



Request for Proposals
RFP # 12-1130-02

The City of Takoma Park
Department of Finance
is accepting proposals for the following:

FINANCIAL STATEMENT PREPARATION

For additional information, please contact:

Yovonda D. Brooks, CPA
Phone: 301-891-7210
Fax: 301-270-8794
E-mail: YovondaB@takomagov.org

Proposal packages will be accepted until 2:00pm, February 21, 2012.
Packages shall be marked **“Sealed Proposal - RFP #12-1130-02”**
and may be mailed or hand delivered to:

Yovonda D. Brooks, Director
Department of Finance
City of Takoma Park
7500 Maple Avenue
Takoma Park, Maryland 20912

REQUEST FOR PROPOSALS

The City of Takoma Park, Maryland requests proposals from qualified Certified Public Accountant firms to prepare the City of Takoma Park, Maryland's Comprehensive Annual Financial Report (CAFR) for the fiscal year ending June 30, 2012 with the option of preparing its CAFR for each of the four subsequent fiscal years.

Specifications for: RFP No. 2012-1130-02 - Financial Statement Preparation

To be considered, three copies of a proposal must be received by 2:00pm on February 21, 2012. Send to: Department of Finance, City of Takoma Park, 7500 Maple Avenue, Takoma Park, MD 20912. The City reserves the right to reject any or all proposals submitted.

Any inquiries concerning the RFP should be addressed to Yovonda Brooks, Director of Finance, at 301-891-7210.

Contact Person: Yovonda Brooks, Director of Finance, 301-891-7210.

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NOTE: THIS COVER SHEET IS AN INTEGRAL PART OF THE PROPOSAL DOCUMENTS.

CITY OF TAKOMA PARK, MARYLAND
RFP for Financial Statement Preparation

I. GENERAL INFORMATION

- a. Purpose: The City of Takoma Park (hereinafter called “the City”) requests proposals from qualified Certified Public Accountant firms to prepare its Comprehensive Annual Financial Report (CAFR) for the fiscal year ending June 30, 2012 with the option of preparing its CAFR for each of the four subsequent years.
- b. Description of Work: It is the intent of this proposal to procure accounting services, including all labor and materials, to fulfill the duties in accordance with the Scope of Services and Terms and Conditions contained herein.
- c. Amendment or Cancellation of Request for Proposal (RFP): If it becomes necessary to amend this RFP, notice of the amendment will be provided to all prospective proposers who were sent, or otherwise known to have obtained this RFP. EACH AMENDMENT WILL BE SENT BY FAX/FIRST CLASS MAIL AND EACH PROPOSER MUST ACKNOWLEDGE RECEIPT OF ALL AMENDMENTS. This RFP may be canceled as provided in the City Code.
- d. Submission: The proposer must submit one (1) original and two (2) copies of its proposal to the Department of Finance, City of Takoma Park, 7500 Maple Avenue, Takoma Park, MD 20912 no later than 2:00pm on February 21, 2012. Requests for extensions of the date and time will not be granted. No late proposal or late request for modification will be considered.
- e. Confidentiality: Proposals will be available for public inspection after the award announcement, except as to the extent that a proposer designates trade secrets or other proprietary data to be confidential. Material designated as confidential must be readily separable from the remainder of the proposal to facilitate public inspection of the non-confidential portion of the proposal. A proposer’s designation of material as confidential will not necessarily be conclusive, and the proposer may be required to provide justification why such material should not be disclosed, upon request, under the Maryland Access to Public Records Act, State Government Article, Section 10-611 through 10-628 of the Annotated Code of Maryland.
- f. Proposal Expenses: The City is not responsible for expenses incurred by proposers in preparing and submitting their proposals.
- g. Rejection of Proposals: The City may reject any or all proposals, in whole or in part. The City may award proposal in whole to one vendor or may award parts to different vendors.

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- h. Duration of Rates: The rates quoted by the proposer are irrevocable for a period of 180 days from the proposal due date.
- i. Acceptance of Terms and Conditions: By submitting a proposal, the proposer accepts the terms and conditions set forth in this RFP.

II. SCOPE OF WORK

The City desires a Certified Public Accountant Firm (hereinafter called “the Firm”) to prepare the City’s financial statements of its governmental activities, each major fund and the aggregate remaining fund information. The Firm will be responsible for compiling the City’s CAFR in accordance with generally accepted accounting principles and the GASB 34 reporting requirements. The Firm will ensure that all required disclosures/footnotes are included in the City’s financial statements.

a. Accounting Standards to be Followed

To meet the requirements of the RFP, the services shall be performed in accordance with generally accepted accounting standards as set forth by the American Institute of Certified Public Accountants, and the Government Finance Officers Governmental Accounting, Auditing, and Financial Reporting requirements (GFOA “Blue Book”). The financial statements must also comply with the requirements of the Government Accounting Standards Board (GASB). The Firm will comply with any new standards that become effective for the fiscal years covered in this RFP.

b. Reports

The Firm will prepare:

- City’s Comprehensive Annual Financial Report in conformity with generally accepted accounting principles contained in the Government Finance Officers Association’s (GFOA) “Blue Book”, Governmental Accounting, Auditing, and Financial Reporting (GAAFR).

c. Working Paper Retention and Access to Working Papers

All working papers and reports must be retained at the Firm’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 Firm will be required to make working papers available, upon request, to the following parties or their designees:

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- ▶ City of Takoma Park, Maryland
- ▶ U.S. General Accounting Office (GAO)
- ▶ Office of Legislative Audits, Maryland Department of Legislative Services
- ▶ Parties designated by the federal or state governments or by the City as part of an audit quality review process.

In addition, the Firm shall respond to the reasonable inquiries of the City's auditors and allow any successors to review working papers relating to matters of continuing accounting significance.

d. Scheduling and Procedures

The Firm shall develop a time schedule and procedures to be observed during the preparation of the CAFR. The schedule and procedures will be developed in conjunction with the City and shall be subject to approval by the City. Preliminary financial statements must be submitted for City review by the 20th of September of each year.

e. Description of the City

The City serves an area of 2.4 square miles with a population of approximately 17,000. The City's fiscal year begins on July 1 and ends on June 30.

The City provides the following services to its residents:

1. Full service Police Department
2. Full service Public Works Department
3. Full service Recreation Department
4. Housing and Economic Development Department
5. Library
6. Cable TV station and newsletter
7. General administration of the services listed above.

The City has a total payroll of approximately \$8,900,000 covering approximately 170 employees.

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The City is organized into seven primary departments. The accounting and financial reporting functions of the City are retained in the Finance Department at 7500 Maple Avenue in Takoma Park, Maryland.

1. Fund Structure

The City uses the following fund types in its financial reporting:

<u>Fund Type</u>	<u>Number of Individual Funds</u>	<u>Number with Legally Adopted Annual Budgets</u>
General Fund	1	1
Special revenue funds	5	4
Fiduciary Funds	3	0

2. Pension Plans

The City of Takoma Park participates in the Maryland State Retirement System. This system is a multiple-employer cost sharing defined benefit plan. As of July 1, 2001, the City established a separate defined benefit plan for police officers only. The City also has a small defined contribution pension plan to provide benefits to certain employees.

3. Finance Department

The Finance Department is headed by Yovonda Brooks, Director of Finance, and consists of four other employees. The principal functions performed and the employees assigned to each are as follows:

<u>Function</u>	<u>No. of Employees</u>
Assist with financial reports	2
Accounts payable	1
Payroll	1
Bank reconciliations	3
Accounts receivables	2

The Finance Department will prepare the following schedules. Additional schedules may be prepared upon request:

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- (a) Trial balance for all funds
- (b) General ledger audit trails, as needed, for all funds
- (c) List of all new bank accounts
- (d) Budget reports for all funds
- (e) Copies of all bank reconciliations
- (f) Schedule of receivables and deferred revenue
- (g) Investment records
- (h) Accounts payable and long-term debt information
- (i) Schedule of accrued vacation leave
- (j) Schedule of fixed asset additions and disposals
- (k) Data for statistical tables

Management will prepare the Management, Discussion and Analysis, as well as the Transmittal Letter.

III. PROPOSAL REQUIREMENTS

Each prospective Firm shall submit three copies of its proposal which will consist of the technical section and the price section. Both sections must follow the outline detailed in this RFP.

The Firm which best meets the experience, work plan approach and cost requirements will be selected.

a. 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 the preparation of the City's CAFR in conformity with the requirements of this RFP. As such, the substance of proposals will carry more weight than their form or manner of presentation. The technical section should demonstrate the qualifications of the Firm and of the staff to be assigned to this engagement. It should also specify the approach that will meet the RFP requirements.

2. License to Practice in Maryland

A statement that the Firm and all assigned key professional staff are properly licensed to practice in Maryland should be included.

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3. **Firm Qualifications and Experience**

The proposer should state the size of the Firm, the size of the Firm's governmental professional 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 on a part-time basis, including prior relevant experience.

4. **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 person is licensed to practice as a certified public accountant in Maryland. The Firm also should provide information on the government accounting and auditing experiences of each person, including information on relevant continuing professional education for the past three years relevant to the performance of this engagement.

The Firm should also state its policies that ensure that only qualified staff will be assigned to this engagement.

Engagement personnel may be changed provided that replacements have substantially the same or better qualifications or experience. However, the City requires prior notification and retains the right to approve or reject replacements.

5. **Similar Engagements with Other Government Entities**

For the Firm's office that will be assigned responsibility for the engagement, list the most significant engagements (maximum of five) performed in the last five years that are similar to the engagement described in the RFP; these engagements should be ranked on the basis of total staff hours.

Indicate the scope of work, date, engagement partners, total hours, and the name and telephone number of the principal client contact.

6. **Specific Approach**

The proposer should set forth a work plan, including an explanation of the methodology to be followed. In developing the work plan, reference should be made to such sources of information as the City's budget and related materials,

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organizational charts, manuals and programs, and financial and other management information systems.

Proposers will be required to provide the following information on their approach:

- (a) Proposed segmentation of the engagement
- (b) Level of staff and number of hours to be assigned to each proposed segment of the engagement.
- (c) Type and extent of analytical procedures to be used in the engagement

7. **Identification of Anticipated Potential Problems**

The proposal should identify and describe any anticipated potential problems, the Firm's approach to resolving these problems, and any special assistance that will be requested from the City.

8. **Report Format**

The CAFR must be in compliance with the requirements of Government Finance Officers Association's Governmental Accounting, Auditing and Financial Reporting, and the Governmental Accounting Standards Board. The City's budget information and audit reports are available on the City's website and upon request.

IV. PRICE SECTION

a. **Total All-Inclusive Maximum Price**

The proposal should contain all pricing information relative to performing the engagement as described in this RFP. The total all-inclusive maximum price is to contain all direct and indirect costs including all out-of-pocket expenses.

The City will not be responsible for expenses incurred in the preparation and submission of the proposal. Such costs should not be included in the proposal.

The proposal should include the following information:

- 1. Name of Firm
- 2. Certification that the person signing the proposal is authorized to represent the Firm, empowered to submit the proposal, and authorized to sign a contract with the City.

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3. A total all-inclusive maximum price for the Fiscal Year 2012 engagement and the subsequent four years.

b. Rates of Partner, Specialist, Supervisory and Staff Level Times Hours Anticipated for Each

Pricing information should include a detailed schedule of professional fees and expenses, presented in the format provided in the enclosed Schedule of Professional Fees and Expenses.

Estimated reimbursable out-of-pocket expenses should also be presented. All expense reimbursements will be charges against the total all-inclusive maximum price submitted by the Firm.

In addition, a statement must be included stating that the Firm will accept reimbursement for travel, lodging and subsistence at the prevailing City rates for its employees.

c. Rates for Additional Professional Services

The City may solicit additional services outside the range of this engagement. Any such additional work agreed to between the City of Takoma Park and the Firm shall be performed at the same rates set forth in the schedule of fees and expenses included in the price section of this RFP.

d. Manner of Payment

Progress payments may be submitted during the course of the engagement based on hours of work completed in accordance with the following schedule:

- ▶ Completion of field work
- ▶ Rendering of draft report
- ▶ Rendering of final CAFR

Payments will be disbursed following the receipt of an approved original invoice detailing the work completed outlining staff time and related expenses.

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V. EVALUATION CRITERIA

The criteria that will be considered in the evaluation of the proposals shall include, but not necessarily be limited to:

- 1) Overall quality and thoroughness of the proposal and work plan.
- 2) Qualifications and past experience of the firm.
- 3) Qualifications and experience of personnel assigned to the project.
- 4) Past record of performance on similar projects.
- 5) Reference checks with existing and previous clients.
- 6) Fee for the requested services.

Proposers are advised that an award may be made without discussion and negotiation; therefore, the initial proposal shall provide the Evaluation Panel with sufficient information to recommend award without discussion and should reflect the proposer's ability to perform at a reasonable price.

The City may reject any or all proposals for such reasons as it may deem proper. In acceptance of proposals, the City will be guided by considerations in the interest of the City. The City also reserves the right to negotiate further with one or more of the proposers as to any features of their proposals and to accept modifications of the work and price when such action will be in the best interests of the City.

See *Instructions to Proposers* for additional information.

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INSTRUCTIONS TO PROPOSERS

Contract Period

The contract resulting from this RFP will cover services and the production of the fiscal year 2012 CAFR with the option of extending the contract for four subsequent fiscal years.

Contractor Requirements

A. **Conduct**

- The contractor shall observe and comply with all Federal, State, County, and local laws and ordinances.

B. **Availability**

- The engagement staff or its supervisor shall be available at all times, when the contract work is in progress. The engagement team must provide telephone numbers, mobile phone numbers, and email addresses.

C. **Equipment and Procedures**

- The firm shall furnish all equipment necessary for the performance of the contract.
- The firm must provide a description of the quality control procedures that will be used to ensure data collection is performed accurately and consistently.
- The firm will be responsible for loss or damage caused by its employees.

D. **Qualifications**

- Proposers are required to have engaged in the practice of conducting governmental audits and/or the preparation of a governmental CAFR for a period of not less than five years, and show proof that the firm has sufficient staff and equipment necessary in its employ to adequately service this contract.

E. **Information Required with the Proposal**

To be considered complete, proposers are required to complete and submit the following documents with the proposal:

- A reference sheet which includes contact person, phone number, address, and brief description of services provided
- Certification of Non-Nuclear Involvement
- Resumes of personnel to be assigned
- Proposal forms
- Proposer warranties
- No Reply Form, if applicable
- Living Wage Requirements Certification

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City of Takoma Park Responsibilities

A. **Office Hours**

Department of Finance personnel will be available during office hours, 8:30am to 5:00pm, Monday through Friday, to answer any questions or provide reasonable guidance to the contractor.

B. **City Proposal Evaluation**

In evaluating each proposal, consideration shall be given to the following criteria:

Deficiency in any of the below listed areas may be adequate cause for proposal rejection.

- Meet the state licensing requirement or other legal requirement to perform audits and accounting services.
- Comply with requirements for peer review and continuing professional education.
- Possess the ability, capacity and skill to perform the contract or provide the services required.
- Ability to perform the contract or provide the service promptly, or within the time specified, without delay or interference.
- Provide evidence of the quality of performance of previous contracts or services with other customers reported by references.
- The sufficiency of the financial resources and ability of the proposer to perform the contract or provide the services.
- Acceptance of the general conditions.
- Submission of the required certifications addressed in the General Conditions section of the RFP.

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SPECIAL INSTRUCTIONS TO PROPOSERS FOR MAILING/DELIVERING PROPOSALS

Proposals must be delivered in sealed, opaque envelopes, and labeled clearly, as follows:

PREPARATION OF FINANCIAL STATEMENTS - RFP 12-1130-02

From:

RFP ENVELOPE

TO BE DELIVERED TO:

Yovonda D. Brooks
City of Takoma Park
Finance Department
7500 Maple Avenue
Takoma Park, MD 20912

RFP NO.: 12-1130-02
DUE DATE: 02/21/2012

Firm name and address must appear in the upper left hand corner of the proposal envelope. The specific RFP number, due date, and time must appear in the lower left hand corner of the proposal envelope.

THE CITY OF TAKOMA PARK, MARYLAND RESERVES THE RIGHT TO REJECT ANY OR ALL PROPOSALS WITHOUT EXPLANATION.

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PROPOSER WARRANTIES

- A. Proposer warrants that it is willing and able to comply with State of Maryland laws with respect to foreign corporations.
- B. Proposer warrants that it is willing and able to obtain an errors and omissions insurance policy providing an adequate amount of coverage for the willful or negligent acts, or omissions of any officers, employees or agents thereof.
- C. Proposer warrants that it will not delegate or subcontract its responsibilities under an agreement without the express prior written permission of the City.
- D. Proposer warrants that all information provided by it in connection with this proposal is true and accurate.

Signature of Official: _____

Name (typed): _____

Title: _____

Firm: _____

Date: _____

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ALL INCLUSIVE PRICE
FOR THE PREPARATION OF THE FY 2012 FINANCIAL STATEMENTS (CAFR)

Total all-inclusive maximum price for Fiscal Year 2012 CAFR \$ _____

Price:

CAFR for Year 2 \$ _____

CAFR for Year 3 \$ _____

CAFR for Year 4 \$ _____

CAFR for Year 5 \$ _____

The proposer certifies it can and will provide and make available, at a minimum, all services set forth in Section II, Scope of Work.

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**SCHEDULE OF PROFESSIONAL FEES AND EXPENSES FOR THE PREPARATION OF
 THE FY 2012 FINANCIAL STATEMENTS (CAFR)**

	<u>Hours</u>	<u>Standard Hourly Rates</u>	<u>Quoted Hourly Rates</u>	<u>Total</u>
Partners	_____	_____	_____	_____
Managers	_____	_____	_____	_____
Supervisory Staff	_____	_____	_____	_____
Other (Specify): _____	_____	_____	_____	_____
SUBTOTAL				_____
Total for services described in Section II of the RFP (detail on subsequent pages)				_____
Out-of-Pocket expenses				_____
Meals and lodging				_____
Transportation				_____
Other (specify): _____				_____
Total all-inclusive maximum price for FY 2012 CAFR				_____

Note: The rate quoted should not be presented as a general percentage of the standard hourly rate or as a gross deduction from the total all-inclusive maximum price.

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TAKOMA PARK, MARYLAND RFP No. 12-1130-02
NO REPLY FORM

Proposer:

To assist us in obtaining reasonable competition on our Request for Proposals, we ask that each firm that has received an RFP, but does not wish to submit a proposal, state their reason(s) below. This information will not preclude receipt of future RFPs unless you request removal from the RFP List by so indicating below.

Unfortunately, we must offer a "No Reply" at this time because:

- _____ 1. We do not wish to participate in the proposal process.
- _____ 2. We do not wish to submit a proposal under the terms and conditions of the Request for Proposals document. Our objections are:

- _____ 3. We do not feel we can be competitive.
- _____ 4. Other: _____

Firm

Signature Date

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CITY OF TAKOMA PARK, MARYLAND
CERTIFICATION OF NON-INVOLVEMENT
IN THE NUCLEAR WEAPONS INDUSTRY

KNOW ALL PERSONS BY THESE PRESENTS:

Pursuant to the requirements of Chapter 14.04 of the Takoma Park Code, the Takoma Park Nuclear Free Zone Act, the undersigned person, firm, corporation or entity hereby certifies that he/she/it is not knowingly or intentionally a nuclear weapons producer.

Note: The following definitions apply to this certification per section 14.04.090:

A “nuclear weapons producer” is any person, firm, corporation, facility, parent or subsidiary thereof or agency of the federal government engaged in the production of nuclear weapons or its components.

“Production of nuclear weapons” includes the knowing or intentional research, design, development, testing, manufacture, evaluation, maintenance, storage, transportation or disposal of nuclear weapons or their components.

“Nuclear weapon” is any device the sole purpose of which is the destruction of human life and property by an explosion resulting from the energy released by a fission or fusion reaction involving atomic nuclei.

“Component of a nuclear weapon” is any device, radioactive substance or nonradioactive substance designed knowingly and intentionally to contribute to the operation, launch, guidance, delivery or detonation of a nuclear weapon.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument this ____ day of _____, 2012.

Contractor Name: _____

By: _____

Signature

Print Name & Title

State of _____, County of _____:

Subscribed and sworn to before me this ____ day of _____, 2012.

Notary Public

My commission expires: _____

Failure to complete this Certification will cause your bid to be considered non-responsive.

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LIVING WAGE REQUIREMENTS CERTIFICATION
(Takoma Park Code, section 7.08.200.B)

Business Name: _____
Address: _____
City, State, Zip Code: _____
Phone Number: _____
Fax Number: _____
E-Mail: _____

Please specify the contact name and information of the individual designated by your business to monitor your compliance with the City's living wage requirements, unless exempt under Section 7.08.190 (*see* item B below):

Contact Name: _____ Title: _____
Phone Number: _____ Fax: _____ E-Mail: _____

CHECK ALL APPROPRIATE LINES BELOW THAT APPLY IN THE EVENT THAT YOU ARE AWARDED THE CONTRACT AND BECOME A "CONTRACTOR."

A. Living Wage Requirements Compliance

_____ This Contractor as a "covered employer" will comply with the requirements of the City of Takoma Park Living Wage Law (*Takoma Park Code, Section 7.08.180 et. seq. - Ordinance No. 2007-55*). Contractor and its subcontractors will pay all employees who are not exempt from the wage requirements and who perform measurable work for the City related to any contract for services with the City, the living wage requirements in effect at the time of the City contract. The bid price submitted under this procurement solicitation includes sufficient funds to meet the living wage requirements.

B. Exemption Status (if applicable)

This Contractor is exempt from the living wage requirements because it is:

_____ A contractor who employs fewer than 10 employees when the contractor submits the bid or proposal. Contractor will continue to be exempt as long as it does not employ 10 or more employees at any time the City contract is in effect as a result of performing the contract.

_____ The total value of the contract for services (based on the bid or proposal being submitted under this procurement solicitation) is less than \$20,000.00.

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- _____ A public entity.
- _____ A nonprofit organization that has qualified for an exemption from federal income taxes under Section 501c(3) of the Internal Revenue Code.
- _____ A contractor who is prohibited from complying with the City's living wage requirements by the terms of an applicable federal or state program, contract, or grant requirement. **(Must specify the law and/or furnish a copy of the contract or grant.)**

C. Living Wage Requirements Reduction.

_____ This Contractor provides health insurance to the employees who will provide services to the City under the City contract and it desires to reduce its hourly rate paid under the living wage requirements by an amount equal to, or less than, the per employee hourly cost of the employer's share of the health insurance premium. This Contractor certifies that the per employee hourly cost of the employer's share of the premium for that health insurance is \$_____. **(Must submit supporting documentation showing the employee labor category of all employee(s) who will perform measurable work under the City contract, the hourly wage the Contractor pays for that employee labor category, the name of the health insurance provider and plan name, and the employer's share of the monthly health insurance premium.)**

Contractor Certification and Signature

Contractor submits this certification in accordance with *Takoma Park Code* section 7.08.200.B. Contractor certifies, under penalties of perjury, that all of the statements and representations made in this Living Wage Requirements Certification are true and correct. Contractor and any of its subcontractors that perform services under the resultant contract with the City of Takoma Park, will comply with all applicable requirements of the City's living wage law.

Authorized corporate, partner,
member, or proprietor signature: _____
Print name: _____
Title of authorized person: _____
Date: _____

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CITY OF TAKOMA PARK
GENERAL CONDITIONS

The General Conditions set out below shall apply to all formal solicitations for the City of Takoma Park, Maryland. Proposers are responsible for informing themselves of these requirements prior to submission of proposals. The term "bid" and "bidder" as used in these General Conditions, shall include the term "proposal" and "offeror."

I. RECEIPT OF PROPOSALS

If received after the Proposal due date set forth in the Request for Proposal, formal bids, amendments thereto, or requests for withdrawal of bids will not be considered.

Properly marked bids received prior to the Proposal Due Date will be securely kept unopened, in the office of the Director of Finance. The Director of Finance or her duly appointed representative will determine when the specified time has arrived and, with the following exception, no bid will be received thereafter. Should a bid arrive by mail after the due date, but before an award is made, and the Director of Finance is satisfied that the non-arrival was solely due to delay in the mail, beyond the bidder's responsibility, it will be received and considered.

No liability will attach to the City or appointed City representative(s) for the premature opening of an improperly addressed or improperly identified bid.

II. BID OPENING

When applicable, bidders are encouraged to attend the Public Bid Opening and offer constructive suggestions as to format or ways in which the City may realize greater savings. Bids are available for public inspection subsequent to the Public Bid Opening for a period of not less than 120 days. Abstracts and tabulations are not prepared for distribution. Bids are not subject to telephone recaps unless the City Manager deems it feasible to do so.

Unless otherwise specified by the City, all formal bids submitted will be binding for City acceptance for one hundred eighty (180) days from the date of the bid opening.

III. AWARD OR REJECTION OF PROPOSALS

A contract will be awarded to a responsive and responsible bidder. Unless otherwise specified, the City reserves the right: (1) to award in part or in whole, (2) to reject any or all bids, (3) to waive any information in bids, and (4) to award so as to best serve the interest of the City.

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The City also reserves the right to reject the proposal of a bidder who has previously failed to perform properly or complete on time contracts of a similar nature, or a proposal of a bidder who, investigation shows, is not in a position to perform the contract.

The bidder must supply all information required by the Request for Proposal, Instructions to Bidders, Specifications, and Bid Forms. The Bid Form must include an itemization of costs and hours. Failure to supply all information may result in disqualification of the bid.

A written notice of award (or acceptance of bid) shall be provided to the successful bidder within the specified acceptance period. If a formal contract is required, it will be written and issued for execution.

IV. QUOTATION

Prices proposed shall not include Federal, State, or Local taxes. The City of Takoma Park is exempt from taxes, however, the contractors/vendors are not agents and/or employees of Takoma Park. Therefore, contractors/vendors shall pay all applicable taxes that may arise while attempting to obtain goods, services, and/or any other merchandise for this bid.

Bidders must submit any and all exceptions to conditions of specifications in writing at time of bid as part of the bid submission.

The City reserves the right to require a performance bond as it deems may be in the City's best interest to do so at time of award.

V. PURCHASER'S RIGHT OF SELECTION

The City reserves the right to accept proposals by items or as a whole, or in its discretion, reject any and all proposals and re-advertise. The City reserves the right to award items to various vendors. The City reserves the right to increase or decrease the estimated quantities. The City reserves the right to reject any and all proposals which comply with these specifications, or to accept a higher bid which complies, provided that, in the judgement of the City, the items offered under the higher bid have additional values or functions which justify the difference in price.

VI. BILLING AND PAYMENT

Original and one copy shall be forwarded to the City of Takoma Park. Payment will be made only upon final acceptance by the City of Takoma Park. Refer to the Price Section of RFP.

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VII. RESERVATIONS AND ANNULMENTS

The right is reserved by the City to reject bids for any and all of the items, and/or to waive technical defects if in its judgement the interest of the City shall so require. The City also reserves the right to annul any contract, if in its opinion there will be a failure, at any time, to perform faithfully any of its stipulations. Any willful attempt to impose upon the City materials, products, and/or workmanship inferior to that required by the Contract, or any action taken in a pursuance of this latter stipulation will not affect or impair any rights or claims of the City to damages for the breach of any covenant of the Contract by the Contractor.

Should the Contractor fail to comply with the conditions of this Contract or fail to complete the required work within the time stipulated in the Contract, except for the circumstances beyond his control, including but not limited to an Act of God, war, flood, governmental restrictions and inability to obtain transportation, the City reserves the right to complete the required work at the expense of the Contractor, and to withhold all money that may be due or become due and apply same to any incurred expenses to the City that may be consequent on the Contractor's failure.

Should the Contractor be prevented from furnishing any item or items, or from completing the required work included in this Contract, by reason of such failures caused by circumstances beyond his control, including but not limited to an Act of God, war, flood, governmental action, and inability to obtain transportation, the City reserves the right to withdraw such items or required work from the operation of this contract without incurring further liabilities on the part of the City thereby.

VIII. SUB-CONTRACTORS

The Contractor shall give its personal attention constantly to the faithful execution of this Contract, shall keep the same under his control, and shall not assign by power of attorney or otherwise, sublet the work or any part thereof without the previous consent of the City Manager in writing of the name of such sub-contractor intended to employ, the portion of the material to be furnished, their place of business, and such other information as the City Manager may require.

The Contractor shall not legally or equitably assign any of the monies payable under the contract or its claim thereto, unless by and with like consent of the City Manager.

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IX. **COMPLIANCE WITH SPECIFICATIONS**

The Contractor shall abide by and comply with the true intent of the specifications and not take advantage of any unintentional error or omission, but shall fully complete every part as the true intent and meaning of the specifications, as decided by the City Manager and as described herein.

X. **CONTRACTOR'S CERTIFICATION OF NON-INVOLVEMENT IN THE NUCLEAR WEAPONS INDUSTRY (REQUIRED)**

All proposers shall fulfill requirements of Section 6 of Takoma Park Ordinance No. 2703, Takoma Park Nuclear Free Zone Act, by furnishing, as an attachment with the proposal, a notarized original of the Contractor's Certification of NON-INVOLVEMENT in the Nuclear Weapons Industry.

XI. **CONFLICT OF INTEREST**

No employee of the City will be entitled to any share or part of this Contract or to any benefit that may arise therefrom.

XII. **CONTRACT**

The proposal, with respect to all items accepted, and all papers accompanying the same, including the Schedule and continuation sheets, if any, the Specifications, the Instructions to Bidders, these General Conditions, and other papers and documents referred to in any of the foregoing, including lease or purchase agreements and service contracts, shall constitute the formal Contract between the bidder and the City of Takoma Park.

The foregoing conditions will be binding on all sealed bid solicitations unless specifically deleted or amended by reference within the bid documents.

XIII. **BREACH OF CONTRACT**

The City has the option to deem the Contractor in breach of Contract for any or all of the following reasons:

- Repeat violations of any of the Contract terms,
- Criminal conduct,
- Incompetence or negligence in carrying out the Contract terms, and/or
- Abandonment of work due to bankruptcy.

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If the City determines the Contractor to have breached the Contract, the City shall notify the Contractor by written notice of the determination of breach of Contract. The City may also grant the Contractor an opportunity to cure the breach within fifteen (15) days from the date of receipt of notice. The City may also, at its option, elect to terminate the Contract upon ten (10) days notice to the Contractor. This notice of termination may be included in the City's written notice of Breach of Contract. The City shall not be obligated to pay the Contractor any additional sum after the Contract termination for services performed or supplies delivered after the Contract termination date. Furthermore, the City may pursue whatever legal action is at its disposal to recover financial damages or excess costs which result from default of services, including withholding any payment for services performed prior to determination of breach, conclusive upon the parties thereto. In the meantime, the Contractor shall diligently proceed with the work as directed. It is further agreed that the above procedures will be considered precedent to litigation and payment.

XIV. COVENANT AGAINST CONTINGENCY FEES

The undersigned person authorized to execute this agreement on behalf of the contracting firm hereunder warrants that he or she or any member of the contracting firm has not employed or retained any representative, individual or firm, other than a bona fide employee working solely for the contracting professional or firm to solicit or secure any contracts hereunder and furthermore warrants that there has not been any payment or promise or agreement to pay anyone a fee, commission, percentage, gift, or any other consideration contingent upon or resulting from the award of a contract under this proposal.

XV. AWARDS

It is the intention to award this Contract to the proposer submitting the most favorable price with consideration being given to the proposal's ability to perform the Contract. The City reserves the right to make awards according to the best interest of the City of Takoma Park, Maryland.

XVI. INSURANCE/TAX BENEFITS

Prior to commencement of work under any contract awarded as a result of the proposal, the proposer must obtain at its own expense and keep in force for the term of any contract sufficient amount of worker's compensation insurance and general commercial liability insurance. The City must be named as an additional insured on all liability policies. The proposal should include a statement agreeing to this provision. All income taxes, retirement, workers' compensation, and other fringe benefits shall be the responsibility of the firm.

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XVII. LIVING WAGE REQUIREMENTS CERTIFICATION (REQUIRED)

This RFP is subject to the City of Takoma Park's living wage requirement for service contracts. The "Living Wage Requirements Certification" must be completed and submitted with your proposal. If you fail to submit and complete the required material information on the Living Wage Requirements Certification, then your proposal is unacceptable under the City of Takoma Park law and will be rejected.

The current mandatory living wage rate, payable by a contractor to employees under the City's living wage law, is \$13.20 per hour through June 30, 2012. The living wage rate is adjusted as of July 1 of each year to reflect the most current Montgomery County living wage rate and shall be applicable to any contract awarded thereafter until the date of the next adjustment. Notice of adjustments to the living wage rate can be found on the City's website (www.takomaparkmd.gov). Also, the City's living wage law reference is Takoma Park Code § 7.08.180 et. seq. (Ordinance No. 2007-55) and is available at the same website (click on Code).