

CITY OF FORNEY, TEXAS
RFQ #2021-006



**REQUEST FOR QUALIFICATIONS FOR
AMERICAN RESCUE PLAN ACT
CONSULTANT SERVICES**

**RFQ ISSUED:
November 3, 2021**

**RFQ SUBMITTALS DUE:
November 29, 2021**

RFQ #2021-006
Invitation for Proposals
American Rescue Plan Act
Consultant Services
City of Forney, Texas

The City of Forney is soliciting proposals from qualified individuals, firms or corporations to provide a range of management and administrative services for the American Rescue Plan Act funding for the City of Forney, Texas.

Qualifications may be submitted by courier or hand delivered to Deborah Woodham, Finance Director, City of Forney, 101 E. Main St., Forney, Texas 75126, or mailed to P.O. Box 826, Forney, Texas 75126. Mark envelope in the lower left corner "RFQ No. 2021-006; American Rescue Plan Act – Consultant Services," so the proposals will not be opened until the appointed hour. Proposals submitted must be received before proposal closing on November 29, 2021 at 3:00 p.m. Faxed proposals will not be accepted.

GENERAL CLAUSES AND CONDITIONS

1. If you have questions regarding the preparation of your proposal or for technical questions, you may contact Deborah Woodham, Finance Director, at (972) 552-6468 or email at: dwoodham@forneyTX.gov.
2. **Protection of Resident Workers:** The City of Forney actively supports the Immigration and Nationality Act (INA), which includes provisions addressing employment eligibility, employment verification, and nondiscrimination. Under the INA, employers may hire only persons who may legally work in the United States (i.e., citizens and nationals of the U.S.) and aliens authorized to work in the U.S. The employer must verify the identity and employment eligibility of anyone to be hired, which includes completing the Employment Eligibility Verification Form (I-9). The Contractor shall establish appropriate procedures and controls so no services or products under the Contract Documents will be performed or manufactured by any worker who is not legally eligible to perform such services or employment.
3. **Laws and Ordinances:** The Contractor shall at all times observe and comply with all Federal, State and local laws, ordinances and regulations which in any manner affect the Contract or the work and shall indemnify and save harmless the City against any claim arising from the violation of any such laws, ordinances and regulations whether by the Contractor or his employees.
4. Mailed proposals must be received as 1 (one) original and 3 (three) copies prior to the closing date and time to be considered. Mailed proposals must be submitted in sufficient time to be received and time-stamped at the above location on or before the published date and time shown on the RFQ. The City of Forney will not be responsible for mail delivered from the post office. Proposals received after the published time and date cannot be considered and will be returned unopened.
5. Proposals will be received and publicly acknowledged at the location, date and time stated above. Only the name of the proposers responding to this request for qualifications shall be released at the proposal opening. Other information submitted by the proposer shall not be released by the City during the proposal

- evaluation process or prior to contract award. At no time will confidential information, as noted by the proposer, be released.
6. Proposer shall attach official documentation from the State of Texas or other qualified certification agency of M/WBE status of your company with proposal. The data is for informational purposes only and will not affect the proposal award.
 7. A completed W-9 form will be required within five business days of execution of the professional services agreement with the successful proposer.
 8. The attached Non-Exclusion Affidavit for General Contractors must be signed, notarized and submitted with the proposal.
 9. A representative of the proposing entity who is authorized to enter into contract on behalf of the proposing entity must manually sign proposals in ink. The person signing the proposal must indicate his/her title along with signature. Proposals received without proper signature will not be considered.
 10. The City of Forney reserves the right to reject any and all proposals, waive formalities, and enter into or cease contract negotiations with any proposer.
 11. The City is not liable for any cost incurred by Proposers in replying to this RFQ. This includes costs to determine the nature of the proposal, submitting, negotiating, presentations or any other costs a vendor would incur in responding to the RFQ.
 12. Proposers shall complete all information requested and provide any additional information necessary for the City to review the qualifications of the proposer.
 13. The City is exempt from all sales and excise taxes.
 14. The City of Forney reserves the right to evaluate variations from these specifications. If exceptions are made or scope of work is amended, such changes shall be contemplated during contract negotiations.
 15. It shall be understood all proposals, responses, inquiries or correspondence relating to or in reference to this RFQ, and all reports, charges and proposal or referencing information submitted in response to this RFQ shall become the property of the City and will not be returned. The City will use discretion with regard to disclosure of proprietary information contained in any response but cannot guarantee information will not be made public. As a governmental entity, the City is subject to making records available for disclosure.
 16. All restrictions on the use of data contained within a proposal and all confidential information must be clearly stated in the proposal. Proprietary information submitted in a proposal, or in response to the RFQ, will be handled in accordance with the Texas Open Records Law and other applicable state statutes.
 17. It is the Proposer's responsibility to check for any addendums that might have been issued before the proposal closing date and time.
 18. The proposal evaluation process will occur after the closing date. An evaluation team will review the proposals. Criteria described in this RFQ will be considered, as well as any other factors the evaluation team determines may affect the

suitability of the proposal for the City's requirements. Proposer's submission of a proposal constitutes their acceptance of the evaluation technique.

19. Proposers must comply with the minimum insurance requirements of the City of Forney as appropriate to final contract terms. The minimum insurance requirements are noted in Attachment A.

SPECIAL PROVISIONS

1. **DISCLOSURE OF CONFLICT OF INTEREST AND COMPLIANCE WITH ALL OTHER APPLICABLE LAWS**

Proposer shall at all times observe and comply with all Federal, State and local laws, ordinances and regulations including all amendments and revisions thereto, which in any manner affect Proposer or the services and/or items to be provided, specifically and not limited to any laws relating to conflicts of interest. In particular, Proposer is put on notice that City will require compliance with Chapter 176 of the Texas Local Government Code (hereinafter referred to as the "Act") requiring any person who contracts or seeks to contract with the City to disclose potential conflicts of interest as defined in the Act by completing the Conflict of Interest Questionnaire included in this RFQ and returning it to the City in accordance with the provisions of the Act. Failure to comply with any applicable laws, including the provisions of the Act, may result in: i) the forfeiture by Proposer of all benefits of the Contract; ii) the retainage by City of all services performed by Proposer, and iii) the recovery by City of all consideration, or the value of all consideration, paid to Proposer pursuant to any awarded contract.

The attached Conflict of Interest Questionnaire shall be submitted with the proposal submittal.

2. The successful proposer's rights and duties awarded by the contract may not be assigned to another without written consent of the City signed by the City's authorized agent. Such consent shall not relieve the assigned of liability in the event of default by the assignee.
3. Any deviations from specifications and alternate proposals must be clearly shown with complete information provided by the proposer. They may or may not be considered by the City.
4. No oral statement of any person shall modify or otherwise change, or affect the terms, conditions or specifications stated in the resulting contract. All change orders to the contract will be made in writing and shall not be effective unless signed by an authorized representative of the City.
5. The City reserves the right to require additional technical information and negotiate all elements which comprise the proposal to ensure that the best possible consideration be afforded to all concerned. The City reserves the right to accept all or part of any proposal, to reject any or all proposals and to re-solicit for proposals.

6. All questions must be submitted via fax or email by 12:00 p.m. on Friday, November 19, 2021, to Deborah Woodham, Director of Finance at dwoodham@forneytx.gov prior to proposal closing date.
7. The following RFQ Schedule of Events represents the best estimate of the schedule the City will follow. The City plans to meet the dates described below. If a component of the schedule is delayed, it shall be anticipated that the remaining components will be delayed by a similar number of days. Any significant change to the schedule will be published via RFQ Addendum.

Event	Estimated Date
Request for Qualifications Published	November 3, 2021
Deadline for Questions from Vendors	November 19, 2021
Final Addendum for Questions Published	November 23, 2021
Deadline for Proposal Submissions	November 29, 2021
Evaluation of Proposals/ Contract Negotiations	December 13, 2021
City Council Approval	December 21, 2021

8. Proposers shall submit a total of five (5) work references.
9. Proposers shall fill out the following required documents, as noted in the RFQ. If the following forms are not included, the proposal may be considered non-responsive.

Check List:

- Conflict of Interest Questionnaire
- Non-Exclusion Affidavit for General Contractors

DISCLOSURE OF CERTAIN RELATIONSHIPS WITH LOCAL GOVERNMENT OFFICERS; PROVIDING PUBLIC ACCESS TO CERTAIN INFORMATION

Chapter 176 is an ethics law that requires certain local government officials to disclose employment and business relationships with vendors who conduct business with local government entities. The law defines a “vendor” as any person who enters or seeks to enter a contract with the city. The term also includes an agent of a vendor.

Local government officers subject to this law are a city council member, director, superintendent, administrator, president, city manager, or any other person who is designated as the executive officer of the local government entity. A municipal officer’s family member would include the officer’s spouse, father, mother, son, daughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, or stepchild.

The law applies to any written contract for the sale or purchase of real property, goods, or services. A contract for services would include one for skilled or unskilled labor, or for professional services.

A vendor is required to file a conflict of interest questionnaire if the vendor has a business relationship with the city and has:

1. An employment or other business relationship with an officer or an officer’s family member that results in that person receiving taxable income that is more than \$2,500 in the preceding twelve months; or
2. Has given an officer or an officer’s family member one or more gifts totaling more than \$250 in the preceding twelve months.

A vendor is required to file a questionnaire not later than the seventh business day after the later of the following:

1. The date the vendor begins discussions or negotiations to enter into a contract with the city or submits an application or response to a bid proposal; or
2. The date the vendor becomes aware of a relationship or gives a gift to an officer or officer’s family member.

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session. This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).
By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.
A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

2 Check this box if you are filing an update to a previously filed questionnaire.

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

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

Name of Officer

This section (item 3 including subparts A, B, C, & D) must be completed for each officer with whom the vendor 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.

A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the vendor?

Yes No

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

Yes No

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 interest of one percent or more?

Yes No

D. Describe each employment or business and family relationship with the local government officer named in this section.

4

Signature of vendor doing business with the governmental entity

Date

Adopted 8/7/2015

Non-Exclusion Affidavit for General Contractors

Federal, state, and local government agencies, not-profits, and other organizations that use federal money to fund all or part of any program or project are required to follow specific requirements regarding the use of such federal funds. One of these requirements is that no contract, subcontract, grant, financial assistance, or other forms of assistance provided using federal funds may be awarded to individuals or entities that have been suspended, debarred, or otherwise excluded from participation in federally funded programs.

The U.S. federal government maintains a Web site known as the “System for Award Management” (SAM) at www.sam.gov. One of the purposes of the SAM Web site is to provide a comprehensive list of all individuals, firms, and other entities that have been suspended, debarred, or otherwise excluded from participation in federally funded contracts, subcontracts, grants, etc. SAM provides a simple means of helping government, non-profit agencies, and other organizations ensure that they do not award federally-funded grants, contracts, subcontracts, or other financial or non-financial benefits to any individual, firm, or other entity that has been excluded by any agency from participation in such federally funded activities.

I, _____ (Contractor Representative), hereby certify that neither I nor _____ (Name of the company or organization I represent) nor any subcontractors that I or said company may employ to work on any federally funded activity have been suspended, debarred, or otherwise excluded by any federal agency from participation in any federally funded activity. I further acknowledge my understanding that, before entering into a contract with me or with the company or organization I represent, City of Forney staff will perform a search on www.sam.gov to verify whether I, the organization I represent, or any subcontractors I may employ to work on any federally funded activity, have been excluded from participation in any federally funded activity.

Signature of Contractor Representative

Date

Sworn to and subscribed before me this ____ day of _____, 20__

Notary Public in and for _____ County, _____ (Insert State Name)

PROPOSAL EVALUATION

A committee comprised of City staff will evaluate each statement of qualifications that conform to the instructions in the RFQ. The committee's recommendation of preferred firm or firms will be submitted to the City Council for approval to proceed in the evaluation and contract process.

Selected firms may be invited to participate in interviews or oral presentations as deemed necessary by the committee where the firm may elaborate on their submission. Travel costs of such an interview, if any, shall be borne by the proposer.

The selection of the firm and the execution of a contract, while anticipated, are not guaranteed by the City. The City reserves the right to determine which offering is in the City's best interest and to award a contract on that basis, and to negotiate with any potential proposer (after proposals are reviewed) if such is deemed in the best interest of the City.

Sealed Proposal Submission

Proposals shall be sealed and clearly marked with the Proposer's name and return address and indicate the proposal number and title. Facsimile or e-mail submitted proposals will not be accepted. Proposals received after the deadline cannot be considered and will be returned unopened. The City is not responsible for delays by the U.S. Postal Service, the internal mail delivery system of the City, or any other delivery method employed by the Proposer.

Proposers or their authorized representatives are expected to be fully informed as to the general terms and conditions, requirements and specification of this Proposal Invitation before submitting proposals. Failure to do so will be at the proposer's own risk.

CRITERIA FOR EVALUATION IN ORDER OF IMPORTANCE:

A proposer's technical qualifications and experience will be evaluated. Interviews may be conducted with only the most qualified proposers with the best responsive and responsible submissions.

The selection will be based on the following criteria:

1. The firm's approach and understanding of the Scope of Services required in the RFQ as evidenced by its proposal, including whether all requested information was furnished in the format required by the RFQ.
2. Experience and background of the specific personnel that will be assigned to the City's project as outlined in the proposal, including consideration of the specific involvement of those persons in projects as noted in the proposal.
3. Past record of performance and experience on similar projects, including strength of references listed in the proposal. Capacity and capability of the firm to perform the work. Experience with city government and federal regulations.

PROPOSAL INFORMATION

RFQ for American Rescue Plan Act – Consultant Services

As part of the American Rescue Plan Act of 2021 (ARPA), the City anticipates receiving approximately \$6.7 million in additional funds to address local needs generated by the COVID-19 pandemic. The City is seeking a professional consulting firm to provide expertise in ensuring compliance with federal regulations while maximizing the recovery of and beneficial uses of the ARPA dollars in the local community.

Background

The City of Forney, Texas, is located in northwestern Kaufman County, with quick access to the City of Dallas on Highway 80 or Interstate 20. The incorporated area of Forney is approximately 13.14 square miles. The current population is estimated at 26,820. The City has 23 departments and approximately 20 individual funds with annual revenues exceeding \$65,688,000.00.

The City of Forney provides a full range of services, including police and fire protection, streets, health and sanitation services, libraries and recreation, public improvements, planning and zoning, and general administrative services. Additionally, water and sewer utility services and drainage utility services are provided under an enterprise fund concept, with user charges set by the City Council to ensure adequate coverage of operating expenses and payments on outstanding debt where applicable.

The City of Forney is a Home Rule City operating under a Council-Manager form of government. The City Council consists of the Mayor and six council members. Council members serve two-year terms and are responsible for appointing the City Manager, Municipal Judge, City Attorney, City Secretary, and members of various boards and commissions. The Mayor and six council members are elected at large. The City Manager serves as the administrative head of the municipal government and is responsible carrying out policies and for daily management of the City.

For additional information on the City please review the City's Financial Reports on our website at <https://www.cityofforney.org/273/Transparency-Portal>.

Scope of Work

The consultant shall provide services to the City in accordance with the scope of services provided herein.

Each proposal must include the following components: Organizational Profile, Proposed Services for ARPA Funding Compliance, Proposed Fees for Services and References. Each component shall include the information requested below.

Organizational Profile

1. Company name, address and contact information
2. Federal Identification Number
3. Overview of firm
4. Individuals assigned to manage and execute the engagement (location and resources)

5. Experience with programmatic and policy advice on federal disaster relief programs
6. Experience with reviewing contracts and purchasing documentation to ensure cost recovery and compliance of expenditures using federal funds
7. Any other useful information

If company is a partnership, state the name and address of all general and limited partners associated with the office responding to the RFQ.

Proposed Services for ARPA Funds Administration

The ideal consulting firm will have demonstrated experience in programmatic disaster recovery and must have intimate knowledge and expertise in the areas of compliance with the federal Office of Management and Budget (OMB)'s Uniform Guidance 2 CFR, Part 200 federal funding requirements, including but not limited to federal acquisition requirements, and operations of the FEMA Public Assistance Program. The City is seeking services in the following areas:

Cost Recovery and Emergency Advisory Services Assessment, Planning and Decision Making Application, Reimbursement Request Review, Funding and Cost Reimbursement and Compliance Monitoring and Reporting. Consulting firm must have an understanding of the intricacies of the laws, regulations, policies, timelines, requirements, processes, and systems that govern eligibility and reporting for FEMA, HUD, HHS and other deferral agencies. Consulting firm must have the ability to perform services remotely with access to electronic tools.

The selected consulting firm shall assist the City with the following duties as mutually agreed upon:

- Assist in developing appropriate policies and procedures for use of ARPA funds.
- Provide expert guidance and advisory services regarding all applicable legislation, regulations, policies, and rules related to federal recovery funds.
- Provide support for strategic planning and coordination of all recovery efforts
- Review contracts and purchasing documentation to ensure cost recovery and compliance of expenditures using federal funds
- Identify potential improvements and maximize public assistance/American Rescue Plan Act funding in conjunction with the City
- Provide oversight and guidance to guarantee compliance with OMB Uniform Guidance 2 CFR, Part 200, including performing internal control risk assessments as required
- Review and assist with processing payment requests, determining allowable costs, with scope of review and assistance to be set by City
- Represent the City of Forney and attend meetings with FEMA, U.S. Treasury, or other agencies as may be necessary on behalf of the City
- Provide the City with grant/funding close-out services to ensure funding is retained
- Resolve any requests for information, justification, audit findings and eligibility appeals
- Streamline reporting process to ensure continued compliance and provide post-award grants administration

References

Include five (5) work references with the following information: name of client, address, phone numbers/emails, dates of contract period, description of services provided and contract amounts.

Questions

Proposers are asked to examine this RFQ upon request. All questions or clarifications shall only be directed in writing via fax or e-mail to Deborah Woodham, Finance Director, before the designated deadline for written questions. Questions received after the date specified above may not receive response. Any contact or attempt to contact any other employee of the City regarding this RFQ may result in the immediate disqualification of the Proposer. Oral and other interpretations or clarifications will be without legal effect. Only questions answered by formal written addenda will be binding.