



**CITY OF HOUSTON**  
**REQUEST FOR PROPOSAL (RFP)**  
**SOLICITATION NO.: S66-T25412**

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**Date Issued:** Monday, June 22, 2015

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**Pre-Proposal Conference:** Tuesday, July 7, 2015 2:00 P.M. CST  
Strategic Purchasing Division  
900 Bagby, Conference Room 1  
Houston, TX 77002

**Pre-Proposal Questions  
Deadline:** Monday, July 13, 2015 2:00 P.M., CST

**Solicitation Due Date:** Thursday, July 23, 2015 2:00 P.M., CST

**Solicitation Contact Person:** Shannon Pleasant, CTPM  
[shannon.pleasant@houstontx.gov](mailto:shannon.pleasant@houstontx.gov)  
832-393-8741

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**Project Summary:** Three year contract for arbitrage calculation services for the Office of the City Controller

**Project Description:** The City of Houston seeks to retain a computation agent and/or consultant to perform arbitrage calculation services.

**NIGP Code:** 958-39 918-04 918-49 946-33 946-49

**MWBE Goal:** 24%

Handwritten signature of Lourdes Coss in black ink.

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Lourdes Coss, Chief Procurement Officer

6/23/15

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Date

## TABLE OF CONTENTS

<b><u>PART I – GENERAL INFORMATION</u></b> .....	4
General Information.....	4
Solicitation Schedule .....	4
<b><u>PART II – SCOPE OF WORK / TECHNICAL SPECIFICATIONS</u></b> .....	5
Purpose .....	5
Description of the Current System.....	5
RFP Requirements .....	7
<b><u>PART III –QUALIFICATIONS AND EXPERIENCE</u></b> .....	9
<b><u>PART IV – EVALUATION AND SELECTION PROCESS</u></b> .....	8
Selection Process.....	8
Interviews/Oral Presentations.....	9
<b><u>PART V – SUBMISSION OF PROPOSAL</u></b> .....	9
Instructions for Submission.....	9
Submission Requirements.....	10
Request for Proposal Pricing Form (Exhibit A) .....	17
<b><u>PART VI – SPECIAL CONDITIONS</u></b> .....	13
No Contact Period .....	13
Equal Opportunity Employment .....	14
Minority and Woman Business Enterprises (MWBE) .....	14
Protests .....	14
<b><u>PART VII – INSTRUCTIONS TO PROPOSERS</u></b> .....	15
Pre-Proposal Conference .....	15
Additional Information and Specification Changes .....	15
Letter(s) of Clarification .....	15
Examination of Documents and Requirements.....	16
Exceptions to Terms and Conditions .....	16
Post-Proposal Discussions with Proposer(s) .....	16
<b><u>PART VIII – REQUIRED FORMS TO BE SUBMITTED WITH PROPOSAL</u></b> .....	20

EXHIBIT I – OFFER AND SUBMITTAL, REFERENCES,	
PROPOSED SUBCONTRACTORS .....	20
EXHIBIT I – OFFER AND SUBMITTAL.....	21
EXHIBIT I – REFERENCES .....	22
EXHIBIT I – LIST OF SUBCONTRACTOR(S).....	23
EXHIBIT II – MINORITY/WOMEN BUSINESS ENTERPRISES CONTRACT	
REQUIREMENTS.....	24
EXHIBIT II – ATTACHMENT “A” SCHEDULE OF M/WBE PARTICIPATION.....	24
EXHIBIT II – ATTACHMENT “B”: OFFICE OF BUSINESS OPPORTUNITY AND	
CONTRACT COMPLIANCE M/WBE UTILIZATION REPORT... ..	26
EXHIBIT II – ATTACHMENT “C”: CERTIFIED M/WBE SUBCONTRACT TERMS... ..	27
EXHIBIT II – ATTACHMENT “D”: OFFICE OF BUSINESS OPPORTUNITY AND	
CONTRACT COMPLIANCE M/WBE UTILIZATION REPORT... ..	28
EXHIBIT III – FAIR CAMPAIGN ORDINANCE .....	29
EXHIBIT III – FORM “A”: FAIR CAMPAIGN... ..	30
EXHIBIT IV – CONTRACTOR OWNERSHIP DISCLOSURE ORDINANCE .....	32
EXHIBIT IV: AFFIDAVIT OF OWNERSHIP OR CONTROL... ..	33
EXHIBIT V – ANTI-COLLUSION STATEMENT .....	36
EXHIBIT VI – CONFLICT OF INTEREST QUESTIONNAIRE .....	37

## **PART I – GENERAL INFORMATION**

### **General Information**

The City of Houston is the fourth largest City in the United States comprising 23 departments with multiple locations throughout the City. The City has approximately 23,000 employees with approximately 500 employees involved in the procurement and/or contracting process. Contracts where the City must pay in excess of \$50,000 are routed to City Council for approval.

### **Solicitation Schedule**

Listed below are the important and estimated completion dates and times for this Request for Proposal (RFP).

#### **EVENT**

Date of RFP Issued  
Pre-Proposal Conference  
Questions from Proposers Due to City  
Proposals Due from Proposers  
Notification of Intent to Award (*Estimated*)  
Council Agenda Date (Estimated)  
Contract Start Date (*Estimated*)

#### **DATE**

Monday, June 22, 2015  
Tuesday, July 7, 2015  
Monday, July 13, 2015  
Thursday, July 23, 2015  
August 2015  
August 2015  
August 2015

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## **PART II – SCOPE OF WORK/TECHNICAL SPECIFICATIONS**

### **Purpose**

The City of Houston (City) seeks to retain a computation agent and/or consultant to perform arbitrage calculation services for various types of debt issues described herein relating to the three fiscal years ending June 30, 2016, 2017, and 2018, with an option on the City's part for annual renewals for June 30, 2019 and 2020. Also, the City seeks consulting advice related to new methodologies and post-issuance compliance that may be required from time to time as a result of new debt issuance or changes in the federal tax law regulations.

### **Description of the Current System**

- A. The City of Houston currently has 102 debt obligations outstanding with original par amounts totaling \$17.1 billion, which are subject to rebate calculation. The last filing under the current contract will be submitted for the period ending June 30, 2015. Thus, all data must be updated from July 1, 2015, to the cutoff date for the next filing, which will be due September 1, 2015. The debt issues include:
1. Debt secured by tax and revenue (enterprise fund) pledges
  2. Debt issued for capital improvements, advanced refunding and for working capital purposes (claims and judgment bonds and Tax and Revenue Anticipation Notes - TRANs)
  3. Debt with an average life of less than five years as well as long term debt
  4. Debt issued in the commercial paper mode and other variable rate modes. The City believes that based on the current investment strategy and the fact that all construction draws, to date, have met a spending exception test; there is no rebate liability on this debt.
- B. Gross proceeds of all of the bonds are currently invested in the City's commingled general investment pool (Pool 9900, consisting of taxable securities pursuant to the Public Funds Investment Act of the State of Texas), the City's tax-exempt investment pool (Pool 9901), or from time to time, in non-pooled investments. Currently, Pool 9900 has an average life greater than 12 months but less than 24 months. It holds the non-purpose investments for debt issues originally filed under pre-1993 Regulations (generally, debt service and debt service reserve funds) and the current regulations. The total amount of funds subject to rebate that is invested in Pool 9900 ranges during the fiscal year from approximately **\$700,000,000 to \$900,000,000**. The total amount of funds subject to rebate that is invested in Pool 9901 ranges during the fiscal year from approximately **\$1,000,000 to \$20,000,000**. Monthly, the City computes the earnings on its investments and distributes those earnings to the pool participants.
- C. The City's investment pool continues to have a weighted average maturity (WAM) greater than 12 months and therefore a fair market value calculation must be computed monthly for these issues. Once the fair market value (FMV) calculation is complete, it must be applied to all bond funds subject to rebate.

- D. Expenditure data is collected and analyzed on a monthly basis. The data is received from the financial system between the 7<sup>th</sup> and 10<sup>th</sup> day of the following month for analysis. From time to time there are delays in posting bond proceeds or expenditures to funds that are subject to rebate. The City currently has a policy that if the error results in a change in interest earnings greater than \$10,000.00 using the FMV yield, it will adjust the average invested balance for the fund and the not-subject-to-rebate fund to timely correct the average invested balance. The proposer will make any necessary adjustments to the average invested balance as well as to interest earnings. Any adjustment will carry forward.
- E. On occasion, the City jointly funds capital projects with other jurisdictions such as Harris County or the State. Funds may be transferred to those jurisdictions and are invested by those jurisdictions until the proceeds are used for a governmental purpose. The managing jurisdiction may be required to calculate and return interest earnings to the City. Tax counsel has advised the City that adjustments must be made to the arbitrage records to account for this event.
- F. From time to time the City annexes Municipal Utility Districts (MUD's) into the City. The City assumes any rebate liability owed by the MUD. The proposer will be required to calculate rebate for any MUD district using the MUD's prior investment records and the City's investment records.
- G. The City may have up to \$1.8 billion in commercial paper outstanding in 16 separate programs. Accounting for commercial paper on a FIFO basis, the provider must monitor each draw to insure that the draw meets a six month spending exception or in the case of the aviation program, the 24-month exception. Draws range in size from \$1 million to \$30 million depending on the program and other factors known at the time of the draw.
- H. The City issues TRANS annually as well as a private short-term borrowing. Based on advice of tax counsel, the provider must provide calculations proving that the City met the safe harbor requirement so that no rebate is due on the TRANS.
- I. Proposers may use any software or methodology for calculating the average invested monthly balances to distribute interest earnings at FMV based on the average monthly balance. Once any adjustments are made to the monthly invested balance, interest must be reapportioned using the FMV yield before the rebate calculations can be made. Proposers may use any software or methodology to allocate the commingled Water and Sewer System and Combined Utility System Debt Service Funds among the bond issues it secures to calculate rebate on debt service funds, which are subject to rebate.
- J. The arbitrage computation agent must rely solely on the data provided by the City in the calculation of the rebate liability. The successful proposer must review and incorporate prior calculations within their own calculations without cost to the City.
- K. All proposers are encouraged to be as creative as possible in responding to this RFP. Based on your review of the materials enclosed and information received at the pre-bid conference, you are encouraged to discuss any creative approaches to this service which have not been specifically requested or which would enhance efficiency or reduce costs. Ideas need not be related solely to rebate calculations, but may include investment options or strategies as well.

## RFP Requirements

For each issue on which a rebate calculation is requested, the vendor may be required to:

- A. Perform a review of all legal documents supplied by the City relating to the transaction to identify the funds subject to rebate, determine the cash flow, and identify any special tax considerations relating to the debt issue.
- B. Confirm with the City on the funds subject to rebate.
- C. Verify the bond yield calculated on the 8038-G.
- D. Collect, analyze and adjust average invested balances for any material posting errors or expenditure corrections; apply the FMV earnings rate and calculate investment earnings for the fund.
- E. Review documents submitted to the IRS by the City receives subsidies related to the issuance of Build America Bonds.
- F. Calculate the arbitrage liability due for those issues reaching their fifth year filing date or upon the call of the bonds. The vendor will have a maximum of 30 days to calculate the rebate liability. In some cases several issues may have rebate calculations due on the same date. Similar restrictions will be placed on any issue subject to a spending exception. Failure to perform within this time frame will be an event causing a breach of and cancellation of the contract in advance of its term.
- G. Provide estimates of rebate liabilities to be used in the City's Comprehensive Annual Financial Report (CAFR) for every issue outstanding at fiscal year end. Estimates should be provided by September 1 of each year. Assist the City during the annual budget process in estimating rebate liabilities due within the forthcoming fiscal year.
- H. Prepare the 8038T for each filing due. Deliver to the City a written report that includes a statement that the methodology used is consistent with current tax laws and regulations and may be relied upon by the City in determining its arbitrage rebate liability. The report must be signed by a Certified Public Accountant or qualified tax counsel.
- I. Deliver to the City a written report that includes a statement that the methodology used is consistent with current tax laws and regulations and may be relied upon by the City in determining its arbitrage rebate liability. The report must be signed by a Certified Public Accountant or qualified tax counsel.
- J. Provide insights to City of Houston regarding the need for proper procedure in place and how our SAP system needs to make adjustments to better keep records.
- K. Schedules visits and are very pro-active in assisting the City with our schedule.
- L. Describe your technical plan for accomplishing the work and the services as evidenced by their prior experience in projects of similar scope and magnitude.

- M. Include a detailed work schedule for the filings and annual liability calculations due between July 1, 2015 and June 30, 2018, as described in the Possible Requirements section of this proposal.

### **PART III – QUALIFICATIONS AND EXPERIENCE**

The firm shall possess professional qualifications and experience of at least ten (10) years. With a demonstrated ability to provide arbitrage rebate calculation services for state and local governments, which are of similar size and complexity to that of the City of Houston.

### **PART IV – EVALUATION AND SELECTION PROCESS**

An evaluation committee will evaluate responsive proposals in accordance with the evaluation criteria listed below. Upon completion of the evaluation, the committee may develop a short list of Proposer(s) meeting the technical competence requirements. Price proposals of those shortlisted will be evaluated once the shortlist is identified by the evaluation committee. The short listed Proposer(s) may be scheduled for a structured oral presentation, demonstration and/or interview. Such presentations will be at no cost to the City of Houston. At the end of the oral presentation, demonstration and/or interview, the evaluation of the short listed Proposer(s) will be completed. However, the evaluation committee reserves the right to issue letter(s) of clarity when deemed necessary to any or all Proposer(s). The oral presentations, demonstrations and/or interview may be recorded and/or videotaped.

#### **A. Selection Process**

Upon review of all information provided by shortlisted proposers, the evaluation committee will make a recommendation for selection to City officials. The City reserves the right to check references on any projects performed by the proposer whether provided by the proposer or known by the City. Selected proposal will be submitted for approval by the appropriate City officials. The City of Houston intends to select a proposal that best meets the needs of the City and provides the overall best value. Upon approval of the selected Proposer, a contract will be executed by the appropriate City officials.

Each proposal will be evaluated on the basis of the following evaluation criteria:

1. Responsiveness of Proposal
  - a) Proposer is compliant with all the submission requirements of the RFP. Proposers meet all components of the RFP that will enable committee to conduct evaluation.
2. Technical Competence
  - a) Qualifications and specialized experience for the Proposer to successfully perform the services for the City, as evidenced by the successful implementation of similar projects for large complex organizations. Preferably city, state, or other government entities.

- b) Quality of the overall proposed plan of action, including but not limited to strategy for implementation and operational plan, understanding of technical requirements, sound methodology and workflow strategy, quality assurance and control measures, implementation schedule, and understanding of the City Controller's goals.
- c) Qualifications and specialized experience of key personnel to successfully implement the project as evidenced by experience and adequate of resources similar role as that proposal.
- d) Financial Stability of the Proposer to successfully undertake the project and the ability to ensure performance over the duration of the contract, as evidenced by copies of its audited financial statements for the past two (2) years.
- e) Level of participation with M/WBE firms.

### 3. Price Proposal

- a) Price will be evaluated separately for overall reasonableness.

## **B. Interviews/Oral Presentations**

The City reserves the right to request and require that each Proposer provide a final presentation of its proposal at a scheduled date and time. No Proposer is entitled to this opportunity, and no proposer will be entitled to attend presentations of any other Proposer. The purpose of the presentations is to inform the work of the evaluation committee.

## **PART V – SUBMISSION OF PROPOSAL**

### **A. Instructions for Submission**

1. Number of Copies. **Five (5)** copies of the Proposal, including one (1) printed original signed in BLUE ink, and additional five (5) electronic thumb drives are to be submitted in a sealed envelope bearing the assigned Solicitation Number, located on the first page of the RFP document to:

City Secretary's Office  
City Hall Annex  
900 Bagby  
Houston, Texas 77002

The City of Houston shall bear no responsibility for submitting responses on behalf of any Proposer. Proposer(s) may submit their Proposal to the City Secretary's Office any time prior to the stated deadline.

2. Time for submission. Proposals shall be submitted no later than the date and time indicated for submission in this RFP. Late submittals will not be considered and will be returned unopened.
3. Format. Proposal should be left-bound with information on both sides of the page when appropriate. Material should be organized following the order of the submission requirements separated by labeled tabs.
4. Complete submission. Proposers are advised to carefully review all the requirements and submit all documents and information as indicated in this RFP. Incomplete proposals may lead to a proposal being deemed non responsive. Non-responsive proposals will not be considered.
5. Packaging and Labeling. The outside wrapping/envelope shall clearly indicate the RFP Title and date and time for submission. It shall also indicate the name of the proposer. The Price Proposal shall be submitted in a separate sealed envelope. The envelope shall clearly identify the content as "Price Proposal". All other submission requirements shall be included with the Technical Proposal.
6. Timely delivery of Proposals. The Proposal, including the Technical Proposal, the Pricing Proposal and signed Contract, must be delivered by hand or sent to the City of Houston City Secretary's Office through U.S. Mail or other available courier services to the address shown on the cover sheet of this RFP. Include the RFP number on any package and on any correspondence related to the Proposal. If using an express delivery service, the package must be delivered to the designated building. Packages delivered by express mail services to other locations might not be re-delivered in time to be considered.
7. Late Proposals. The proposer remains responsible for ensuring that its Proposal is received at the time, date, place, and office specified. The City assumes no responsibility for any Proposal not so received, regardless of whether the delay is caused by the U.S. Postal Service, the courier delivery service, or some other act or circumstance.

## **B. Submission Requirements**

1. Cover letter. The cover letter shall be signed by an authorized representative of the Proposer. The letter should indicate the Proposer's commitment to provide the services proposed. Also, the cover letter shall identify the members of the team that comprise the Proposer. Indicate the organizational relationship of the team members.
2. Executive Summary. The executive summary should include a brief overview of the solution proposed, the overall strategy for implementation, the key personnel who will be responsible for seeing the project through completion, and a rationale for proposing the software for implementation at the City. The executive summary shall also include the timeline for implementation and highlight any other requirements that are noted in the detailed proposed plan. Attach a proposed organization chart for the project. Also, please describe the proposed strategy to keep the System current as technology evolves and improves.

3. Proposed Plan of Action. Provide a detailed proposed plan of action indicating how all requirements will be met. Submit a matrix summarizing how each of the requirements will be met and indicating the resources that the City must commit to ascertain successful implementation.
- a) Provide a brief statement describing the Proposer's background information, history, resources and/or track record. Provide a detailed description and methodology of the proposed plan for the RFP requirements, which should include, but not be limited to the following:
    - i. A brief statement of the Proposer understanding of the work to be done; and
    - ii. A detailed description that clearly defines the method of approach that will be utilized in the successful achievement of the RFP's intended Scope of Work.
  - b) Explain your firm's professional liability policy with respect to any work performed by the firm.
  - c) What is your firm's approach (if necessary) in gathering data on all previously computed rebate liability? What items do you expect from the City with respect to providing you with prior data to bring your system current to July 1, 2015?
  - d) Please note how your firm would assist the issuer in establishing or enhancing its post-issuance process to ensure compliance with enhanced IRS regulations.
  - e) Please certify or explain that:
    - i. Your firm's software meets the requirements of the federal tax code;
    - ii. Upon receipt of the final month's data from the SAP financial system, your firm can perform any analysis and calculate the rebate liability within 30 days for a fifth year filing;
    - iii. Your firm can meet the City's timing requirements for the annual liability computation required to complete the City's CAFR;
    - iv. The unit cost fees and charges will be held firm for the entire term of the contract.
  - f) Will your firm require workspace, equipment or supplies which must be provided by the City? If so, please identify your requirements.
  - g) Please describe any on-line computer interface capabilities that the City might utilize.
  - h) Please discuss any creative ideas for providing an efficient, cost-effective means of calculating rebate.
4. Schedule. In addition, the proposed plan of action shall include a detailed implementation schedule, including any critical path actions that may cause delay if the schedule is not met. Also, please indicate the ability to implement the system by modules and the flexibility of altering the order of implementation of each module.

- a) From the time you are provided all current data, what is:
  - i. Your start up time?
  - ii. The time by which you can deliver your first filing?
  
5. Qualifications of the Proposer. Include a brief description of the organization's track record, including history, number of employees, number of years in business, and a list of projects relevant to this RFP Please list at least three (3) client references whose rebate calculations are similar in size and complexity to that of the City of Houston. Include the name of the contact person, name of the organization, dollar value of the project, address, telephone number and email address.
  
6. Key Personnel. Provide qualifications and experience of key personnel to successfully perform the services as evidenced by prior experience in a similar role on comparable projects.
  - a) Please provide the names and chronological resumes of each key personnel who would be assigned to this project. Provide copies of certifications and/or licenses.
    - i. Identify the project manager and the day-to-day manager.
    - ii. Provide at least three references for the project manager.
    - iii. Specify for each staff member and their demonstrated ability in working with a client of the size and complexity of the City of Houston.
    - iv. Identify the percentage of work each staff member will carry. Identify the office location of each staff member.
  
7. Pricing Proposal. Please provide your pricing proposal in the format described listed in **Exhibit A**. Identify any other fees or charges for which you would request compensation. Describe your firm's philosophy on handling out of pocket expenses. The City reserves the right to complete any portion of the tasks internally, if it determines that it is cost beneficial to the City to do so.
  
8. Financial Stability. Provide the audited financial statements, at a minimum, include the letter of opinion, balance sheet, schedules, and related auditor's notes; or Federal Tax Forms Filed to the Internal Revenue Service (IRS) for the past two (2) fiscal years.
  
9. M/WBE. Provide the qualification information for each of the M/WBE firms proposed. Also, please indicate the level of participation.
  
10. Legal Actions. Provide a list of any pending litigation and include a brief description of the reason for legal action.
  
11. Conflict of Interest. Provide information regarding any real or potential conflict of interest. Failure to address any potential conflict of interest upfront may be cause for rejection of the proposal.
  
12. Other. Submit any information the Proposer deems pertinent to demonstrating its qualifications to perform the services being requested such as memberships in any professional associations.

## **Part VI – SPECIAL CONDITIONS**

### **A. No Contact Period**

Neither Proposer(s) nor any person acting on Proposer(s)'s behalf shall attempt to influence the outcome of the award by the offer, presentation or promise of gratuities, favors, or anything of value to any appointed or elected official or employee of the City of Houston, their families or staff members. All inquiries regarding the solicitation are to be directed to the designated City Representative identified on the first page of the solicitation. Upon issuance of the solicitation through the pre-award phase and up to the date the City Secretary publicly posts notice of any City Council agenda containing the applicable award, aside from bidder's formal response to the solicitation, through the pre-award phase, written requests for clarification during the period officially designated for such purpose by the City Representative, neither Proposers(s) nor persons acting on their behalf shall communicate with any appointed or elected official or employee of the City of Houston, their families or staff through written or oral means in an attempt to persuade or influence the outcome of the award or to obtain or deliver information intended to or which could reasonably result in an advantage to any bidder. However, nothing in this paragraph shall prevent a bidder from making public statements to the City Council convened for a regularly scheduled session after the official selection has been made and placed on the City Council agenda for action, or to a City Council committee convened to discuss a recommendation regarding the solicitation.

### **B. Equal Opportunity Employment**

The City of Houston Ordinance Section 15-17 establishes Equal Employment Opportunity Contract Compliance requirements for all City of Houston contracts involving the expenditure of Ten Thousand Dollars (\$10,000) or more. Any contract for professional services that results from this RFP will provide that the failure to carry out the requirements set forth in the City of Houston Equal Employment Opportunity Program shall constitute a breach of contract and may result in termination of the agreement or contract. In addition, the City may take any such additional remedy as deemed appropriate.

### **C. Minority and Woman Business Enterprises (MWBE)**

Contractor shall comply with the City's Minority and Women Business Enterprise ("MWBE") programs as set out in Chapter 15, Article V of the City of Houston Code of Ordinances. Contractor shall make good faith efforts to award subcontracts or supply agreements in at least the value stated in this Agreement to MWBE's. Contractor acknowledges that it has reviewed the requirements for good faith efforts on file with the City's Office of Business Opportunity (OBO) and will comply with them.

### **D. Protests**

A protest shall comply with and be resolved, according to the City of Houston Procurement Manual <http://purchasing.houstontx.gov/docs/Procurement Manual.pdf> and rules adopted there under. Protests shall be submitted in writing and filed with both, the City Attorney and the Solicitation contact person. A pre-award protest of the RFP shall be received five (5) days prior to the solicitation due date and a post-award protest shall be filed within five (5) days after City Council approval of the contract award.

1. A protest must be filed in accordance with the timing requirements set forth herein and must include:
  - i. the name, address, telephone number and email address of the protestor;
  - ii. the number of the solicitation;
  - iii. all information confirming that the protestor is an interested party;
  - iv. a written statement of the grounds for the protest and the law, ordinance, or policy alleged to have been violated. The statement should be accompanied by relevant supporting documentation and the relief requested.
  - v. all information confirming the timeliness of the protest; and
  - vi. the signature of the protestor

Protests shall be submitted to:

Chief Procurement Officer  
City of Houston  
901 Bagby, B300  
Houston, TX 77002

2. The City recognizes three types of protests:
  - i. Protests regarding solicitation (Pre-Bid Protest)

Any protest regarding a solicitation published by the City shall be filed no later than five (5) days before the opening of bids (if a competitive bid) or due date for submittals or proposals (if an RFP/RFQ), as appropriate. Any protest filed after the due date raising issues regarding the solicitation will not be considered.
  - ii. Protests regarding the evaluation of bids, qualifications, or proposals (Pre-Award Protest)

Any protest regarding the evaluation of bids, qualifications, or proposals by the City must be filed no later than ten (10) days after:

    - (a) opening of bids (if a bid); or
    - (b) due date (if RFQ/RFP); or
    - (c) notification that the interested party's bid or proposal has been rejected.

Any protest received after the deadline will not be considered.
  - iii. Protests regarding award of contract (Post-Award Protest)

Upon receipt of a timely and properly filed protest regarding the award of a contract, the City will not issue a notice to proceed or submit an order for goods until the protest has been resolved, provided such delay will not be detrimental to the interests of the City.

## **PART VII – INSTRUCTIONS TO PROPOSERS**

### **A. Pre-Proposal Conference**

A Pre-Proposal Conference will be held at the date, time, and location as indicated on the first page of the RFP document. Interested Proposer(s) should plan to attend. It will be assumed that potential Proposer(s) attending this meeting have reviewed the RFP in detail, and are prepared to bring up any substantive questions not already addressed by the City.

## **B. Additional Information and Specification Changes**

Requests for additional information and questions should be addressed to the Finance Department, Strategic Purchasing Division Buyer Shannon Pleasant telephone: 832.393.8741, fax: 832.393.8759, or e-mail (preferred method to): [shannon.pleasant@houstontx.gov](mailto:shannon.pleasant@houstontx.gov) no later than 2:00 P.M., CST, July 10, 2015. The City of Houston shall provide written response to all questions received in writing before the submittal deadline. Questions received from all Proposer(s) shall be answered and sent to all Proposer(s) who are listed as having obtained the RFP. Proposer(s) shall be notified in writing of any changes in the specifications contained in this RFP.

## **C. Letter(s) of Clarification**

1. All Letters of Clarification and interpretations to this Solicitation shall be in writing. Any Letter of Clarification(s) or interpretation that is not in writing shall not legally bind the City of Houston. Only information supplied by the City of Houston in writing or in this RFP should be used in preparing Proposal responses.
2. The City does not assume responsibility for the receipt of any Letters of Clarification sent to Proposer(s).

## **D. Examination of Documents and Requirements**

1. Each Proposer shall carefully examine all RFP documents and thoroughly familiarize themselves with all requirements prior to submitting a Proposal to ensure that the Proposal meets the intent of this RFP.
2. Before submitting a Proposal, each Proposer shall be responsible for making all investigations and examinations that are necessary to ascertain conditions and. affecting the requirements of this RFP. Failure to make such investigations and examinations shall not relieve the Proposer from obligation to comply, in every detail, with all provisions and requirements of the RFP.

## **E. Exceptions to Terms and Conditions**

1. All exceptions included with the Proposal shall be submitted in a clearly identified separate section of the Proposal in which the Proposer clearly cites the specific paragraphs within the RFP where the Exceptions occur. Any Exceptions not included in such a section shall be without force and effect in any resulting contract unless such Exception is specifically referenced by the City Purchasing Agent, City Attorney, Director(s) or designee in a written statement. The Proposer's preprinted or standard terms will not be considered by the City as a part of any resulting contract.
2. All Exceptions that are contained in the Proposal may negatively affect the City's Proposal evaluation based on the evaluation criteria as stated in the RFP, or result in possible rejection of Proposal.

## **F. Post-Proposal Discussions with Proposer(s)**

It is the City's intent to commence final negotiation with the Proposer(s) deemed most advantageous to the City. The City reserves the right to conduct post-Proposal discussions with any Proposer(s).

## **PART VIII – REQUIRED FORMS TO BE SUBMITTED WITH PROPOSAL**

1. Offer and Submittal, List of References and List of Proposed Subcontractors (Exhibit I)
2. Signed M/WBE Forms: Attachment "A" Schedule of M/WBE Participation, Attachment "B", Notice of Intent, Attachment "C", Certified M/WBE Subcontract Terms, Attachment "D" Office of Business Opportunity and Contract Compliance M/WBE Utilization Report (Exhibit II)
3. Fair Campaign Ordinance Form "A" (Exhibit III)
4. Affidavit of Ownership or Control (Exhibit IV)
5. Anti-Collusion Statement (Exhibit V)
6. Conflict of Interest Questionnaire (Exhibit VI)

## **PART IX – REQUIRED FORMS TO BE SUBMITTED BY AWARDED VENDOR ONLY**

Required forms shall be supplied to the vendor after award.

1. Insurance Requirements and Sample Insurance Certificate (Exhibit VII)
2. Drug Compliance Agreement Attachment "A", Drug Policy Compliance Declaration Attachment "B" and Contractor's Certification of No Safety Impact Positions Attachment "C" and "D" (Exhibit VIII)
3. City Contractors' Pay or Play Acknowledgement Form and Pay or Play Certificate Agreement, Play or Pay Program Acknowledgment Form "1" (Exhibit IX)
4. Hire Houston First Affidavit (Download Copy at <http://www.houstontx.gov/obo/hirehoustonfirst.html> and submit to Office of Business Opportunity, Houston Business Solutions Center via e-mail to [houstonbsc@houstontx.gov](mailto:houstonbsc@houstontx.gov) or fax to 832-393-0650 or submit copy with proposal.

Requested Information Outlined in the Scope of Work and Other Additional Relevant/Supporting Information or Alternate Proposals

**EXHIBIT A  
ARBITRAGE CALCULATION SERVICES  
REQUEST FOR PROPOSAL PRICING FORM**

**NOTE: MUST BE SUBMITTED IN A SEPARATE SEALED ENVELOPE MARKED "PRICING"**

ITEM NO.	DESCRIPTION	UNIT COST	# UNITS	TOTAL PRICE
1.	Start Up Costs (if necessary)			
2.	Five Year Filing Computation			
	a. Fixed Rate			
	b. Variable Rate			
	c. Commercial Paper			
	d. Advanced Refunding			
3.	Incremental price for major steps in your process for bringing all data current from July 1, 2015 to June 30, 2018, not included in any items above or below.			
4.	Commercial Paper Exception			
5.	Cost for Providing TRAns Safe Harbor			
6.	Incremental Cost for Joint Funded			
7.	Incremental Cost for Annexed Districts			
8.	Cost per Issue for Annual Liability Estimate			
9.	Per Hour Consulting Fee			
	a. Partner			
	b. Manager			
	c. Senior			
	d. Staff			
10.	Out of Pocket. Provide either A-F, G, or H			
	a. Air Travel			

	b. Hotels			
	c. Meals			
	d. Copies			
	e. Telephone and Fax			
	f. Other			
	g. Percentage of add-ons for out of pocket			
	h. Annual Cap			
	Total Proposal Price			

\*A unit is defined to be a bond issue irrespective of the number of accounts involved

**EXHIBIT I**  
**OFFER AND SUBMITTAL, REFERENCES, PROPOSED SUBCONTRACTORS**

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**EXHIBIT I  
OFFER AND SUBMITTAL**

NOTE: PROPOSAL MUST BE SIGNED AND NOTARIZED BY AN AUTHORIZED REPRESENTATIVE(S) OF THE PROPOSER, WHICH MUST BE THE ACTUAL LEGAL ENTITY THAT WILL PERFORM THE CONTRACT IF AWARDED AND THE TOTAL FIXED PRICE CONTAINED THEREIN SHALL REMAIN FIRM FOR A PERIOD OF ONE-HUNDRED EIGHTY (180) DAYS.

"THE RESPONDENT WARRANTS THAT NO PERSON OR SELLING AGENCY HAS BEEN EMPLOYED OR RETAINED TO SOLICIT OR SECURE THIS CONTRACT UPON AN AGREEMENT OR UNDERSTANDING FOR A COMMISSION, PERCENTAGE, BROKERAGE, OR CONTINGENT FEE, EXCEPTING BONA FIDE EMPLOYEES. FOR BREACH OR VIOLATION OF THIS WARRANTY, THE CITY SHALL HAVE THE RIGHT TO ANNUL THIS AGREEMENT WITHOUT LIABILITY OR, AT ITS DISCRETION, TO DEDUCT FROM THE CONTRACT PRICES OR CONSIDERATION, OR OTHERWISE RECOVER THE FULL AMOUNT OF SUCH COMMISSION, PERCENTAGE, BROKERAGE OR CONTINGENT FEE."

Respectfully Submitted:

\_\_\_\_\_  
(Print or Type Name of Contractor – Full Company Name)

City of Houston Vendor No. (If already doing business with City):  
\_\_\_\_\_

Federal Identification Number:  
\_\_\_\_\_

By: \_\_\_\_\_  
(Signature of Authorized Officer or Agent)

Printed Name: \_\_\_\_\_

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

Date: \_\_\_\_\_

Address of Contractor: \_\_\_\_\_  
Street Address or P.O. Box

\_\_\_\_\_  
City – State – Zip Code

Telephone No. of Contractor: (\_\_\_\_\_) \_\_\_\_\_

Signature, Name and title of Affiant: \_\_\_\_\_

\_\_\_\_\_  
(Notary Public in and for)

\_\_\_\_\_ County, Texas

My Commission Expires: \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

**EXHIBIT I  
REFERENCES  
LIST OF PREVIOUS CUSTOMERS**

1. Name: \_\_\_\_\_ Phone No.: \_\_\_\_\_  
Address: \_\_\_\_\_  
Contract Award Date: \_\_\_\_\_ Contract Completion Date: \_\_\_\_\_  
Contract Name/Title: \_\_\_\_\_  
Email: \_\_\_\_\_  
System Description: \_\_\_\_\_  
\_\_\_\_\_

2. Name: \_\_\_\_\_ Phone No.: \_\_\_\_\_  
Address: \_\_\_\_\_  
Contract Award Date: \_\_\_\_\_ Contract Completion Date: \_\_\_\_\_  
Contract Name/Title: \_\_\_\_\_  
Email: \_\_\_\_\_  
System Description: \_\_\_\_\_  
\_\_\_\_\_

3. Name: \_\_\_\_\_ Phone No.: \_\_\_\_\_  
Address: \_\_\_\_\_  
Contract Award Date: \_\_\_\_\_ Contract Completion Date: \_\_\_\_\_  
Contract Name/Title: \_\_\_\_\_  
Email: \_\_\_\_\_  
System Description: \_\_\_\_\_  
\_\_\_\_\_

4. Name: \_\_\_\_\_ Phone No.: \_\_\_\_\_  
Address: \_\_\_\_\_  
Contract Award Date: \_\_\_\_\_ Contract Completion Date: \_\_\_\_\_  
Contract Name/Title: \_\_\_\_\_  
Email: \_\_\_\_\_  
System Description: \_\_\_\_\_  
\_\_\_\_\_



**EXHIBIT II  
ATTACHMENT "A"  
SCHEDULE OF M/WBE PARTICIPATION**

DATE OF REPORT: \_\_\_\_\_

BID NO.: \_\_\_\_\_

FORMAL BID TITLE: \_\_\_\_\_

NAME OF MINORITY/WOMEN SUBCONTRACTOR	OFFICE OF BUSINESS OPPORTUNITY CERTIFICATION NO.	STREET ADDRESS AND CITY, STATE, ZIP CODE	TELEPHONE NO.	SCOPE OF WORK	AGREED PRICE
TOTAL.....					\$ _____
M/WBE PARTICIPATION AMOUNT.....					\$ _____%
TOTAL BID AMOUNT.....					\$ _____

IF YOU HAVE USED YOUR BEST EFFORTS TO CARRY OUT THE CITY'S M/WBE POLICY BY SEEKING SUBCONTRACTS AND SUPPLY AGREEMENTS WITH MINORITY AND WOMEN BUSINESS ENTERPRISES, YET FAILED TO MEET THE STATED PERCENTAGE GOAL OF THIS BID DOCUMENT, LIST BELOW YOUR GOOD FAITH EFFORTS FOR COMPLIANCE (DEFINITION OF REQUIREMENTS CAN BE OBTAINED THROUGH THE OFFICE OF BUSINESS OPPORTUNITY AT (713) 837-9000).


THE UNDERSIGNED WILL ENTER INTO A FORMAL AGREEMENT WITH THE MINORITY AND/OR WOMEN SUBCONTRACTORS AND SUPPLIERS LISTED IN THIS SCHEDULE CONDITIONED UPON AWARD OF A CONTRACT FROM THE CITY.

**NOTE:**  
ALL FIRMS LISTED ABOVE MUST BE CERTIFIED (OR ELIGIBLE FOR CERTIFICATION) BY THE OFFICE OF BUSINESS OPPORTUNITY.  
THIS SCHEDULE OF M/WBE PARTICIPATION SHOULD BE RETURNED, IN DUPLICATE, WITH THE BID FORM.

\_\_\_\_\_  
**BIDDER COMPANY NAME**

\_\_\_\_\_  
**SIGNATURE OF AUTHORIZED OFFICER OR AGENT OF BIDDER**

\_\_\_\_\_  
**NAME (TYPE OR PRINT)**

\_\_\_\_\_  
**TITLE**

**EXHIBIT II  
ATTACHMENT "B"  
OFFICE OF BUSINESS OPPORTUNITY AND  
CONTRACT COMPLIANCE M/WBE UTILIZATION REPORT**

**NOTICE OF INTENT**

**THIS AGREEMENT IS SUBJECT TO MEDIATION AND CAN BE INITIATED BY THE COMPANIES SIGNED BELOW OR THE OFFICE OF BUSINESS OPPORTUNITY.**

To: City of Houston  
Administering Department

Date: \_\_\_\_\_

Project Name and Number \_\_\_\_\_

Bid Amount: \_\_\_\_\_ M/W/SBE Goal: \_\_\_\_\_

\_\_\_\_\_, agrees to enter into a contractual agreement with  
Prime Contractor

\_\_\_\_\_, who will provide the following goods/services in connection  
MWSBE Subcontractor

with the above-referenced contract:

\_\_\_\_\_

for an estimated amount of \$ \_\_\_\_\_ or \_\_\_\_\_ % of the total contract value.

\_\_\_\_\_ is currently certified with the City of Houston's Office of Business  
(M/W/SBE Subcontractor) Opportunity to function in the aforementioned capacity.

\_\_\_\_\_ Intend to  
Prime Contractor M/W/SBE Subcontractor

work on the above-named contract in accordance with the M/W/DBE Participation Section of the City of Houston Bid Provisions, contingent upon award of the contract to the aforementioned Prime Contractor.

\_\_\_\_\_  
Signed (Prime Contractor)

\_\_\_\_\_  
Signed (M/W/SBE Subcontractor)

\_\_\_\_\_  
Printed Signature

\_\_\_\_\_  
Printed Signature

\_\_\_\_\_  
Title Date

\_\_\_\_\_  
Title Date

**EXHIBIT II  
ATTACHMENT "C"  
CERTIFIED M/WBE SUBCONTRACT TERMS**

**CITY OF HOUSTON CERTIFIED M/WSBE SUBCONTRACT TERMS**

Contractor shall ensure that all subcontracts with M/WSBE subcontractors and suppliers are clearly labeled **"THIS CONTRACT IS SUBJECT TO MEDIATION"** and contain the following terms:

1. \_\_\_\_\_(M/WSBE subcontractor) shall not delegate or subcontract more than 50% of the work under this subcontract to any other subcontractor or supplier without the express written consent of the City of Houston's Office of Business Opportunity Director ("the Director").
2. \_\_\_\_\_(M/WSBE subcontractor) shall permit representatives of the City of Houston, at all reasonable times, to perform 1) audits of the books and records of the subcontractor, and 2) inspections of all places where work is to be undertaken in connection with this subcontract. Subcontractor shall keep such books and records available for such purpose for at least four (4) years after the end of its performance under this subcontract. Nothing in this provision shall affect the time for bringing a cause of action or the applicable statute of limitations.
3. Within five (5) business days of execution of this subcontract, Contractor (prime contractor) and Subcontractor shall designate in writing to the Director an agent for receiving any notice required or permitted to be given pursuant to Chapter 15 of the Houston City Code of Ordinances, along with the street and mailing address and phone number of such agent.

These provisions apply to goal-oriented contracts. A goal-oriented contract means any contract for the supply of goods or non-professional services in excess of \$100,000.00 for which competitive proposals are required by law; not within the scope of the MBE/WBE/SBE program of the United States Environmental Protection Agency or the United States Department of Transportation; and which the City Chief Procurement Officer has determined to have significant MWSBE subcontracting potential in fields which there are an adequate number of known MBEs , WBE's, and or SBE's (if applicable) to compete for City contracts.

The MWSBE policy of the City of Houston will be discussed during the pre-proposal conference. For information, assistance, and/or to receive a copy of the City's Affirmative Action Policy and/or Ordinance, contact the Office of Business Opportunity Division at 832.393.0600, 611 Walker Street, 7<sup>th</sup> Floor, Houston, Texas 77002.

**EXHIBIT II  
ATTACHMENT "D"  
OFFICE OF BUSINESS OPPORTUNITY AND  
CONTRACT COMPLIANCE M/WBE UTILIZATION REPORT**

**Report Period:** \_\_\_\_\_

**PROJECT NAME & NUMBER:** \_\_\_\_\_

**AWARD DATE:** \_\_\_\_\_

**PRIME CONTRACTOR:** \_\_\_\_\_

**CONTRACT NO.:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**CONTRACT AMOUNT:** \_\_\_\_\_

**LIAISON/PHONE NO.:** \_\_\_\_\_

**M/WBE GOAL:** \_\_\_\_\_

<b>M/WBE SUB/VENDOR NAME</b>	<b>DATE OF OBO CERTIFICATION</b>	<b>DATE OF SUBCONTRACT</b>	<b>SUBCONTRACT AMOUNT</b>	<b>% OF TOTAL CONTRACT</b>	<b>AMOUNT PAID TO DATE</b>	<b>% OF CONTRACT TO DATE</b>

Use additional pages if needed. Submit by the 15th day of the following month.  
Provide support documentation on all revenues paid to end of the report period to:  
M/WBE's to reflect up/down variances on Contract amount.

Office of Business Opportunity  
ATTN: Carlecia Wright 713-837-9000  
611 Walker, 7<sup>th</sup> Floor  
Houston, Texas 77002

### EXHIBIT III FAIR CAMPAIGN ORDINANCE

The City of Houston Fair Campaign Ordinance makes it unlawful for a Contractor to offer any contribution to a candidate for City elective office (including elected officers and officers-elect). All respondents to this invitation to bid must comply with Houston Code of Ordinances Chapter 18 as amended relating to the contribution and solicitation of funds for election campaigns. Provisions of this ordinance are provided in part in the paragraphs that follow. Complete copies may be obtained from the office of the City Secretary.

Candidates for city office may neither solicit nor receive contributions except during a period commencing 270 calendar days prior to an election date for which a person is a candidate for such office and ending 90 calendar days after the election date, including run off elections if such candidate is on the ballot.

Further, it shall be unlawful either for any person who submits a Bid or Proposal to contribute or offer any contribution to a candidate or for any candidate to solicit or accept any contribution from such person for a period commencing at the time of posting of the City Council Meeting Agenda including an item for the award of the Contract and ending upon the 30th day after the award of the Contract by City Council.

For the purposes of this Ordinance, a **Contract** is defined as each Contract having a value in excess of \$30,000 that is let by the City for professional services, personal services, or other goods or services of any other nature whether the Contract is awarded on a negotiated basis, request for Proposal basis, competitive Proposal basis or formal sealed competitive Bids. The term **Contractor** includes proprietors of proprietorships, partners having an equity interest of 10% or more of partnerships, (including limited liability partnerships and companies), all officers and directors of corporations (including limited liability corporations), and all holders of 10% or more of the outstanding shares of corporations.

**A STATEMENT DISCLOSING THE NAMES AND BUSINESS ADDRESSES EACH OF THOSE PERSONS WILL BE REQUIRED TO BE SUBMITTED WITH EACH BID OR PROPOSAL FOR A CITY CONTRACT.**

Completion of the attached form entitled "**Contractor Submission List**" will satisfy this requirement. Failure to provide this information may be just cause for rejection of your Bid or Proposal.

**EXHIBIT III  
FORM "A": FAIR CAMPAIGN**

**CITY OF HOUSTON FAIR CAMPAIGN ORDINANCE**

The City of Houston Fair Campaign Ordinance makes it unlawful for a Contractor to offer any contribution to a candidate for City elective office (including elected officers-elect) during a certain period of time prior to and following the award of the Contract by the City Council. The term "Contractor" Includes proprietors of proprietorships, partners or joint venture's having an equity interest of 10 percent or more for the partnership or Joint venture, and officers, directors and holders of 10 percent or more of the outstanding shares of corporations. A statement disclosing the names and business addresses of each of those persons will be required to be submitted with each Bid or Proposal for a City Contract. See Chapter 18 of the Code of Ordinances, Houston, Texas, for further information.

This list is submitted under the Provisions of Section 18-36(b) of the Code of Ordinances, Houston, Texas, in connection with the attached Proposal, submission or bid of:

Firm or Company Name: \_\_\_\_\_

Firm or Company Address: \_\_\_\_\_

**The firm/company is organized as a (Check one as applicable) and attach additional pages if needed to supply the required names and addresses:**

**SOLE PROPRIETORSHIP**

Name \_\_\_\_\_ Address \_\_\_\_\_  
Proprietor

**A PARTNERSHIP**

**List each partner having equity interest of 10% or more of partnership (if none state "none"):**

Name \_\_\_\_\_ Address \_\_\_\_\_  
Partner

Name \_\_\_\_\_ Address \_\_\_\_\_  
Partner

**A CORPORATION**

**List all directors of the corporation (if none state "none"):**

Name \_\_\_\_\_ Address \_\_\_\_\_  
Director

Name \_\_\_\_\_ Address \_\_\_\_\_  
Director

Name \_\_\_\_\_ Address \_\_\_\_\_  
Director

**List all officers of the corporation (if none state none"):**

Name \_\_\_\_\_  
Officer Address

Name \_\_\_\_\_  
Officer Address

Name \_\_\_\_\_  
Officer Address

**List all individuals owning 10% or more of outstanding shares of stock of the corporation (if none state "none"):**

Name \_\_\_\_\_  
Address

Name \_\_\_\_\_  
Address

Name \_\_\_\_\_  
Address

**I certify that I am duly authorized to submit this list on behalf of the firm, that I am associated with the firm in the capacity noted below and that I have personal knowledge of the accuracy of the information provided herein.**

\_\_\_\_\_  
Preparer

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

Note: This list constitutes a **government record** as defined by § 37.01 of the Texas Penal Code.

8/23/01

**EXHIBIT IV:  
CONTRACTOR OWNERSHIP DISCLOSURE ORDINANCE**

City Council requires knowledge of the identities of the owners of entities seeking to Contract with the City in order to review their indebtedness to the City prior to entering Contracts. Therefore, all respondents to this Invitation to Bid must comply with Houston Code of Ordinances Chapter 15, as amended (Sections 15-122 through 15-126) relating to the disclosure of owners of entities bidding on, proposing for or receiving City contracts. Provisions of this ordinance are provided in part in the paragraphs that follow. Complete copies may be obtained from the office of the City Secretary.

Contracting entity means a sole proprietorship, corporation, non-profit corporation, partnership, joint venture, limited liability company, or other entity that seeks to enter into a contract requiring approval by the Council but excluding governmental entities.

A contracting entity must submit at the time of its Bid or Proposal, an affidavit listing the full names and the business and residence addresses of all persons owning five percent or more of a contracting entity or, where a contracting entity is a non-profit corporation, the full names and the business and residence addresses of all officers of the non-profit corporation.

Completion of the "**Affidavit of Ownership or Control**," included herein, and submitted with the Official Bid or Proposal Form will satisfy this requirement. Failure to provide this information may be just cause for rejection of your Bid or Proposal.

**EXHIBIT IV:  
AFFIDAVIT OF OWNERSHIP OR CONTROL**

ORIG. DEPT.: \_\_\_\_\_

FILE/I.D. NO.: \_\_\_\_\_

**INSTRUCTION:** ENTITIES USING AN ASSUMED NAME SHOULD DISCLOSE SUCH FACT TO AVOID REJECTION OF THE AFFIDAVIT. THE FOLLOWING FORMAT IS RECOMMENDED: CORPORATE/LEGAL NAME DBA ASSUMED NAME.

STATE OF \_\_\_\_\_ §

§

**AFFIDAVIT OF OWNERSHIP OR CONTROL**

COUNTY OF \_\_\_\_\_ §

BEFORE ME, the undersigned authority, on this day personally appeared

\_\_\_\_\_ [FULL NAME] (hereafter "Affiant"),

\_\_\_\_\_ [STATE TITLE/CAPACITY WITH CONTRACTING ENTITY] of

\_\_\_\_\_ [CONTRACTING ENTITY'S

CORPORATE/LEGAL NAME] ("Contracting Entity"), who being by me duly sworn on oath stated as follows:

1. Affiant is authorized to give this affidavit and has personal knowledge of the facts and matters herein stated.

2. Contracting Entity seeks to do business with the City in connection with \_\_\_\_\_ [DESCRIBE PROJECT OR MATTER] which is expected to be in an amount that exceeds \$50,000.

3. The following information is submitted in connection with the proposal, submission or bid of Contracting Entity in connection with the above described project or matter.

4. Contracting Entity is organized as a business entity as noted below (check box as applicable).

**FOR PROFIT ENTITY:**

**NON-PROFIT ENTITY:**

SOLE PROPRIETORSHIP

NON-PROFIT CORPORATION

CORPORATION

UNINCORPORATED ASSOCIATION

PARTNERSHIP

LIMITED PARTNERSHIP

JOINT VENTURE

LIMITED LIABILITY COMPANY

OTHER (Specify type in space below)

5. The information shown below is true and correct for the Contracting Entity and all owners of 5% or more of the Contracting Entity and, where the Contracting Entity is a non-profit entity, the required information has been shown for each officer, *i.e.*, president, vice-president, secretary, treasurer, etc. **[NOTE: IN ALL CASES, USE FULL NAMES, LOCAL BUSINESS AND RESIDENCE ADDRESSES AND TELEPHONE NUMBERS. DO NOT USE POST OFFICE BOXES FOR ANY ADDRESS. INCLUSION OF E-MAIL ADDRESSES IS OPTIONAL, BUT RECOMMENDED. ATTACH ADDITIONAL SHEETS AS NEEDED.]**

**Contracting Entity**

Name: \_\_\_\_\_

Business Address **[NO./STREET]** \_\_\_\_\_

**[CITY/STATE/ZIP CODE]** \_\_\_\_\_

Telephone Number (\_\_\_\_) \_\_\_\_\_

Email Address **[OPTIONAL]** \_\_\_\_\_

Residence Address **[NO./STREET]** \_\_\_\_\_

**[CITY/STATE/ZIP CODE]** \_\_\_\_\_

Telephone Number (\_\_\_\_) \_\_\_\_\_

Email Address **[OPTIONAL]** \_\_\_\_\_

**5% Owner(s) or More (IF NONE, STATE "NONE.")**

Name: \_\_\_\_\_

Business Address **[NO./STREET]** \_\_\_\_\_

**[CITY/STATE/ZIP CODE]** \_\_\_\_\_

Telephone Number (\_\_\_\_) \_\_\_\_\_

Email Address **[OPTIONAL]** \_\_\_\_\_

Residence Address **[NO./STREET]** \_\_\_\_\_

**[CITY/STATE/ZIP CODE]** \_\_\_\_\_

Telephone Number (\_\_\_\_) \_\_\_\_\_

Email Address **[OPTIONAL]** \_\_\_\_\_

**6. Optional Information**

Contracting Entity and/or \_\_\_\_\_ [**NAME OF OWNER OR NON-PROFIT OFFICER**] is actively protesting, challenging or appealing the accuracy and/or amount of taxes levied against \_\_\_\_\_ [**CONTRACTING ENTITY, OWNER OR NON-PROFIT OFFICER**] as follows:

Name of Debtor: \_\_\_\_\_  
Tax Account Nos. \_\_\_\_\_  
Case or File Nos. \_\_\_\_\_  
Attorney/Agent Name \_\_\_\_\_  
Attorney/Agent Phone No. (\_\_\_\_) \_\_\_\_\_  
Tax Years \_\_\_\_\_

Status of Appeal [**DESCRIBE**] \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Affiant certifies that he or she is duly authorized to submit the above information on behalf of the Contracting Entity, that Affiant is associated with the Contracting Entity in the capacity noted above and has personal knowledge of the accuracy of the information provided herein, and that the information provided herein is true and correct to the best of Affiant’s knowledge and belief.

\_\_\_\_\_

Affiant

**SWORN TO AND SUBSCRIBED** before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

(Seal)

\_\_\_\_\_

Notary Public

**NOTE:**

This affidavit constitutes a **government record** as defined by Section 37.01 of the Texas Penal Code. Submission of a false government record is punishable as provided in Section 37.10 of the Texas Penal Code. Attach additional pages if needed to supply the required names and addresses.

**EXHIBIT V  
ANTI-COLLUSION STATEMENT**

**Anti-Collusion Statement**

The undersigned, as Proposer, certifies that the only person or parties interested in this Proposal as principals are those named herein; that the Proposer has not, either directly or indirectly entered into any Agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the award of this Contract.

\_\_\_\_\_

Date

\_\_\_\_\_

Proposer Signature

## EXHIBIT VI CONFLICT OF INTEREST QUESTIONNAIRE

### **CONFLICT OF INTEREST QUESTIONNAIRE:**

Chapter 176.006 of the Local Government Code (“the code”) requires a Vendor/Contractor to file a Conflict of Interest Questionnaire (CIQ) with the City.

**NOTE:** Vendors/Contractors or Agents should **not** complete the CIQ if a conflict, as described below, **does not exist. Only Vendors/Contractors or Agents that actually have a conflict, as described below, must file a CIQ.**

### **Who must file a CIQ?**

A Vendor/Contractor or Agent of a Vendor/Contractor does not have to file a CIQ unless they intend to enter or is considering entering into a contract with the City or:

1. has an employment or other business relationship with the Local Government Officer/Family Member; or
2. has given the Local Government Officer/Family Member one or more gifts with the aggregate value exceeding \$250.00.

### **When must the Vendor/Contractor or Agent file a CIQ?**

The completed CIQ must be filed with the City Chief Procurement Officer not later than the 7<sup>th</sup> business day after the date the Vendor/Contractor or Agent:

1. begins discussions or negotiations to enter into a contract with the City;
2. submits an application to the City in response to a request for proposals or bids, correspondence, or any other writing related to a potential contract with the City;
3. becomes aware of an employment or other business relations with the Local Government Officer/Family Member;
4. becomes aware that he/she has given one or more gifts to the Local Government Officer/Family Member that exceeds \$250.00; or
5. an event that would make the CIQ incomplete or inaccurate.

### **What is a business relationship?**

Under Chapter 176, business relationship means a connection between two or more parties based on the commercial activity of one of the parties. The term does not include:

1. a transaction that is subject to a rate or fee regulation by a governmental entity;
2. a transaction conducted at a price and subject to terms available to the public; or
3. a purchase or lease of goods or services from a person who is chartered by a state or federal agency and is subject to regular examination and reporting to that agency.

The Conflict of Interest Questionnaire is available for downloading from the Texas Ethics Commission’s website at <http://www.ethics.state.tx.us/forms/CIQ.pdf>.

The Original Conflict of Interest Questionnaire shall be filed with the Administration and Regulatory Affairs Department’s Record Administration (Lourdes Coss, City Chief Procurement Officer, 901 Bagby, Concourse Level, Houston, Texas 77002). Vendors and Contractors required to file shall include a copy of the form as part of the BID/Proposal package. **Any questions about filling out this form should be directed to your attorney.**

**EXHIBIT VI  
CONFLICT OF INTEREST QUESTIONNAIRE**

<b>CONFLICT OF INTEREST QUESTIONNAIRE</b>	<b>FORM CIQ</b>
<p><b>For vendor or other person doing business with local governmental entity</b></p>	<p><b>OFFICE USE ONLY</b></p>
<p>This questionnaire reflects changes made to the law by H.B. 1491, 80th Leg., Regular Session.</p> <p>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).</p> <p>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.</p> <p>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.</p>	<p>Date Received</p>
<p><b>1</b> Name of person who has a business relationship with local governmental entity.</p>	
<p><b>2</b> <input type="checkbox"/> Check this box if you are filing an update to a previously filed questionnaire.</p> <p>(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.)</p>	
<p><b>3</b> Name of local government officer with whom filer has employment or business relationship.</p> <p align="center">_____</p> <p align="center">Name of Officer</p> <p>This section (item 3 including subparts A, B, C &amp; 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.</p> <p>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?</p> <p align="center"><input type="checkbox"/> Yes      <input type="checkbox"/> No</p> <p>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?</p> <p align="center"><input type="checkbox"/> Yes      <input type="checkbox"/> No</p> <p>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?</p> <p align="center"><input type="checkbox"/> Yes      <input type="checkbox"/> No</p> <p>D. Describe each employment or business relationship with the local government officer named in this section.</p>	
<p><b>4</b></p> <p align="center">_____</p> <p align="center">Signature of person doing business with the governmental entity</p> <p align="center">_____</p> <p align="center">Date</p>	

Adopted 06/29/2007