimums and notice provisions are statutory (Texas Labor Code Chapter 406 and Title 28 Texas Administrative Code Chapter 110). Any Applicant selected for award is responsible for both Federal and State Unemployment Insurance coverage and Standard Workers' Compensation Insurance coverage:

5.4 COMMERCIAL GENERAL LIABILITY INSURANCE: Bodily Injury/Property Damage. Required coverage shall at a minimum, be inclusive of the limits listed on the insurance form noted on the solicitation.

**TXDOT TOLL OPERATIONS DIVISION
APPLICATION FOR PROVISION OF SERVICES
APPLICANT QUALIFICATIONS, EXPERIENCE AND REFERENCES**

Applicant shall use this schedule, or a facsimile, to clearly show how the requirements of the specifications are met. If an alternate form is used, provide the same information in approximately the same order as shown on this form.

PROPOSED SERVICE:	<input type="checkbox"/> Fleet Account	<input type="checkbox"/> Retail Tag Sales	<input type="checkbox"/> Service Provider App
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Company Name:	Taxpayer ID (EIN):
Street Address:	Mailing Address:
Phone:	Phone 2/. FAX
Email:	Website:
Legal Organization of Company:	Years in business providing like services:
Legal Name of Company if different than above:	

DOCUMENTATION OF COMPANY QUALIFICATIONS AND EXPERIENCE:
<p>Provide a narrative of the company's experience and capabilities in providing services of a similar nature to those being offered via this application. Use additional pages, as desired.</p>

APPLICANT QUALIFICATIONS, EXPERIENCE AND REFERENCES

Company Name: _____

The Applicant shall complete one schedule not to exceed 2 pages for each employee to be assigned to this purchase order. TxDOT reserves the right to reject the proposed Key Personnel if references or past working performance are questionable or unfavorable.

At a minimum, Key Personnel shall include a Project Manager and a Technical or System Manager. Indicate which of the Key Personnel shall be the Primary Contact for TxDOT. Key Personnel may share the same References, if applicable to each. These two pages providing Key Personnel Information may be duplicated as necessary.

KEY PERSONNEL INFORMATION:	ROLE:
Full Name:	
Title:	
Phone:	
Email:	
Number of years employed by Applicant:	
Number of years' experience in provision of similar services:	
Specific education, qualifications, training, certifications:	

Reference No.

Name of Organization:			
Business Address:			
Business City:			
Business State:		Zip:	

Contact Person Name:			
Contact Person Title:			
Phone Number:		Fax:	

Project Title:			
Project Description and dollar amount:			
Roles and Responsibilities of the Proposed Staff during this project:			
Project Start Date:		Project End Date:	
Client Comments:			

Reference No.

Name of Organization			
Business Address			
Business City			
Business State		Zip	

Contact Person Name:			
Contact Person Title:			
Phone Number		Fax	

Project Title			
Project Description and dollar amount			
Roles and Responsibilities of the Proposed Staff during this project			
Project Start Date		Project End Date	
Client Comments			

Reference No.

Name of Organization			
Business Address			
Business City			
Business State		Zip	

Contact Person Name			
Contact Person Title			
Phone Number		Fax	

Project Title			
Project Description and dollar amount			
Roles and Responsibilities of the Proposed Staff during this project			
Project Start Date		Project End Date	
Client Comments			

THIS PAGE OR A REASONABLE FACSIMILE SHALL BE RETURNED WITH THE RESPONSE. FAILURE TO RETURN THIS PAGE OR A REASONABLE FACSIMILE WILL RESULT IN THE RESPONSE BEING CONSIDERED NON-RESPONSIVE. ANY NEGATIVE RESPONSE(S) MAY RESULT IN DISQUALIFICATION OF THE RESPONSE.

APPLICANT REFERENCES

Provide references highlighting the company's record in performance of similar services. Personnel references provided above involving the company do not need to be duplicated here. Use as many pages as needed.

Company Name: _____

Reference No. _____

Customer Name:	
Project Title:	
Contact name:	
Contact Title:	
Business Address:	
E-mail Address:	
Phone Number:	
Project start & end dates:	
Date system operational in production	
Project description:	
Project cost: (Implementation and operational services)	
Outcome of project: (i.e., on time, on budget, and met customer needs)	
Scope of work performed:	
Staff assigned to engagement that are proposed for work on this project, including their roles and responsibilities:	
Software application and specific modules installed	
Number of total and concurrent users:	
Technical environment (hardware, DBMS, and operating system):	
Types of interfaces, if applicable, including interfaces, middleware used, and other factors demonstrating the ability to integrate to existing applications:	

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