

FORM 1295 INSTRUCTIONS

Pursuant to newly enacted Section 2252 of the Texas Government Code as of January 1, 2016, any business entity entering into a contract with a local government that requires approval of the governing body must submit a Disclosure of Interested Parties to the local government prior to the execution of the contract. The Texas Ethics Commission (TEC) has adopted a form for the Disclosure of Interested Parties (Form 1295) and has created a website application for business entities to submit the required information.

The City of Huntsville may not enter into a contract that requires the approval of the City Council until the business entity that is a party to the contract files a Form 1295 with the Texas Ethics Commission and the City of Huntsville Purchasing Department.

1. Upon being notified of a bid/recommended award, the award recipient, the business entity, must go the following website: https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm and follow the login directions on the website application to complete a Form 1295. If this is a business entity's first time login on to the website application, the business entity must create a login Username and Password then follow the application's instructions to complete a Form 1295.
2. The City does not have a Contract ID Number System. Please insert a number unique to your organization in this box.
3. Once confirmation is received that the information has been submitted with the Texas Ethics Commission, the business entity MUST print, sign and notarize Form 1295.
4. The notarized Form 1295 must be filed with the Texas Ethics Commission within seven (7) business days of the date of notification of recommended award. The contract will not be presented to City Council until the form has been filed with the Texas Ethics Commission and the City of Huntsville has received the notarized Form 1295.
5. In no way does a request for filing of Form 1295 with the Texas Ethics Commission commit the City to any type of award whatsoever.
6. Once the City of Huntsville Purchasing Department receives the notarized Form 1295, the Purchasing Department will submit confirmation of receipt through the Texas Ethics Commission website within thirty (30) days.
7. This process must be followed for each contract requiring City of Huntsville Council approval.
8. A Form 1295 cannot be hand written. It must be completed electronically through the Texas Ethics Commission website application.
9. If you have any questions contact the City of Huntsville Purchasing Department, 936.291.5495 Mail notarized Form 1295 to Attention Purchasing Department, City Service Center, 448 SH 75 N, Huntsville, TX 77320

Frequently Asked Questions For Disclosure of Interested Parties (Form 1295)

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1. Who is required to file 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 (Form 1295) 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 Texas Ethics Commission has adopted rules requiring the business entity to file Form 1295 electronically with the Commission.

2. What contracts does Form 1295 apply to?

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.

Gov't Code § 2252.908. The disclosure requirement applies to a contract entered into on or after January 1, 2016.

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.

1 T.A.C. § 46.1(c).

3. Can I file Form 1295 on paper?

No. A business entity must file Form 1295 electronically with the Texas Ethics Commission using the online filing application. See Question #4 for information about logging in to the online filing application.

4. How do I login to the filing application?

If this is your first time logging in, you will need to create an account in order to register and receive a password. Once you have registered, you will receive an email containing a password setup link. Click on the link to set your password. After you have established an account, you will use your email address, password, and user type (either "Business Entity" or "Governmental Entity/State Agency") to log in to the filing application. Watch our short videos on *"Logging In The First Time"* on the Form 1295 File Reports Electronically web page.

5. Is there a mobile version?

The mobile version is not complete at this time, but will be available soon.

6. Help! I forgot my password.

If you forgot your password, you can reset your password by clicking the "Forgot Password?" link on the filing application login screen. Once you enter your email address and filer type and successfully answer the security questions, you will receive an email containing a password reset link. If you cannot successfully answer your security questions, you will need to call the Texas Ethics Commission at (512)463-5800.

7. Can I have multiple accounts?

You can have a separate account associated with each unique email address. However, once an account is established, there is no way to combine it with another account. You can only view those certificates created under your own unique email address. If you want to view all your certificates together in one account, we highly encourage you to setup a specific email address to register your account and use that email address each time you login to the filing application.

8. How much time do I have to acknowledge a Form 1295?

A state agency or other governmental entity must acknowledge the receipt of the filed Form 1295 not later than the 30th day after the date the contract binds all parties to the contract. Once a Form 1295 is acknowledged, it will be posted to the Texas Ethics Commission's website within seven business days.

9. Do I send a copy of the notarized Form 1295 to the Texas Ethics Commission?

No. Do not send a paper copy of the notarized Form 1295 to the Texas Ethics Commission. If you are with a state agency or other governmental entity, you will login to the filing application and acknowledge receipt of Form 1295 electronically. See Question #4 for more information about logging into the filing application.

10. What if I accidentally acknowledge the wrong Form 1295?

Before you acknowledge a Form 1295, you should double check that you are acknowledging the correct one. If you acknowledge a Form 1295 in error, you cannot undo the certification. Contact the Texas Ethics Commission at 512-463-5800 and ask to speak with Technical Support.

11. The filing application says this Form 1295 has already been acknowledged. What do I do now?

First, you should double check that you are entering the correct certification number. If you still receive an error, contact the Texas Ethics Commission at 512-463-5800 and ask to speak to technical support.

12. I submitted a Form 1295 and realized there is an error. Can I still edit it?

No. Once a Form 1295 has been submitted by the business entity, it can no longer be edited. If you found an error, you will need to start a new certificate and re-enter all the required information.

13. What if the contract associated with the Form 1295 is never fulfilled?

All certificates that are filed with the Texas Ethics Commission and acknowledged by a governmental entity will be posted to the Commission's website regardless of the eventual outcome of the contract associated with the certificate.

14. Why am I not receiving email messages from the Texas Ethics Commission?

All password reset links will be sent to the email address you provided when you registered. This should be an email address that is current and that you check often. You can verify and update your email address right after you log in. Also, be sure to "whitelist" or mark as "safe" emails that come from "do-not-reply@ethics.state.tx.us" and be sure to check your Spam or Junk folder for any missing messages.

Last Revision: December 31, 2015