



Request for Proposals
RFP No. 2024-007
Professional Auditing Services

Issue Date: May 23, 2024

Closing Date & Time: June 12, 2024 at 3:00 P.M.(CST)

Opening Date & Time: June 12, 2024 at 3:01 P.M.(CST)

Only Electronic proposals will be received:

Texas Bid System site: <https://www.bidnetdirect.com/texas>

For Information Contact: Kelly Holecek
Email: kellyh@pflugervilletx.gov

Proposal opening will be held virtually via Microsoft Teams, June 12, 2024 @ 3:01 P.M.(CST)

Microsoft Teams

[Join the meeting now](#)

Meeting ID: 271 214 110 639

Passcode: Jphizd

Dial in by phone

[+1 512-387-8593,,70829067#](tel:+1512387859370829067) United States, Austin

[Find a local number](#)

Phone conference ID: 708 290 67#

Purchasing Services
P.O. Box 589
Pflugerville, TX 78691
Telephone 512-990-6153
www.pflugervilletx.gov



RFP No. 2024-007

Professional Auditing Services

REGISTER INTEREST

You have received a copy of the above described document. If you would like to register your interest in this project so that you will receive any future notices or addenda concerning the project, please fill in the information requested below and email to: kellyh@pflugervilletx.gov

Company/Firm: _____

Name of Contact Person(s): _____

Email(s): _____

Telephone: _____ Fax: _____

Mailing Address: _____

It is your responsibility to complete and return this form to the City. Failure to do so will result in your not receiving notices and addenda related to this project from the City of Pflugerville.

Notices and addenda are posted on the City's website and can be accessed at: www.bidnetdirect.com/texas

City of Pflugerville Purchasing Services
Post Office Box 589
Pflugerville, Texas 78691
Telephone 512-990-6153
Fax 512-251-5768
www.pflugervilletx.gov

**CITY OF PFLUGERVILLE
REQUEST FOR AUDIT PROPOSALS**

I. GENERAL INFORMATION

The City of Pflugerville (the “City”) is requesting proposals from qualified firms of Certified Public Accountants to audit financial statements of the City as well as the financial statements of the City’s component unit, Pflugerville Community Development Corporation (PCDC), for the fiscal year ending September 30, 2024, with the option of auditing both financial statements for each of the four (4) subsequent fiscal years based on satisfactory performance. These audits are to be performed in accordance with the standards set forth for financial audits as outlined in Section II – ‘C. Auditing Standards to be Followed’ of this document.

There is no express or implied obligation for the City to reimburse responding firms for any expenses incurred in preparing proposals in response to this request. The City reserves the right to reject any or all proposals submitted.

Any inquiries concerning the request for proposals should be addressed through BidNet Direct or via email to Kelly Holecek, Purchasing Manager, at kellyh@pflugervilletx.gov .

The City reserves the right to request additional information or clarification from proposers, or to allow corrections of errors or omissions. At the discretion of the City, firms submitting proposals may be requested to make oral presentations as part of the evaluation process.

The City reserves the right to retain all proposals submitted and to use any ideas in a proposal regardless of whether that proposal is selected. Submission of a proposal indicates acceptance by the firm of the conditions contained in the request for proposals, unless clearly and specifically noted in the proposal submitted and confirmed in the contract between the City and the firm selected.

It is anticipated the selection of a firm will be completed by July 9, 2024. Following the notification of the selected firm, it is expected a contract will be executed between both parties by July 31, 2024.

II. NATURE OF SERVICES REQUIRED

A. GENERAL

The City is soliciting the services of qualified firms of Certified Public Accountants to audit the City's financial statements as well as the financial statements of the PCDC for the fiscal year ending September 30, 2024, with option to audit the City's financial statements and the PCDC's financial statements for each of the four (4) subsequent fiscal years. These audits are to be performed in accordance with the provisions contained in this request for proposals.

B. SCOPE OF WORK TO BE PERFORMED

The City desires the auditor to express an opinion on the fair presentation of the City's and the PCDC's general purpose financial statements in conformity with generally accepted accounting principles.

The City may request the auditor to perform other audits and reviews not specifically provided for. If such a request is made, the auditor shall submit, at the City's request, a separate proposal for completing the engagement, along with a proposed fee schedule. The City reserves the right to contract any additional audits or reviews with whomever they choose.

C. AUDITING STANDARDS TO BE FOLLOWED

To meet the requirements of the request for proposals, the audit shall be performed in accordance with:

Examination for compliance with procedures established by City Charter, any Ordinance or, where applicable, State and Federal Laws or regulations, including the Texas Code of Criminal Procedure; and

Standards set forth in the Government Finance Officers Association's (GFOA) Governmental Accounting, Auditing and Financial Reporting (GAAFR), the standards promulgated by the Governmental Accounting Standards Board (GASB), and in the format and with the content necessary in the opinion of the auditor and the finance director to qualify for the GFOA's Certificate of Achievement for Excellence for the Annual Comprehensive Financial Reporting (ACFR) program.

D. REPORTS TO BE ISSUED

Following the completion of the audits of the fiscal year's financial statements for the City and for the PCDC, the auditor shall issue separate reports for the City and for the PCDC each including:

1. A report on the fair presentation of the financial statements in conformity with generally accepted accounting principles.

2. A report on the internal control structure based on the auditor's understanding of the control structure and assessment of control risk.

In the required report on internal control, the auditor shall communicate any reportable conditions found during the audit. A reportable condition shall be defined as a significant deficiency in the design or operation of the internal control structure, which could adversely affect the organization's ability to record, process, summarize, and report financial data consistent with the assertion of management in the financial statements.

Reportable conditions that are also material weaknesses shall be identified as such in the report.

Non-reportable conditions discovered by the auditors shall be reported in a separate letter to management, which shall be referred to in the reports on internal controls.

3. Reports required by Single Audit, (if required).

The report on compliance with laws and regulations related to major and non-major federal and state financial assistance programs must include a statement that the examination was conducted in accordance with applicable auditing standards. This report should include an opinion on compliance with specific requirements applicable to major federal and state financial assistance programs. The report should indicate compliance with general requirements applicable to major federal and state financial assistance programs and compliance with laws and regulations applicable to non-major federal and state financial assistance program transactions tested. It should address the internal control structure used in administering federal financial assistance programs. Findings of noncompliance or ineligible expenditures must be presented in sufficient detail for management to clearly understand them. The schedule of federal financial and state assistance and related auditor's report, as well as the reports on the internal control structure and compliance, will not be included in the ACFR, but are to be issued separately. Auditors shall be required to make an immediate written report of all irregularities and illegal acts or indications of illegal acts of which they become aware to the Finance Director and Assistant Finance Director.

E. SPECIAL CONSIDERATIONS

The Auditor's assistance and consultation will be required in implementing new GASB statements at a date to be determined by the City, which may be prior to the required effective date.

For a combined nineteen (19) years, the City has participated in the Certificate of Achievement for Excellence in Financial Reporting program, receiving the award each year. The City will send its Annual Comprehensive Financial Report (ACFR) to the Government Finance Officers Association of the United States and Canada for review. The City will prepare the introduction, Management's Discussion & Analysis and statistical sections. It is anticipated that the auditor will be required to provide some review

to the City to meet the requirements of that program. It is important that the auditor be familiar with the Annual Comprehensive Financial Report program.

The auditor retains responsibility for the compilation and printing of the ACFR.

F. WORKING PAPER RETENTION AND ACCESS TO WORKING PAPERS

All working papers and reports must be retained at the auditor's expense for a minimum of five (5) years, unless the firm is notified in writing by the City of the need to extend the retention period. The auditor will be required to make working papers available, upon request, to the following parties or their designees: City of Pflugerville; PCDC; federal grant agencies and other federal agencies; State of Texas grant agencies and other State of Texas agencies; and auditors of entities of which the City is a subrecipient of grant funds.

In addition, the firm shall respond to the reasonable inquiries of successor auditors and allow successor auditors to review working papers relating to matters of continuing accounting significance.

G. CONTRACT INCORPORATION AND INSURANCE

Proposers shall be aware that the contents of the successful proposal will become a part of any subsequent contractual document that may arise from the RFP. Failure of a proposer to accept this condition may result in proposal rejection.

Upon request, the successful vendor must submit proof of meeting necessary insurance requirements within ten (10) business days of award notification by the City of Pflugerville. Necessary insurance includes coverage for professional liability, worker's compensation and/or general liability. Failure to respond within the ten (10) business days will be grounds for declaring vendor non-responsive to specifications.

III. DESCRIPTION OF THE GOVERNMENT - CITY

A. NAME AND TELPHONE NUMBER OF CONTACT PERSON

The auditor's principal contact with the City will be Ms. Lauren Henkes, Assistant Finance Director, or a designated representative, who will coordinate the assistance to be provided by the City to the auditor. The telephone number for the City is 512-990-6100.

B. BACKGROUND INFORMATION

The City operates under the City Council/Manager form of government as established by its charter. There are 3 Assistant City Managers as well as various department heads. Full time equivalent employees totaled 483 as of September 30, 2023.

The City serves an area of 25.57 square miles with an estimated population of 77,930.

The City's fiscal year begins on October 1 and ends on September 30.

The City provides the following services to its citizens: public safety, public works, parks and recreation, library, water and sewer utilities, and general administrative services.

The accounting and financial reporting functions of the City are centralized.

The City contracts with the Travis County and Williamson County Tax Offices for property tax collection services.

The City participates in the following pension plan: Texas Municipal Retirement System.

More detailed information on the government and its finances, as well as a summary of significant accounting policies, can be found in the City's Annual Comprehensive Financial Report (ACFR) which is available on the City's website at www.pflugervilletx.gov/finance.

C. FUND STRUCTURE

The City used the following fund types in its financial reporting for the fiscal year that ended September 30, 2023:

General Fund*
Special Revenue Funds*
Debt Service Fund
Capital Projects Fund
Enterprise Utility Fund*
Enterprise Solid Waste Fund*

*Funds with legally adopted annual budgets.

D. BUDGETARY BASIS OF ACCOUNTING

The City's accounting records for general governmental operations are maintained on a modified accrual basis, with revenues being recorded when available and measurable, and expenditures being recorded when the services or goods are received, and the liabilities are incurred. Accounting records for the City's enterprise fund are maintained on the accrual basis.

E. FEDERAL AND STATE FINANCIAL ASSISTANCE

The City required a Single Audit in fiscal year 2023.

In the fiscal year 2024, the City anticipates awards outstanding to total just under \$5,000,000. However, the City does anticipate expenditures to exceed \$750,000 in a single fiscal year. The Finance department continuously monitors all grant awards and expenditures City-wide.

F. MAGNITUDE OF FINANCE OPERATIONS

Tracy Waldron, Finance Director, directs the Finance Department. The Finance department consists of twenty (23) employees, including the Utility Billing Operations which is centrally located within the Finance office.

G. COMPUTER SYSTEMS

The Finance Department uses personal computers that are networked with a server. The City uses the Munis (ERP) application by Tyler Technologies for financial, accounting, and utility billing software. The City also utilizes Debtbook to track debt, leases, and subscriptions.

H. AVAILABILITY OF PRIOR AUDIT REPORTS AND WORKING PAPERS

Prior year's Annual Comprehensive Financial Reports are available on the City website: www.pflugervilletx.gov/finance. The City will use its best efforts to make prior audit reports and supporting working papers available to proposers to aid their response to this request for proposals.

IV. COMPONENT UNIT – PCDC

The City of Pflugerville has one component unit: the Pflugerville Community Development Corporation. Their financial reporting includes all the funds and account groups of the primary government. The City provides full financial services to PCDC. The audit of PCDC financials would be a part of the annual audit.

The PCDC is a nonprofit corporation, known as a Type B Corporation, specifically governed by the Texas Local Government Code Chapters 501 and 505. The purpose of the PCDC is to promote economic development within the City of Pflugerville.

The 7-member Board of Directors is appointed by the City Council and is regularly accountable to the City Council for all activities undertaken by them or on their behalf. The City also has the ability to impose its will on the Board. The PCDC's fiscal year begins on October 1 and ends on September 30. The PCDC has 5 employees. Payroll is processed by the City and PCDC employees receive the same benefits provided to City employees. The City provides full financial services for PCDC so all financial records are available through the City's finance department.

V. TIME REQUIREMENTS

A. PROPOSAL CALENDAR

The following list of key dates, subject to change by the City, are as follows:

June 12	Proposals are due by 4:00 P.M.(CST)
June 22	Selected firm notified
July 9	City Council consideration of contract award
July 31	Contract finalized

B. SCHEDULE FOR THE 2024 FISCAL YEAR AUDIT (A similar schedule will be developed for audits of future fiscal years if the City exercises its option for additional audits.)

1. Interim Work and Detailed Audit Plan

Interim work should be completed no later than the end of October. The auditor shall provide the City by September 15 a detailed audit plan and a list of all schedules to be prepared by the City.

2. Fieldwork

The auditor should begin fieldwork no earlier than November 30 and shall complete all fieldwork by January 15.

3. Draft Reports

The auditor shall have drafts of the audit reports and recommendations to management available for review by the Assistant Finance Director by January 31, 2025.

C. FINAL REPORT DUE DATES

The final reports are due on or before February 18, 2025. A presentation to the City's Council will be on or around February 25, 2025, and should be attended by the audit partner or their representative.

VI. ASSISTANCE TO BE PROVIDED TO THE AUDITOR AND REPORT PREPARATION

A. FINANCE DEPARTMENT ASSISTANCE

The Finance department staff and responsible management personnel will be available during the audit to assist the firm by providing information, documentation, and explanations. The preparation of confirmations will be the responsibility of the City.

B. WORK AREA

A majority of the Finance department is paperless. Remote work on the audit is acceptable. When the auditors are onsite, the City will provide reasonable workspace and access to Wi-Fi.

C. REPORT PREPARATION

The auditor shall prepare draft financial statements, notes, required supplemental information, and combining schedules by January 31, 2025, for City's review. The City will prepare the introductory section, Management's Discussion & Analysis and statistical section. Compilation and printing of the City's ACFR and the PCDC report will be the responsibility of the auditor.

City audit reports are to be addressed to the Honorable Mayor and the City Council, City of Pflugerville, Texas.

The PCDC audit reports are to be addressed to the Members of the Board of Directors of the Pflugerville Community Development Corporation.

An electronic copy of the audits is to be furnished to the City.

VII. PROPOSAL REQUIREMENTS

A. GENERAL REQUIREMENTS

1. Inquiries concerning the request for proposals should be via BidNet Direct or via email to:

Kelly Holecek, Purchasing Manager
kellyh@pflugervilletx.gov

2. The following material is required to be received by 3 p.m.(CST) on June 12, 2024, via BidNet Direct for a proposing firm to be considered.
 - a. Technical Proposal to include the following:
 - i. Title Page – should state that the document is a proposal for auditing services; the firm’s name; the name, address, and telephone number of a contact person and the date of the proposal.
 - ii. Table of Contents – including a clear identification of the material by section and by page number.
 - iii. Signed transmittal letter – (limit to two pages) briefly stating the proposer’s understanding of the work to be done, the commitment to perform the work within the time period, a statement why the firm believes itself to be the best qualified to perform the engagement and a statement that the proposal is a firm and irrevocable offer for 90 days.
 - iv. Detailed Proposal – should follow the order set forth in Section VII. B. of this request for proposals.

The proposer shall submit a proposal of the cost of the audit in a separate submittal titled “Sealed Cost Proposal for Auditing Services: via BidNet Direct by the submittal deadline of June 12, 2024, 4:00 P.M.(CST).

B. TECHNICAL PROPOSAL

1. General Requirements

The purpose of the technical proposal is to demonstrate the qualifications, competence and capacity of the firms seeking to undertake an independent audit of the City in conformity with the requirements of this request for proposals. As such, the substance of proposals will carry more weight than their form or manner of presentation. The technical proposal should demonstrate the qualifications of the firm and of the staff to be assigned to this engagement. It should also specify an audit approach that will meet the request for proposals requirements.

THERE SHOULD BE NO COSTS INCLUDED IN THE TECHNICAL PROPOSAL DOCUMENT.

The technical proposal should address all the points outlined in the request for proposals. The proposal should be prepared simply and economically, providing a straightforward, concise description of the proposer’s capabilities to satisfy the requirements of the request for proposals. While additional data may be presented, the following subjects, items 2 through 6 must be included. They represent the criteria against which the proposal will be evaluated.

2. Independence

The firm should provide an affirmative statement that it is independent of the City as defined by generally accepted auditing standards and the U. S. General Accounting Office's Government Auditing Standards as to relationships between the City and its management and members of your firm, and with regard to any other work performed by the firm for the City which might impair your firm's independence and objectivity.

3. License to Practice in Texas

An affirmative statement should be included indicating that the firm and all assigned key professional staff are properly licensed to practice in Texas.

4. Firm Qualifications and Experience

The proposal should state the size of the firm, the size of the firm's governmental audit staff, the location of the office from which the work on this engagement is to be performed and the number and nature of the professional staff to be employed in this engagement on a full-time basis and the number and nature of the staff to be employed on a part-time basis.

The firm is also required to submit a copy of the report on its most recent external quality control review, with a statement whether that quality control review included a review of specific government engagements.

The firm shall also provide information on the results of any federal or state desk reviews or field reviews of its audits during the past three (3) years. In addition, the firm shall provide information on the circumstances and status of any disciplinary action taken or pending against the firm during the past three (3) years with state regulatory bodies or professional organizations.

5. Partner, Supervisory and Staff Qualifications and Experience

The firm should identify the principal supervisory and management staff, including engagement partners, managers, other supervisors and specialists, who would be assigned to the engagement and indicate whether each such person is licensed to practice as a Certified Public Accountant in Texas. The firm also should provide information on the government auditing experience of each person, including a summary of relevant continuing professional education for the past three (3) years and membership in professional organizations relevant to the performance of this audit.

The firm should provide as much information as possible regarding the number of the specific staff to be assigned to this engagement and the expected time onsite for fieldwork. The firm also should indicate how the quality of staff over the term of the

agreement would be assured.

Audit personnel may be changed at the discretion of the proposer provided that replacements have substantially the same or better qualifications and experience. The City must be notified, in writing, within a reasonable time frame, of change in senior audit personnel and must include the relevant experience of the new personnel.

6. Similar Engagements with Other Government Entities

For the firm's office that will be assigned responsibility for the audit, list the most significant engagements (maximum of 5) performed in the last five years that are similar to the engagement described in this request for proposals. Indicate the scope of work, number of years served, audit partner and manager assigned for the most recent year, and whether you continue to serve as auditor. Please also include a contact name for each entity.

C. SEPARATE COST PROPOSAL

1. Total All-Inclusive Maximum Price

The **separate cost proposal** submittal should contain all pricing information relative to performing the audit engagements as described in this request for proposals. The total all-inclusive maximum price to be proposed is to contain all direct and indirect costs.

The City will not be responsible for expenses incurred in preparing and submitting the technical proposal or the sealed cost proposal. Such costs should not be included in the proposal.

The first page of the **sealed cost proposal** should include the following information:

- a. Name of Firm
- b. Certification that the person signing the proposal is entitled to represent the firm, empowered to submit the proposal and authorized to sign a contract with the City of Pflugerville.
- c. A Total All-Inclusive Maximum Price for the audit of the City for the fiscal year ending September 30, 2024.
- d. A Total All-Inclusive Maximum Price for the audit of the PCDC for the fiscal year ending September 30, 2024.

2. Rates for Additional Professional Services

Should it become necessary for the City to request the auditor to render any additional services to either supplement the services requested in the request for

proposals or to perform additional work as a result of the specific recommendations included in any report issued on this engagement, such additional work shall be performed only if set forth in an addendum to the contract between the City and the firm. Any such additional work agreed to between the City and the firm shall be performed at the same rates set forth in the schedule of fees and expenses included in the sealed cost proposal.

3. Manner of Payment

If desired by the firm, interim payments will be made on the basis of hours of work completed during the course of the engagement incurred in accordance with the firm’s cost proposal. Otherwise, payment will be made in full upon completion of the engagement.

VIII. EVALUATION PROCEDURES AND SELECTION PROCESS

A. BEST VALUE EVALUATION AND CRITERIA

Proposals will be evaluated based on the best value for the City. Interviews may be arranged to assist in making the final selection.

In determining best value, the City may consider:

Quality and cost of auditing services offered	30%
Respondents demonstrated experience and strength to provide the services	25%
Respondents’ methodology, work plan, and timeline	25%
Respondents previous experience and references	15%
Thoroughness and clarity of response to RFP	5%

B. PROPOSAL SELECTION PROCESS

Proposals will be reviewed by the Finance and Budget Committee and the audit firm will be selected by the City Council.

C. PROPOSAL AWARD

No contract shall be awarded unless it is for a fair and reasonable price, pursuant to Texas Government Code, Section 2254.003.

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor 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 vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of vendor 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 on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

Yes No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

Yes No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

6 Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7

Signature of vendor doing business with the governmental entity

Date

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

(i) a contract between the local governmental entity and vendor has been executed;
or

(ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

Local Government Code § 176.006(a) and (a-1)

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

(1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);

(2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or

(3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

(A) begins discussions or negotiations to enter into a contract with the local governmental entity; or

(B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

(A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);

(B) that the vendor has given one or more gifts described by Subsection (a); or

(C) of a family relationship with a local government officer.

CITY OF PLUGERVILLE
Purchasing Services
Historically Underutilized Business

The City of Pflugerville is committed to assuring that all businesses are given prompt, courteous, and equal opportunity to provide goods and services to the City. To achieve this goal, the City Council requests the minority women owned status of each vendor on the City vendor list.

Definition: A Historically Underutilized Business (HUB) means a business concern owned and controlled by socially and economically disadvantaged individuals. This means any business concern that (a) is at least 51% owned by one or more socially and economically disadvantaged individuals; or in the case of publicly owned businesses, at least 51% of the stock which is owned by one or more socially or economically disadvantaged individuals; and (b) whose management and daily operations are controlled by one or more other socially and economically disadvantaged individuals who own it. The groups included in this program are Black Americans, Hispanic Americans, Women, Asian Pacific Americans, Service-Disabled Veterans, and Native Americans

Certification: Bidder declares a minority and/or women owned business status:

_____ YES _____NO

If yes, check one of the blocks (indicate male or female):

Black M/F_____; Hispanic M/F_____; Woman_____; Asian M/F_____;

Native American M/F_____; Service Disabled Veteran of 20% or more M/F_____.

HUB certified _____ YES _____ NO

Visit <https://texashub.gob2g.com/> to become a certified HUB

COMPANY NAME: _____

ADDRESS: _____

CITY/STATE: _____

EMAIL/PHONE: _____

PRODUCT/SERVICE: _____

AUTHORIZED SIGNATURE: _____

INSTRUCTIONS FOR CERTIFICATION REGARDING
**Certification Regarding Debarment, Suspension, Ineligibility,
and Voluntary Exclusion**

1. By signing and submitting this proposal and the certification form, the prospective lower tier participant (BIDDER/PROPOSER/SUBRECIPIENT) is providing the certification set out on the following form (or reverse side) in accordance with these instructions.
2. The certifications in this clause are a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant (BIDDER/PROPOSER/ SUBRECIPIENT) knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant (BIDDER/PROPOSER/SUBRECIPIENT) shall provide immediate written notice to the person to whom this bid/proposal is submitted if at any time the prospective lower tier participant (BIDDER/PROPOSER/SUBRECIPIENT) learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant (BIDDER/PROPOSER/SUBRECIPIENT) agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant (BIDDER/PROPOSER/SUBRECIPIENT) further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction, "without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.



**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY,
AND VOLUNTARY EXCLUSION**

Project Name: _____

Location: _____

RFB/RFP #: _____

This certification is required (or may be required) by the federal regulations implementing Executive Order 12549, Debarment and Suspension. The regulations were published as Part VII of the May 26, 1988 *Federal Register* (pages 19160-19211).

READ INSTRUCTIONS BEFORE COMPLETING CERTIFICATION

- (1) The prospective lower tier participant (BIDDER/PROPOSER/SUBRECIPIENT) certifies, by submission of this proposal that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal or State department or agency.

- (2) Where the prospective lower tier participant (BIDDER/PROPOSER/SUBRECIPIENT) is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Company _____

Name and Title of Authorized Representative _____

Signature _____

Date _____

NON-COLLUSION AFFIDAVIT

STATE OF TEXAS §
 §
COUNTY OF _____ §

By the signature below, the signatory for the bidder certifies that neither he nor the firm, corporation, partnership or institution represented by the signatory or anyone acting for the firm bidding this project has violated the antitrust laws of this State, codified at Section 15.01, *et seq.*, Texas Business and Commerce Code, or the Federal antitrust laws, nor communicated directly or indirectly the bid made to any competitor or any other person engaged in the same line of business, nor has the signatory or anyone acting for the firm, corporation or institution submitting a bid committed any other act of collusion related to the development and submission of this bid proposal.

Signature:

Printed Name:

Title:

Company:

Date:

THE STATE OF _____

COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared _____ (the person who signed above), known to me to be the persons whose names are subscribed to the foregoing instruments, and acknowledged to me that they executed same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this _____ day of _____ A.D., 20____.

(Seal)

Notary Public Signature

RESIDENT CERTIFICATION

**Texas Government Code - Chapter 2252 “Contracts With Governmental Entity”
Subchapter A. Nonresident Proposers**

In accordance with Chapter 2252 of the Texas Government Code, a governmental entity may not award a governmental contract to a nonresident bidder unless the nonresident bidder underbids the lowest bid submitted by a responsible resident bidder by an amount that is not less than the amount by which a resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in the state in which the nonresident’s principle place of business is located.

Section 2252.001 includes the following definitions:

- (1) “Government contract” means a contract awarded by a governmental entity for general construction, an improvement, a service, or a public works project or for a purchase of supplies, materials, or equipment.
- (2) “Governmental entity” means . . . a municipality, county, public school district, or special-purpose district or authority;
- (3) “Nonresident bidder” refers to a person who is not a resident.
- (4) “Resident Bidder” refers to a person whose principal place of business is in this state, including a contractor whose ultimate parent company or majority owner has its principal place of business in this state.

As used on this form, the term “bidder” includes a person or business entity responding to a request for bids or competitive sealed proposal or request for qualifications.

I certify that as defined in Texas Government Code, Chapter 2252 that:

COMPANY NAME: _____

Yes, I am a Texas Resident Bidder _____ No, I am not a _____ Resident Bidder

PRINTED NAME: _____

SIGNATURE: _____

E-MAIL ADDRESS: _____

Texas Public Information Act
Steps To Assert Information Confidential or Proprietary

All proposals, data, and information submitted to the City of Pflugerville are subject to release under the Texas Public Information Act (“Act”) unless exempt from release under the Act. You are not encouraged to submit data and/or information that you consider to be confidential or proprietary unless it is absolutely required to understand and evaluate your submission.

On each page where confidential or proprietary information appears, you must label the confidential or proprietary information. Do not label every page of your submission as confidential as there are pages (such as the certification forms and bid sheet with pricing) that are not confidential. It is recommended that each page that contains either confidential or proprietary information be printed on colored paper (such as yellow or pink paper). At a minimum the pages where the confidential information appears should be labeled and the information you consider confidential or proprietary clearly marked.

The City will comply with the Texas Public Information Act in providing any notice of any request.

In signing this form, I acknowledge that I have read the above and further state:

The proposal/bid submitted to the City contains NO confidential information and may be released to the public if required under the Texas Public Information Act.

The proposal/bid submitted contains confidential information, which is labeled, and which may be found on the following pages: _____

and any information contained on page numbers not listed above may be released to the public if required under the Texas Public Information Act.

Vendor/Proposer Submitting: _____

Signature: _____ Date: _____

Print Name: _____ Print Title: _____

DRUG-FREE WORK PLACE ACT CERTIFICATION

1. The contractor certifies that it will provide a drug-free work place by:
 - (a) Publishing a statement notifying employees that unlawfully manufacturing, distributing, possessing or using a controlled substance in the contractor's work place is prohibited and specifying the actions that will be taken against employees for violation of such prohibition.
 - (b) Establishing a drug-free awareness program to inform employees about:
 - (1) the dangers of drug abuse in the work place;
 - (2) the contractor's policy of maintaining a drug-free work place;
 - (3) any drug counseling, rehabilitation, and employee assistance programs that are available; and
 - (4) the penalties that may be imposed upon employees for drug abuse violations in the work place.
 - (c) Making it a requirement that each employee to be engaged in the performance of the contract be given a copy of the statement required by paragraph (a).
 - (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the contract the employee will:
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the work place no later than five (5) days after such a conviction.
 - (e) Notifying the City of Pflugerville within ten (10) days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction.
 - (f) Taking one of the following actions within thirty (30) days of receiving notice under subparagraph (d)(2) with respect to any employee so convicted:
 - (1) Taking appropriate personnel action against such an employee, up to and including termination; or
 - (2) Requiring such an employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
 - (g) Making a good faith effort to continue to maintain a drug free work place through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

2. The contractor's headquarters is located at the following address. The addresses of all other work places maintained by the contractor are provided on the accompanying list.

Name of Contractor: _____

Street Address: _____

City: _____ County: _____

State: _____ Zip Code: _____

SIGNED BY: _____ **Date Signed:** _____

Print Or Type Name And Title: _____



Interlocal Cooperative Contracting

Other governmental entities within the State of Texas may be extended the opportunity to purchase off of the City of Pflugerville's solicitation, with the consent and agreement of the successful vendor(s) and the City of Pflugerville. Such consent and agreement shall be conclusively inferred from lack of exception to this clause in the vendor's response.

However, all parties indicate their understanding and all parties hereby expressly agree that the City of Pflugerville is not an agent of, partner to, or representative of those outside agencies or entities and that the City of Pflugerville is not obligated or liable for any action or debts that may arise out of such independently-negotiated "piggyback" procurements.

Vendor

Name: _____

Agree _____

Disagree _____

Date: _____