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REQUEST FOR PROPOSALS (RFP)

No. 2018-A

Annual Audit Services

WARNING: Section 1001 of Title 18 of the U.S. Code makes it a criminal offense to make willful false statements or misrepresentations to any Department or Agency of the United States as to any matter within its jurisdiction.

Kearney Housing Agency does not discriminate on the basis of handicap, race, color, religion, sex, familial status, marital status, actual or perceived gender identity or sexual orientation, or national origin in the admission or access to, or treatment or employment in its federally assisted programs and activities.

Equal Opportunity Housing

The services of a Spanish speaking interpreter are provided to all applicants and residents with no cost to the applicant or resident.



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INTRODUCTION

The Kearney Housing Agency (hereinafter, “the Agency”) is a public entity that was formed in 1959 to provide federally subsidized housing and housing assistance to low-income families, within the City of Kearney, NE. The Agency is headed by an Executive Director (ED) and is governed by a six-person board of commissioners and is subject to the requirements of Title 24 of the Code of Federal Regulations (hereinafter, “CFR”) and the Agency’s procurement policy.

Currently, the Agency owns and/or manages: 467 units rental or voucher units across 2 counties in Nebraska.

In keeping with its mandate to provide efficient and effective services, the Agency is now soliciting proposals from qualified, licensed and insured entities to provide the above noted services to the Agency. All proposals submitted in response to this solicitation must conform to all the requirements and specifications outlined within this document and any designated attachments in its entirety.

RFP INFORMATION AT A GLANCE

[Table No. 2]

AGENCY CONTACT PERSON (NOTE: Unless otherwise specified, any reference herein to “Contracting Officer” or “(CO)” shall be a reference to Ms. Ausmus.)	Carrie Hardage, Executive Director Telephone: (308) 234-3000 E-Mail: director@kearneyhousingagency.com TDD/TTY: (308) 234-3000
HOW TO OBTAIN THE RFP DOCUMENTS ON THE EPROCUREMENT MARKETPLACE	<ol style="list-style-type: none"> 1. Access ha.economicengine.com (no “www”). 2. Click on the “Login” button in the upper left side. 3. Follow the listed directions. 4. If you have any problems in accessing or registering on the Marketplace, please call customer support at (866)526-9266.
PRE-PROPOSAL CONFERENCE	NONE SCHEDULED
DEADLINE TO SUBMIT QUESTIONS	September 30, 2018, 2:00 PM CST
HOW TO FULLY RESPOND TO THIS RFP BY SUBMITTING A PROPOSAL SUBMITTAL	<ol style="list-style-type: none"> 1. As directed within Section 3.2.1 of the RFP document, submit certain proposed pricing where provided within the eProcurement Marketplace. 2. As instructed within Section 3.0 of the RFP document, submit 3 copies of your “hard copy” proposal to the Agency.
PROPOSAL SUBMITAL RETURN & DEADLINE	October 11, 2018, 2:00 PM CST Kearney Housing Agency 2715 Avenue I, Kearney, NE 68847 *(The proposed costs must be entered within the eProcurement Marketplace and the sealed “hard copy” proposal must be received in-hand and time-stamped by the Agency by no later than 2:00 PM CST on this date).

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1.0 THE AGENCY'S RESERVATION OF RIGHTS. The Agency reserves the right to:

- 1.1 **Right to Reject, Waive, or Terminate the RFP.** Reject any or all proposals, to waive any informality in the RFP process, or to terminate the RFP process at any time, if deemed by the Agency to be in its best interests.
- 1.2 **Right to Not Award.** Not to award a contract pursuant to this RFP.
- 1.3 **Right to Terminate.** Terminate a contract awarded pursuant to this RFP, at any time for its convenience upon 10 days written notice to the successful proposer(s).
- 1.4 **Right to Determine Time and Location.** Determine the days, hours, and locations that the successful proposer(s) shall provide the services called for in this RFP.
- 1.5 **Right to Retain Proposals.** Retain all proposals submitted and not permit withdrawal for a period of 60 days subsequent to the deadline for receiving proposals without the written consent of the Agency Contracting Officer (CO).
- 1.6 **Right to Negotiate.** Negotiate the fees proposed by the proposer entity.
- 1.7 **Right to Reject Any Proposal.** Reject and not consider any proposal that does not meet the requirements of this RFP, including but not necessarily limited to incomplete proposals and/or proposals offering alternate or non-requested services.
- 1.8 **No Obligation to Compensate.** Have no obligation to compensate any proposer for any costs incurred in responding to this RFP.
- 1.9 **Right to Prohibit.** At any time during the RFP or contract process to prohibit any further participation by a proposer or reject any proposal submitted that does not conform to any of the requirements detailed herein. By accessing the ha.economicengine.com eProcurement Marketplace (hereinafter, the "eProcurement Marketplace" or the "Marketplace") and by downloading this document, each prospective proposer is thereby agreeing to abide by all terms and conditions listed within this document and within the Marketplace, and further agrees that he/she will inform the CO in writing within 5 days of the discovery of any item listed herein or of any item that is issued thereafter by the Agency that he/she feels needs to be addressed. Failure to abide by this time frame shall relieve the Agency, but not the prospective proposer, of any responsibility pertaining to such issue.
- 1.10 **Right to Reject - Obtaining Competitive Solicitation Documents.** The ha.economicengine.com eProcurement Marketplace is the only official and appropriate venue to obtain the RFP documents (and any other information pertaining to this RFP such as addenda). Accordingly, by submitting a response to this RFP the respondent thereby affirms that he/she obtained all information on the Marketplace. Any other group such as an association or a bid depository that informs potential respondents of the availability of such competitive solicitations are hereby instructed to not distribute these documents to any such potential respondents, but to instruct the potential respondents to visit the Marketplace to obtain the

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documents. The Agency will reject without consideration any response submitted from a firm that has not obtained the documents from the Marketplace.

2.0 SCOPE OF WORK/TECHNICAL SPECIFICATIONS. The Agency is seeking proposals from qualified, licensed, and insured entities to provide services that may include, but are not limited to, the following:

2.1 General Service Requirements. (PLEASE NOTE: It is the responsibility of each proposer, but especially the eventual successful proposer, to, prior to the submittal deadline during the period of time this RFP is posted, to inform the Agency for its consideration of any of the following information that is inaccurate or ineffective.)

2.1.1 Any audit that is performed by award of this RFP shall be performed in accordance with generally accepted auditing standards, and will additionally require compliance testing and a study of internal accounting controls. The successful proposer will be required to certify that every audit is performed in accordance with all applicable federal and state laws and regulations, and in accordance with Government Auditing Standards (GAGAS).

2.1.2 The Agency was last audited for the fiscal year end March 31, 2018. The programs the Agency will require the successful proposer to audit for the fiscal years ending March 31, 2019 (FYE 2019), March 31, 2020 (FYE 2020) and March 31, 2021 (FYE 2021), including the following Agency programs and item:

2.1.2.1 Kearney Housing Agency Programs

2.1.2.1.1 Low-Rent Public Housing Program with 118 units, including Capital Fund Program grants (CFP) for any years closed by date of on-site audit and any other subsequent programs awarded during this years.

2.1.2.1.2 Kearney Housing Agency Housing Choice Voucher Program with 133 vouchers including NED Vouchers and Homeownership Vouchers.

2.1.2.1.3 Plaza Boulevard Apartments, 48 units subsidized by USDA RD.

2.1.2.1.4 Kearney Housing Development Corporation, a 501(c)(3) organization, including Meals on Wheels.

2.1.2.1.5 Kearney Housing Agency Management Program

2.1.2.1.6 Kearney Housing Agency Elderly Supportive Services Program

2.1.2.2 Autumn Village Apartments, a Section 202 PRAC program with 15 units.

2.1.2.3 Gibbon Housing Agency Low-Rent Public Housing Program with 40 units, including Capital Fund Program grants (CFP) for years

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2018, 2019, and 2020 if closed by date of on-site audit and any other subsequent programs awarded during this years.

2.1.2.4 Minden Housing Agency Low-Rent Public Housing Program with 28 units, including Capital Fund Program grants (CFP) for years 2018, 2019, and 2020 if closed by date of on-site audit and any other subsequent programs awarded during this years.

2.1.2.5 Shelton Housing Authority Low-Rent Public Housing Program with 19 units, including Capital Fund Program grants (CFP) for years 2018, 2019, and 2020 if closed by date of on-site audit and any other subsequent programs awarded during this years.

2.1.3 The FYE 2019 audit must be performed and the report submitted according to Government requirements;

2.1.4 Once completed, the successful proposer will be required to submit to the Agency a total of 10 bound copies and one electronic copy of the Single Audit Report.

2.1.5 The successful proposer shall conduct the audit in full conformance with OMB Circular A-133 or the current regulations in effect at the time services are performed.

2.1.6 The successful proposer shall perform the agreed upon procedures related to the FDS submission process to REAC; and must have obtained the required REAC user access and UII Number.

2.1.7 Upload Audited REAC Submission. The Contractor shall mentor the Agency, typically by telephone, to complete this service.

2.2 Current Contractor. The Agency's current contractor for these services is Niewedde & Wiens CPAs, York, NE.

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3.0 PROPOSAL FORMAT.

- 3.1 Proposal Submittal.** The Agency intends to retain the Contractor pursuant to a “Best Value” basis, not a “Low Proposal” basis (“Best Value,” in that the Agency will, as detailed within the following Section 4.0, consider factors other than just cost in making the award decision). Therefore, so that the Agency can properly evaluate the offers received, all proposals submitted in response to this RFP must include, at a minimum the items included in the following table. None of the proposed services may conflict with any requirement the Agency has published herein or has issued by addendum.

[Table No. 3]

RFP Section	Description
3.1.1	Form of Proposal. This Form is attached hereto as Attachment A to this RFP document. This 2-page Form must be fully completed, executed where provided thereon and submitted as a part of the proposal submittal.
3.1.2	form HUD-5369-C (8/93), <i>Certifications and Representations of Offerors, Non-Construction Contract</i>. This Form is attached hereto as Attachment B to this RFP document. This 2-page Form must be fully completed, executed where provided thereon and submitted as a part of the proposal submittal.
3.1.3	Profile of Firm Form. The Profile of Firm Form is attached hereto as Attachment C to this RFP document. This 2-page Form must be fully completed, executed, and submitted as a part of the proposal submittal.
3.1.4	Proposed Services. As more fully detailed within Section 2.0, <i>Scope of Proposal/Technical Specifications</i> , of this document, the proposer shall, at a minimum, clearly detail within the information submitted documentation showing:
3.1.4.1	As detailed within Section 4.1, Evaluation Factor No. 2, herein, the proposer’s DEMONSTRATED TECHNICAL CAPABILITIES AND APPROACH to performing the services outlined in Section 2.0, <i>Scope of Work/Technical Specifications</i> , including the availability of staff with professional qualifications and technical abilities based on the Agency review of the detailed professional resumes for persons identified within areas (5) and (6) of Attachment C, <i>Profile of Firm Form</i> and any other staff that will be performing services as the result of award of this RFP.

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3.1.4.2		As detailed within Section 4.1, Evaluation Factor No. 3, herein, the RESULTS of the proposer's PEER REVIEW and the EXTERNAL QUALITY REVIEWS that the proposer may submit (NOTE: The Agency will place emphasis on the submitted Reviews associated with HUD-related work).
3.1.4.3		As detailed within Section 4.1, Evaluation Factor No. 4, the proposer's DEMONSTRATED RELEVANT EXPERIENCE in performing the same or similar services, including (and very importantly) the proposer's experience with low-income housing.
3.1.4.4		If appropriate, how staff are retained, screened, trained and monitored.
3.1.4.5		The proposed quality control program.
3.1.4.6		An explanation and copies of forms that will be used and reports that will be submitted and the method of submission of such reports (i.e. written; fax; Internet; etc.).
3.1.4.7		A complete description of the products and services the firm provides.
3.1.4.8		Proposed Engagement Letter. The proposer shall submit hereunder a copy of his/her proposed Engagement Letter. NOTE: Be aware that the Agency will not execute an Engagement Letter in lieu of executing the Sample Contract attached hereto at Attachment G (the Sample Contract <u>IS</u> the contract form that the Agency and the successful proposer will eventually execute); however, the Agency does recognize that the Engagement Letter can/may contain important contract performance information that can/may be in the best interests of the Agency to include as a part of the contract. Accordingly, the Agency reserves the right to include such Engagement Letter as an appendix to the contract after potential Agency-required revisions to the proposed Engagement Letter have been completed, especially revisions to clauses that may conflict with the Agency Sample Contract form.
3.1.5		Managerial Capacity/Financial Viability/Staffing Plan. The proposer entity must submit under this tab a concise description of its managerial and financial capacity to deliver the proposed services, including brief professional resumes for the persons identified within areas (5) and (6) of Attachment C, <i>Profile of Firm Form</i> . Such information shall include the proposer's qualifications to provide the services; a description of the background and current organization of the firm (including a current organizational chart).

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3.1.6		Client Information. The proposer shall submit a listing of former or current clients, including any other Public Housing Authority, for whom the proposer has performed similar or like services to those being proposed herein. The listing shall, at a minimum, include:
3.1.6.1		The client's name;
3.1.6.2		The client's contact name;
3.1.6.3		The client's telephone number;
3.1.7		Equal Employment Opportunity/Supplier Diversity. The proposer must submit under a copy of its Equal Opportunity Employment Policy and a complete description of the positive steps it will take to ensure compliance, to the greatest extent feasible, with the regulations detailed within the following Section 3.6 herein pertaining to supplier diversity (e.g. small, minority-, and women-owned businesses).
3.1.8		Subcontractor/Joint Venture Information (Optional Item). The proposer shall identify whether or not he/she intends to use any subcontractors for this job, if awarded, and/or if the proposal is a joint venture with another firm. Please remember that all information required from the proposer under the preceding sections must also be included for any major subcontractors (10% or more) or from any joint venture.
3.1.9		Section 3 Business Preference Documentation (Optional Item). For any proposer claiming a Section 3 Business Preference, he/she shall include the fully completed and executed Section 3 Business Preference Certification Form attached hereto as Attachment D and any documentation required by that form.
3.1.10		Other Information (Optional Item). The proposer may include any other general information that the proposer believes is appropriate to assist the Agency in its evaluation.

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3.2 Entry of Proposed Fees. *The proposed fees shall be submitted by the proposer and received by the Agency where provided within the online eProcurement Marketplace only. Do not submit, enter, or refer to any fees or costs within the “hard copy” proposal submittal detailed within the preceding Section 3.0 herein—any proposer that does so may, at the Agency’s discretion, be rejected without further consideration. Further, there is not a charge by the Marketplace to the proposers for entering any of these costs on-line.*

3.2.1 Pricing Items. The proposed fees (Pricing Items) shall be submitted by the proposer and received by the Agency where provided within the eProcurement Marketplace only. Do not submit, enter, or refer to any fees or costs within the “hard copy” proposal submittal detailed within Section 3.0—any proposer that does so may be rejected without further consideration. Unless otherwise stated, the proposed fees are all-inclusive of all related costs that the successful proposer will incur to provide the noted services, including, but not limited to: employee wages and benefits; clerical support; overhead; profit; licensing; insurance; materials; supplies; tools; equipment; long distance telephone calls; travel expenses; document copying not specifically otherwise agreed to by the Agency; etc.

[Table No. 4]

RFP Section	Item No.	Qty	U/M	Description
2.1.2.1.1	1	1	Each	Firm-fixed Fee for Kearney Housing Agency Public Housing Annual Audit Services pertaining to FYE 2019
2.1.2.1.1	2	1	Each	Firm-fixed Fee for Kearney Housing Agency Public Housing Non-audit Service (financial statement preparation) pertaining to FYE 2019
2.1.2.1.1	3	1	Each	Firm-fixed Fee for Kearney Housing Agency Public Housing REAC Submission Services pertaining to FYE 2019
2.1.2.1.1	4	1	Each	Firm-fixed Fee for Kearney Housing Agency Capital Fund Audit Services pertaining to any grants closed by the date of the on-site audit
2.1.2.1.1	5	1	Each	Firm-fixed Fee for Kearney Housing Agency Capital Fund Non-audit Service (financial statement preparation) pertaining to any grants closed by the date of the on-site audit

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2.1.2.1.1	6	1	Each	Firm-fixed Fee for Kearney Housing Agency Capital Fund REAC Submission Services pertaining to any grants closed by the date of the on-site audit
2.1.2.1.2	7	1	Each	Firm-fixed Fee for Kearney Housing Agency HCV Annual Audit Services pertaining to FYE 2019
2.1.2.1.2	8	1	Each	Firm-fixed Fee for Kearney Housing Agency HCV Non-audit Service (financial statement preparation) pertaining to FYE 2019
2.1.2.1.2	9	1	Each	Firm-fixed Fee for Kearney Housing Agency HCV REAC Submission Services pertaining to FYE 2019
2.1.2.1.3	10	1	Each	Firm-fixed Fee for Plaza Boulevard Apartments Annual Audit Services pertaining to FYE 2019
2.1.2.1.3	11	1	Each	Firm-fixed Fee for Plaza Boulevard Apartments Non-audit Service (financial statement preparation) pertaining to FYE 2019
2.1.2.1.3	12	1	Each	Firm-fixed Fee for Plaza Boulevard Apartments USDA Submission Services pertaining to FYE 2019
2.1.2.1.4	13	1	Each	Firm-fixed Fee for KHDC Annual Audit Services pertaining to FYE 2019
2.1.2.1.4	14	1	Each	Firm-fixed Fee for KHDC Non-audit Service (financial statement preparation) pertaining to FYE 2019
2.1.2.1.4	15	1	Each	Firm-fixed Fee for KHDC REAC Submission Services pertaining to FYE 2019
2.1.2.1.5	16	1	Each	Firm-fixed Fee for KHA Management Program Annual Audit Services pertaining to FYE 2019
2.1.2.1.5	17	1	Each	Firm-fixed Fee for KHA Management Program Non-audit Service (financial statement preparation) pertaining to FYE 2019
2.1.2.1.5	18	1	Each	Firm-fixed Fee for KHA

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				Management Program REAC Submission Services pertaining to FYE 2019
2.1.2.1.6	19	1	Each	Firm-fixed Fee for ESS Program Annual Audit Services pertaining to FYE 2019
2.1.2.1.6	20	1	Each	Firm-fixed Fee for ESS Program Non-audit Service (financial statement preparation) pertaining to FYE 2019
2.1.2.1.6	21	1	Each	Firm-fixed Fee for ESS Program REAC Submission Services pertaining to FYE 2019
2.1.2.2	22	1	Each	Firm-fixed Fee for Autumn Village Apartments Annual Audit Services pertaining to FYE 2019
2.1.2.2	23	1	Each	Firm-fixed Fee for Autumn Village Apartments Non-audit Service (financial statement preparation) pertaining to FYE 2019
2.1.2.2	24	1	Each	Firm-fixed Fee for Autumn Village Apartments REAC Submission Services pertaining to FYE 2019
2.1.2.3	25	1	Each	Firm-fixed Fee for Gibbon Housing Agency Annual Audit Services pertaining to FYE 2019
2.1.2.3	26	1	Each	Firm-fixed Fee for Gibbon Housing Agency Non-audit Service (financial statement preparation) pertaining to FYE 2019
2.1.2.3	27	1	Each	Firm-fixed Fee for Gibbon Housing Agency REAC Submission Services pertaining to FYE 2019
2.1.2.3	28	1	Each	Firm-fixed Fee for Gibbon Housing Agency Capital Fund Audit Services pertaining to any grants closed by the date of the on-site audit
2.1.2.3	29	1	Each	Firm-fixed Fee for Gibbon Housing Agency Capital Fund Non-audit Service (financial statement preparation) pertaining to any grants closed by the date of the on-site audit
2.1.2.3	30	1	Each	Firm-fixed Fee for Gibbon Housing Agency Capital Fund REAC Submission Services pertaining to

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				any grants closed by the date of the on-site audit
2.1.2.4	31	1	Each	Firm-fixed Fee for Minden Housing Agency Annual Audit Services pertaining to FYE 2019
2.1.2.4	32	1	Each	Firm-fixed Fee for Minden Housing Agency Non-audit Service (financial statement preparation) pertaining to FYE 2019
2.1.2.4	33	1	Each	Firm-fixed Fee for Minden Housing Agency REAC Submission Services pertaining to FYE 2019
2.1.2.4	34	1	Each	Firm-fixed Fee for Minden Housing Agency Capital Fund Audit Services pertaining to any grants closed by the date of the on-site audit
2.1.2.4	35	1	Each	Firm-fixed Fee for Minden Housing Agency Capital Fund Non-audit Service (financial statement preparation) pertaining to any grants closed by the date of the on-site audit
2.1.2.4	36	1	Each	Firm-fixed Fee for Minden Housing Agency Capital Fund REAC Submission Services pertaining to any grants closed by the date of the on-site audit
2.1.2.5	37	1	Each	Firm-fixed Fee for Shelton Housing Agency Annual Audit Services pertaining to FYE 2019
2.1.2.5	38	1	Each	Firm-fixed Fee for Shelton Housing Agency Non-audit Service (financial statement preparation) pertaining to FYE 2019
2.1.2.5	39	1	Each	Firm-fixed Fee for Shelton Housing Agency REAC Submission Services pertaining to FYE 2019
2.1.2.5	40	1	Each	Firm-fixed Fee for Shelton Housing Agency Capital Fund Audit Services pertaining to any grants closed by the date of the on-site audit
2.1.2.5	41	1	Each	Firm-fixed Fee for Shelton Housing Agency Capital Fund Non-audit Service (financial statement preparation) pertaining to any grants closed by the date of the

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				on-site audit
	42	1	Each	Firm-fixed Fee for Shelton Housing Agency Capital Fund REAC Submission Services pertaining to any grants closed by the date of the on-site audit

3.3 Additional Information Pertaining to the Pricing Items.

3.3.1 Quantities. All quantities entered by the Agency herein (especially within the immediate preceding Table No. 4) and within the corresponding Pricing Items within the eProcurement Marketplace are for calculating purposes only. As may be further detailed herein, the Agency does not guarantee any minimum or maximum amount of work as a result of any award ensuing from this RFP, as the ensuing contract will be a Requirements Contract, in that the Agency shall retain one contractor only and shall retain the right to order from that contractor (successful proposer), on a task order basis, any amount of services the Agency requires.

3.3.2 IMPORTANT NOTICE!!! Entry of Proposed Fees. Except as provided for otherwise (e.g. a “No Charge” option), proposers must submit, where provided within the online eProcurement Marketplace, a realistic cost for each and every Pricing Item detailed within the preceding Table No. 4. The online eProcurement Marketplace will automatically perform all required calculations.

3.3.2.1 Realistic Cost for each Pricing Item. Each proposer is strongly encouraged to enter where provided within the online eProcurement Marketplace a realistic cost for each Pricing Item, especially the hourly fees required, if applicable. For example, if the successful proposer enters \$1.00 per hour for any hourly fee Pricing Item (proposers typically do so in an effort to improve their position in regard to Evaluation Factor No. 1, as detailed within Table No. 7 herein), then the \$1.00 per hour is what the successful proposer will charge the Agency for any work that the Agency may retain the successful proposer to provide if the Agency deems such retention is in the Agency's best interests to do so. Accordingly, it is the Agency's opinion that it is very much in the best interests of the proposer to propose a realistic hourly fee for each Pricing Item. If, despite this warning, the successful proposer proposes an hourly fee that the Agency deems is not realistic, then the Agency reserves the right to require the successful proposer to, at contract execution, present a cash bond in a suitable

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amount (e.g. \$2,000.00, which the Agency will hold during the term of the ensuing contract period) to ensure that the successful proposer will fulfill his/her obligation in this matter.

3.3.2.2 Review the Entry of Proposed Fees. After a proposer has entered where provided within the online eProcurement Marketplace his/her proposed unit costs for the Pricing Items, the Marketplace will automatically multiply the proposed unit costs by the listed quantities. The Agency strongly recommends that each proposer, after entry of these proposed fees within the online eProcurement Marketplace, print the receipt provided and review the entry to ensure that the proposer has entered the proposed fees correctly (the Marketplace will allow the proposer to immediately re-enter the Marketplace at any time prior to the posted deadline to correct any such entry). The proposer will NOT be able to correct this entry after the posted deadline has expired, which means that the Agency will utilize such entry, correct or incorrect, to assign the points pertaining to Evaluation Factor No. 1 detailed within the following Table No. 6 herein.

3.3.3 Price Escalation. Pertaining to the ensuing contract, there shall be no escalation of the proposed unit costs allowed at any time during the awarded contract.

3.3.4 Prior Agency Approval Required. Please note that the successful proposer shall NOT conduct any additional work without the prior written authorization of the Agency representative (which will occur, at the Agency's discretion, via delivery of a Task Order, which may take the form of an e-mail). Failure to abide by this directive shall release the Agency of any obligation to pay the successful proposer for any work conducted without the noted prior written authorization.

3.3.5 No Deposit/No Retainer. The Agency will NOT pay any retainer fees as a result of award of the ensuing contract. This means that the Agency will pay the successful proposer(s) for actual work product only.

3.4 Proposal Submission. All pricing must be entered where provided within the online eProcurement Marketplace and all "hard-copy" proposals may be either attached in the eProcurement Marketplace solicitation, or submitted and time-stamped received in the designated Agency office by no later than the submittal deadline stated herein (or within any ensuing addendum). A total of 1 original "hard copy" proposal submittal, shall be placed unfolded in a sealed package and addressed to:

**Kearney Housing Agency
Attention: Carrie Hardage, Executive Director
2715 Avenue I,
PO Box 1236
Kearney, NE 68848**

KEARNEY HOUSING AGENCY, NE

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- 3.4.1** The package exterior must clearly denote the above noted RFP number and must have the proposer's name and return address. Proposals received after the published deadline will not be accepted.
- 3.4.2** **Submission Conditions.** DO NOT FOLD OR MAKE ANY ADDITIONAL MARKS, NOTATIONS, OR REQUIREMENTS ON THE DOCUMENTS TO BE SUBMITTED! Proposers are not allowed to change any requirements or forms contained herein, either by marking or entering onto these documents or the documents submitted any revisions or additions; and if any such additional marks, notations or requirements are entered on any of the documents that are submitted to the Agency by the proposer, such may invalidate that proposal. If, after accepting such a proposal, the Agency decides that any such entry has not changed the intent of the proposal that the Agency intended to receive, the Agency may accept the proposal and the proposal shall be considered by the Agency as if those additional marks, notations or requirements were not entered on such. By accessing the Marketplace, registering, and downloading these documents, each prospective proposer that does so is thereby agreeing to confirm all notices that the Agency delivers to him/her as instructed, and by submitting a proposal, the proposer is thereby agreeing to abide by all terms and conditions published herein and by addendum pertaining to this RFP.
- 3.4.3** **Submission Responsibilities.** It shall be the responsibility of each proposer to be aware of and to abide by all dates, times, conditions, requirements, and specifications set forth within all applicable documents issued by the Agency, including the RFP document, the documents listed within the following Section 3.8, and any addenda and required attachments submitted by the proposer. By virtue of completing, signing, and submitting the completed documents, the proposer is stating his/her agreement to comply with all conditions and requirements set forth within those documents. Written notice from the proposer not authorized in writing by the CO to exclude any of the Agency requirements contained within the documents may cause that proposer to not be considered for award.
- 3.5** **Proposer's Responsibilities – Contact with the Agency.** It is the responsibility of the proposer to address all communication and correspondence pertaining to this RFP process to the CO only. Proposers must not make inquiry or communicate with any other Agency staff member or official (including members of the Board of Commissioners) pertaining to this RFP. Failure to abide by this requirement may be cause for the Agency to not consider a proposal submittal received from any proposer who has not abided by this directive.
- 3.5.2** **Addendums.** All questions and requests for information must be addressed in writing to the CO. The CO will respond to all such inquiries in writing by addendum to all prospective proposers (i.e. firms or individuals that have obtained the RFP Documents). During the RFP

solicitation process, the CO will NOT conduct any *ex parte* (a substantive conversation—"substantive" meaning, when decisions pertaining to the RFP are made—between the Agency and a prospective proposer when other prospective proposers are not present) conversations that may give one prospective proposer an advantage over other prospective proposers. This does not mean that prospective proposers may not call the CO—it simply means that, other than making replies to direct the prospective proposer where his/her answer has already been issued within the solicitation documents, the CO may not respond to the prospective proposer's inquiries but will direct him/her to submit such inquiry in writing so that the CO may more fairly respond to all prospective proposers in writing by addendum.

3.6 Proposer's Responsibilities – Equal Employment Opportunity and Supplier Diversity. Both the Contractor and the Agency have, pursuant to HUD regulation, certain responsibilities pertaining to the hiring and retention of personnel and subcontractors.

3.6.1 Within 2 CFR §200.321 it states:

3.6.1.1 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.

3.6.1.2 (a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

3.6.1.3 (2) Affirmative steps must include:

3.6.1.3.1 (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

3.6.1.3.2 (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

3.6.1.3.3 (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;

3.6.1.3.4 (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;

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3.6.1.3.5 (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

3.6.1.3.6 (6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

3.6.2 Within HUD Procurement Handbook 7460.8 REV 2 it states:

3.6.2.1 Section 15.5.A, Required Efforts. Consistent with Presidential Orders 11625, 12138, and 12432, the <Agency> shall make every effort to ensure that small businesses, MBEs, WBEs, and labor surplus area businesses participate in <Agency> contracting.

3.6.2.2 Section 15.5.B, Goals. <The Agency> is encouraged to establish goals by which they can measure the effectiveness of their efforts in implementing programs in support of . . . contracting with disadvantaged firms. It is important to ensure that the means used to establish these goals do not have the effect of limiting competition and should not be used as mandatory set-aside or quota, except as may otherwise be expressly authorized in regulation or statute. Some localities have adopted minority contracting set-aside policies or geographic limitations, which may be in conflict with Federal requirements for full and open competition.

3.6.3 Within our Agency Procurement Policy it states that our Agency will:

3.6.3.1 Assistance to Small and Other Business, Required Efforts:

3.6.3.1.1 Including such firms, when qualified, on solicitation mailing lists;

3.6.3.1.2 Encouraging their participation through direct solicitation of proposals or proposals whenever they are potential sources;

3.6.3.1.3 Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by such firms;

3.6.3.1.4 Establishing delivery schedules, where the requirement permits, which encourage participation by such firms;

3.6.3.1.5 Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce;

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3.6.3.1.6 Including in contracts, to the greatest extent feasible, a clause requiring contractors, to provide opportunities for training and employment for lower income residents of the project area and to award subcontracts for work in connection with the project to business concerns which provide opportunities to low-income residents, as described in 24 CFR Part 135 (so-called Section 3 businesses); and

3.6.3.1.7 Requiring prime contractors, when subcontracting is anticipated, to take the positive steps listed above.

3.6.4 Requirements. Accordingly, please see Section 3.1.7 within Table No. 3 herein which details the information pertaining to this issue that the proposer must submit in response to this proposal showing compliance, to the greatest extent feasible, with these regulations.

3.7 Pre-proposal Conference. There is not a Pre-proposal Conference scheduled as a part of this RFP.

3.8 Recap of Attachments. It is the responsibility of each proposer to verify that he/she has downloaded the following attachments pertaining to this RFP, which are hereby by reference included as a part of this RFP:

[Table No. 5]

RFP Section	Document No.	Attachment	Attachment Description
3.8.1	1.0		This RFP Document
3.8.2	2.0	A	Form of Proposal
3.8.3	3.0	B	form HUD-5369-C (8/93), <i>Certifications and Representations of Offerors, Non-Construction Contract</i>
3.8.4	4.0	C	Profile of Firm Form
3.8.5	5.0	D	Section 3 Form Submittal Form
3.8.5.1	5.1	D-1	Section 3 Explanation
3.8.6	6.0	E	form HUD-5369-B (8/93), <i>Instructions to Offerors, Non-Construction</i>
3.8.7	7.0	F	<i>Agency Supplemental Instructions to Proposers & Contractors (SIPC)</i>
3.8.8	8.0	G	Sample Contract Form (please note that this contract and the listed appendices are being given as a sample only—the Agency reserves the right to revise any clause herein and/or to include within the ensuing contract any additional clauses that the Agency feels it is in its best interests to do so)

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3.8.8.1	8.1	G-1	Sample Contract Appendix No. 1: form HUD-5370-C (01/2014), <i>General Conditions for Non-Construction Contracts Section 1 (With or without Maintenance Work)</i>
3.8.8.2	8.2	G-2	Sample Contract Appendix No. 2: <i>Section 3 Plan</i>
3.8.9	9.0	H	<i>Agency Profile of Properties</i>

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4.0 PROPOSAL EVALUATION.

4.1 **Evaluation Factors.** The Agency will utilize the following factors to evaluate each proposal submittal received; award of points for each listed factor will be based upon the documentation that the proposer submits within his/her proposal submittal:

[Table No. 6]

Factor No.	Max Point Value	Factor Type	Factor Description	Also, Reference to RFP Sections Herein
1	30 points	Objective	The PROPOSED COSTS submitted by the proposer according to Section 3.2.	3.2
2	20 points	Subjective (Technical)	The proposer's DEMONSTRATED TECHNICAL CAPABILITIES and APPROACH to performing the services outlined in Section 2.0, <i>Scope of Work/Technical Specifications</i> , including the availability of staff with professional qualifications and technical abilities based on the Agency review of the detailed professional resumes for persons identified within areas (5) and (6) of Attachment C, <i>Profile of Firm Form</i> , and any other staff that will be performing services as a result of award of this RFP.	3.1.4.1
3	10 points	Subjective (Technical)	The RESULTS of the proposer's PEER REVIEW and EXTERNAL QUALITY REVIEWS that the proposer may submit (NOTE: The Agency will place particular emphasis on such submitted Reviews that are associated with HUD-related work).	3.1.4.2
4	30 points	Subjective (Technical)	The proposer's DEMONSTRATED QUALIFICATIONS, RELEVANT EXPERIENCE, and SUCCESSFUL PAST PERFORMANCE in performing the same or similar services, including (and very importantly) the proposer's experience with low-income housing developments).	3.1.4.3
5	10 points	Subjective (Technical)	The OVERALL QUALITY, ORGANIZATION, and PROFESSIONAL APPEARANCE of the PROPOSAL SUBMITTED , based upon the opinion of the evaluators.	3.1 Table No. 3
	100 points		Total Points (other than preference points)	
*NOTE: Points will be awarded for each Subjective Factor by each of the appointed evaluation committee members based on his/her opinion after a thorough review of the information submitted by each proposer within his/her proposal.				

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4.1.1 **Preference Evaluation Factor.** The CO will utilize the following factors to evaluate each proposal submittal received:

[Table No. 6a]

NO.	MAX POINT VALUE	FACTOR TYPE	FACTOR DESCRIPTION
7		Objective	SECTION 3 BUSINESS PREFERENCE PARTICIPATION. A firm may qualify for Section 3 status as detailed within Attachments D and D-1 (NOTE: A max of 15 points awarded).
7a	15 points		Priority I, Category 1a. Business concerns that are 51 percent or more owned by residents of the housing development or developments for which the Section 3-covered assistance is expended.
7b	13 points		Priority II, Category 1b. Business concerns whose workforce includes 30 percent of residents of the housing development for which the Section 3-covered assistance is expended, or within three (3) years of the date of first employment with the business concern, were residents of the Section 3-covered housing development.
7c	11 points		Priority III, Category 2a. Business concerns that are 51 percent or more owned by residents of any other housing development or developments.
7d	9 points		Priority IV, Category 2b. Business concerns whose workforce includes 30 percent of residents of any other public housing development or developments, or within three (3) years of the date of first employment with the business concern, were "Section 3" residents of any other public housing development.
7e	7 points		Priority V, Category 3. Business concerns participating in HUD Youth-build programs being carried out in the metropolitan area in which the Section 3-covered assistance is expended.
7f	5 points		Priority VI, Category 4a. Business concerns that are 51 percent or more owned by Section 3 residents in the metropolitan area, or whose permanent, full-time workforce includes no less than 30 percent of Section 3 residents in the metropolitan area, or within three (3) years of the date of employment with the business concern, were Section 3 residents in the metropolitan area.
7g	3 points		Priority VII, Category 4b. Business concerns that subcontract in excess of 25 percent of the total amount of subcontracts to Section 3 business concerns.
7h	15 points		Maximum Available Preference Points (Additional)
	115 points	Total Possible Points	

4.2 Evaluation Method.

- 4.2.1 Initial Evaluation for Responsiveness.** Each proposal received will first be evaluated for responsiveness (i.e. meets the minimum of the requirements).
- 4.2.2 Evaluation Packet.** An evaluation packet will be prepared for each evaluator, including the following documents:

 - 4.2.2.1** Instructions to Evaluators;
 - 4.2.2.2** Proposal Tabulation Form;
 - 4.2.2.3** Written Narrative Form for each proposer;
 - 4.2.2.4** Recap of each proposer's responsiveness;
 - 4.2.2.5** Copy of all pertinent RFP documents.
- 4.2.3 Evaluation Committee.** The Agency anticipates that it will select a minimum of a three-person committee to evaluate each of the responsive "hard copy" proposals submitted in response to this RFP. PLEASE NOTE: No proposer shall be informed at any time during or after the RFP process as to the identity of any evaluation committee member. If, by chance, a proposer does become aware of the identity of such person(s), he/she SHALL NOT make any attempt to contact or discuss with such person anything related to this RFP. As detailed within Section 3.5 of this document, the designated CO is the only person at the Agency that the proposers shall contact pertaining to this RFP. Failure to abide by this requirement may (and most likely will) cause such proposer(s) to be eliminated from consideration for award.
- 4.2.4 Evaluation.** The CO will evaluate and award points pertaining to Evaluation Factors No. 1 and 7 (the "Objective" Factors). The appointed evaluation committee shall evaluate the responsive proposals submitted and award points pertaining to Evaluation Factors No. 2, 3, 4, 5 and 6 (the "Subjective" Factors). Upon final completion of the proposal evaluation process, the evaluation committee will forward the completed evaluations to the CO.

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4.2.4.1 Points Awarded Range. Pertaining to the Subjective Factors, please note the following range of points awarded (points pertaining to this RFP are shaded—please also see the Evaluation Factors detailed within the preceding Section 4.1):

[Table No. 7]

Classification*	Points Awarded Range					
	Rating	%	10	20	30	100**
Acceptable	Excellent	95%/+	10	19-20	29-30	95-100
Acceptable	Very Good	90%/+	9	18	27-28	90-94
Potentially Acceptable	Good	80%/+	8	16-17	24-26	80-89
Potentially Acceptable	Average	70%/+	7	14-15	21-23	70-79
Unacceptable	Poor	<70%	0-6	0-13	0-20	0-69
*Pursuant to Section 7.2.N.3 of HUD Procurement Handbook 7460.8 REV 2.						
**Total available points to be awarded, including cost points, minus preference points.						

4.2.5 Potential "Competitive Range" or "Best and Finals" Negotiations. The Agency reserves the right to, as detailed within Section 7.2.N through Section 7.2.R of HUD Procurement Handbook 7460.8 REV 2, conduct a "Best and Finals" Negotiation, which may include oral interviews, with all firms deemed to be in the competitive range. Any firm deemed not to be in the competitive range shall be notified of such in writing by the Agency in as timely a manner as possible, but in any case, within no longer than 10 days after the beginning of such negotiations with the firms deemed to be in the competitive range.

4.2.6 Determination of Top-ranked Proposer. Typically, the subjective points awarded by the evaluation committee will be combined with the objective points awarded by the CO to determine the final rankings, which is typically forwarded by the CO to the ED for approval. If the evaluation was performed to the satisfaction of the ED, the final rankings may be forwarded to the Housing Authority Board of Commissioners (BOC) at a scheduled meeting for approval. Contract negotiations may, at the Agency's option, be conducted prior to or after the BOC approval.

4.2.6.1 Minimum Evaluation Results. To be considered to receive an award a proposer must receive a total calculated average of at least 70 points (of the 115 total possible points detailed within Section 4.1 herein).

4.2.6.2 Ties. In the case of a tie in points awarded, the award shall be decided as detailed within Section 6.12.C of HUD Procurement Handbook 7460.8 REV 2, by "drawing lots or other random means of selection."

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- 4.2.7 Notice of Results of Evaluation.** If an award is completed, all proposers will receive by e-mail a Notice of Results of Evaluation. Such notice shall inform all proposers of:
- 4.2.7.1** Which proposer received the award;
 - 4.2.7.2** Where each proposer placed in the process as a result of the evaluation of the proposals received;
 - 4.2.7.3** The cost or financial offers received from each proposer;
 - 4.2.7.4** Each proposer's right to a debriefing and to protest.
- 4.2.8 Restrictions.** All persons having familial (including in-laws) and/or employment relationships (past or current) with principals and/or employees of a proposer entity will be excluded from participation on the Agency evaluation committee. Similarly, all persons having ownership interest in and/or contract with a proposer entity will be excluded from participation on the Agency evaluation committee.

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5.0 CONTRACT AWARD.

5.1 Contract Award Procedure. If a contract is awarded pursuant to this RFP, the following detailed procedures will be followed:

5.1.1 By completing, executing, and submitting the Form of Proposal, Attachment A, the “proposer is thereby agreeing to abide by all terms and conditions pertaining to this RFP as issued by the Agency, either in hard copy or on the Marketplace,” including the contract clauses already attached as Attachments G, G-1, and G-2. Accordingly, the Agency has no responsibility to conduct after the submittal deadline any negotiations pertaining to the contract clauses already published.

5.2 Contract Conditions. The following provisions are considered mandatory conditions of any contract award made by the Agency pursuant to this RFP:

5.2.1 Contract Form. The Agency will not execute a contract on the Contractor's form—contracts will only be executed on the Agency form (please see Sample Contract, Attachments G, G-1, and G-2), and by submitting a proposal the Contractor agrees to do so (please note that the Agency reserves the right to amend this form as the Agency deems necessary). However, the Agency will during the RFP process (prior to the submittal deadline) consider any contract clauses that the proposer wishes to include therein and submits in writing a request for the Agency to do so; but the failure of the Agency to include such clauses does not give the Contractor the right to refuse to execute the Agency's contract form. It is the responsibility of each prospective proposer to notify the Agency, in writing, prior to submitting a proposal, of any contract clause that he/she is not willing to include in the final executed contract and abide by. The Agency will consider and respond to such written correspondence, and if the prospective proposer is not willing to abide by the Agency's response (decision), then that prospective proposer shall be deemed ineligible to submit a proposal.

5.2.1.1 HUD Forms. Please note that the Agency has no legal right or ability to (and will not) at any time negotiate any clauses contained within ANY of the HUD forms included as a part of this RFP.

5.2.2 Assignment of Personnel. The Agency shall retain the right to demand and receive a change in personnel assigned to the work if the Agency believes that such change is in the best interest of the Agency and the completion of the contracted work.

5.2.3 Unauthorized Sub-Contracting Prohibited. The Contractor shall not assign any right, nor delegate any duty for the work proposed pursuant to this RFP (including, but not limited to, selling, or transferring the contract) without the prior written consent of the CO. Any purported assignment of interest or delegation of duty, without the prior written

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consent of the CO shall be void and may result in the cancellation of the contract with the Agency, or may result in the full or partial forfeiture of funds paid to the Contractor as a result of the proposed contract; either as determined by the CO.

- 5.3 Contract Period.** The Agency anticipates that it will initially award a contract for the period of 1 year with the option, at the Agency's discretion, of 2 additional one-year option periods, for a maximum total of 3 years.
- 5.4 Licensing and Insurance Requirements.** Prior to award (but not as a part of the proposal submission) the *Contractor* will be required to provide (NOTE: Each of the following insurance coverage shall cover both the Contractor and the temporary employee):
- 5.4.1 Workers Compensation Insurance.** An original certificate evidencing the proposer's current industrial (worker's compensation) insurance carrier and coverage amount;
 - 5.4.2 General Liability Insurance.** An original certificate evidencing General Liability coverage, naming the Agency as an additional insured, together with the appropriate endorsement to said policy reflecting the addition of the Agency as an additional insured under said policy (minimum of \$1,000,000 each occurrence, general aggregate minimum limit of \$1,000,000, together with damage to premises and fire damage of \$50,000 and medical expenses any one person of \$5,000), with a commercially reasonable deductible (e.g. "commercially reasonable," meaning at least 1% of the "general aggregate minimum" of the policy, with a maximum deductible amount of \$50,000;
 - 5.4.3 Professional Liability Insurance.** An original certificate showing the proposer's professional liability and/or "errors and omissions" coverage (minimum of \$1,000,000 each occurrence, general aggregate minimum limit of \$1,000,000), with a commercially reasonable deductible (e.g. "commercially reasonable," meaning at least 1% of the "general aggregate minimum" of the policy, with a maximum deductible amount of \$50,000;
 - 5.4.4 Automobile Insurance.** An original certificate showing the proposer's automobile insurance coverage in a combined single limit of \$1,000,000. For every vehicle utilized during the term of this program, when not owned by the entity, each vehicle must have evidence of automobile insurance coverage with limits of no less than \$50,000/\$100,000 and medical pay of \$5,000.
 - 5.4.5 City/County/State Business License.** If applicable, a copy of the proposer's business or professional license that may be required allowing that entity to provide such services within the City of Kearney, NE, Buffalo County, NE, and/or the State of Nebraska.

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- 5.4.6 Profile of Firm Form.** The requested related information shall also be entered where provided for on the Profile of Firm Form (DO NOT ATTACH SUBMIT COPIES WITHIN THE PROPOSAL SUBMITTAL—we will garner the necessary certificates from the Contractor prior to contract execution).
- 5.5 Right to Negotiate Final Fees.** The Agency shall retain the right to negotiate the amount of fees that are paid to the Contractor, meaning the fees proposed by the top-rated proposer may, at the Agency's options, be the basis for the beginning of negotiations. Such negotiations shall begin after the Agency has chosen a top-rated proposer. If such negotiations are not, in the opinion of the CO successfully concluded within 5 business days, the Agency shall retain the right to end such negotiations and begin negotiations with the next-rated proposer. The Agency shall also retain the right to negotiate with and make an award to more than one proposer, as long as such negotiation(s) and/or award(s) are addressed in the above manner (i.e. top-rated first, then next-rated following until a successful negotiation is reached).
- 5.6 Contract Service Standards.** All work performed pursuant to this RFP must conform and comply with all applicable local, state, and federal codes, statutes, laws, and regulations.
- 5.7 Prompt Return of Contract Documents.** Any and all documents required to complete the contract, including contract signature by the successful quoters, shall be provided to the Agency within 10 work days of notification by the Agency.

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