



BROWNSVILLE PUBLIC UTILITIES BOARD

REQUEST FOR PROPOSAL

FOR

EXTERNAL AUDIT SERVICES

P039-25

April 2025

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**LEGAL NOTICE
AND
REQUEST FOR PROPOSALS
P039-25**

RESPONDENTS ARE CAUTIONED TO READ THE INFORMATION CONTAINED IN THIS RFP CAREFULLY AND TO SUBMIT A COMPLETE RESPONSE TO ALL REQUIREMENTS AND QUESTIONS AS DIRECTED.

The Brownsville Public Utilities Board (“BPUB”) will accept sealed Request for Proposals for External Audit Services **until 5:00 PM, April 23, 2025** in the BPUB Purchasing Office, 1155 FM 511, Olmito, Texas. **Proposals received after this time will not be considered.**

Proposals will be acknowledged on April 24, 2025 at 10:00 AM. Vendors can call in at 10:00 AM, April 24, 2025 to (956) 214-6020 to listen to the proposal opening.

Detailed specifications may be obtained at the following website:
https://www.brownsville-pub.com/rfp_status/open/

Please send one (1) original and five (5) copies of the proposal and identify each as an original or copy accordingly, **mark on the outside of the envelope and on any carrier’s envelope:** “P039-25 Request for Proposals for External Audit Services, April 23, 2025, 5:00 PM”, and send to the attention of Diane Solitaire, Purchasing Department, 1155 FM 511, Olmito, Texas 78575.

The BPUB will not be responsible in the event that the U.S. Postal Service or any other courier system fails to deliver the sealed proposals to the BPUB Purchasing Office by the given deadline above. **Electronic transmission or facsimile of Proposals will not be acceptable.**

The BPUB reserves the right to reject any or all responses and to waive irregularities contained therein and to accept any response deemed most advantageous to the BPUB.

Any Proposal may be withdrawn prior to the above-scheduled time for the opening of Proposals or authorized postponement thereof. All timely proposals become the property of the BPUB upon receipt and shall not be returned. Any information deemed to be confidential by respondent should be clearly noted on the page(s) where the confidential information is contained. BPUB, however, cannot guarantee that it will not be compelled to disclose all or part of any public record under the Texas Public Information Act, since information deemed to be confidential by the respondent may not be considered confidential under Texas law, or pursuant to a Court Order.

Diane Solitaire

Purchasing & Materials Manager
Brownsville Public Utilities Board
(956) 983-6366 – Phone

Please submit this page upon receipt

ACKNOWLEDGEMENT FORM

P039-25

Request for Proposals for External Audit Services

For any clarifications, please contact Diane Solitaire at BPUB Purchasing Department at (956) 983-6366 or e-mail: dsolitaire@brownsville-pub.com

Please email this page upon receipt of the RFP package or legal notice. If you only received the legal notice and you want the RFP package mailed please provide a method of shipment with account number in the space designated below.

Check one:

☐ **Yes, I will be able to send a RFP obtained RFP package from website.**

☐ **Yes, I will be able to send a RFP; please email the RFP package.**

Email: _____

☐ **Yes, I will be able to send a RFP; please mail the RFP package using the carrier & account number listed below:**

Carrier: _____

Account: _____

☐ **No, I will not be able to send a RFP for the following reason:**

If you are unable to send your RFP, kindly indicate your reason above and return this form **via email to dsolitaire@brownsville-pub.com**. This will ensure you remain active on our vendor list.

Date _____

Company: _____

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Fax: _____

Email: _____

PURPOSE

The Public Utilities Board of the City of Brownsville, Texas, and its blended component unit, Southmost Regional Water Authority, are requesting proposals from qualified public accounting firms to provide external auditing services. The selected firm will conduct a comprehensive audit of the financial statements for the fiscal year ending September 30, 2025. The objective of the audit is to obtain an independent and objective evaluation of our financial statements, assess compliance with applicable regulations and accounting standards, and provide recommendations for improving financial management and internal controls.

The selected firm should demonstrate expertise in auditing governmental organizations and municipal utilities and demonstrate a deep understanding of the specific challenges and applicable regulatory requirements.

INTRODUCTION

The Public Utilities Board of the City of Brownsville, Texas

The Public Utilities Board of the City of Brownsville, Texas (or BPUB), a component unit of the City of Brownsville, Texas, was formed in 1960 to provide electric, water, and wastewater services to its customers in the Brownsville area. BPUB is a component unit of the City of Brownsville, Texas, based upon the selection of the governing authority. It is a separate operating authority established by the City's charter. Its purpose is to own, operate, and maintain a combined utilities system which provides the City and certain adjacent unincorporated areas with electricity, water, and wastewater services.

The specific elements of oversight responsibility of BPUB is that the City Commission appoints six of the seven-member governing board and the Mayor of the City serves Ex-Officio as the seventh member. Each appointed board member serves a four-year term. BPUB does not have the right to encumber, sell, or hypothecate the utilities system. The specific elements of accountability for fiscal matters are that the City Commission is vested with the right to set utility rates and approve the issuance of debt.

The Board of Directors of the BPUB, title, and term expiration dates are presented below. Members of the Finance Committee are designated with an asterisk beside their name.

BROWNSVILLE PUBLIC UTILITIES BOARD		
Board Member:	Title:	Term Expires:
John F. Cowen, Jr.	Ex-Officio Member, Elected	May 2027
Arthur "Art" Rendon*	Chair	July 1, 2025
Gerardo Martinez	Vice-Chair	July 1, 2025
Daisy Zamora, Ph.D.	Secretary/Treasurer	July 1, 2027
Alejandro Najera	Member	July 1, 2027
Joseph L. Hollmann, Ph.D.*	Member	July 1, 2026
Alonzo "Al" Villarreal*	Member	July 1, 2027

Southmost Regional Water Authority

The reporting entity of BPUB consists of the primary government (in this case, BPUB) and a blended component unit, Southmost Regional Water Authority (the Authority). The Authority is a conservation and reclamation district created pursuant to Article XVI, Section 59, of the Texas Constitution and the Act of June 12, 1981, 67th Leg., Ch. 511, 1981 Tex. Gen. Laws 2196. The Authority is reported as a blended component unit because the Public Utilities Board manages the day-to-day operations and owns 92.91% of the Authority entitling it to 92.91% of the total water allocation.

The Board of Directors of the SRWA and titles are presented below. All members are appointed by and serve at the discretion of the member entity they represent. The minimum term for each member is two years. SRWA does not have a separate Finance Committee.

Board Member:	Title:
Joseph L. Hollmann, Ph.D.	President
Roger Nelson	Vice-President
Gabriela Fernandez	Treasurer
Sergio T. Lopez	Secretary
Marilyn D. Gilbert	Deputy Secretary/Treasurer
James Chambers	Director

The BPUB System and Organization

The Brownsville Public Utilities Board is a component unit of the City of Brownsville, Texas and is 92.91% participant of the Southmost Regional Water Authority. The BPUB was formed in 1960 to provide electrical, water, and wastewater services to its customers in the Brownsville area, and the Authority provides treated water to various areas of the lower Cameron County. Pursuant to the City's Charter, management, operation, and control of the City's combined water, wastewater, and electric utilities system is delegated to the BPUB, and the Authority has a mutual agreement with the BPUB authorizing the BPUB to manage all accounting and reporting functions. The Board appoints a General Manager and Chief Executive Officer who is responsible for the management of all BPUB employees and for administering all affairs of the BPUB.

The Authority is comprised of all of the territory contained within the City of Brownsville, the City of Los Fresnos, the Town of Indian Lake, Brownsville Navigation District of Cameron County, and Valley Municipal Utility District No. 2 of Cameron County.

The **Electric System** provides retail electric service through its electric facilities to consumers inside and outside the city limits. The electric system serves a growing base of about 54,122 customers and serves a peak load of 317 MW. Current resources, mainly owned by the Public Utilities Board, are sufficient to cover peak demand.

The Public Utilities Board meets its power supply obligations through a combination of resources: (i) the operation of the Silas Ray Power Production Facilities owned and operated by the Public Utilities Board (composed of one conventional steam turbine unit and a re-powered steam turbine in Combined Cycle with a combustion turbine and a GE LM6000 gas turbine generator for an

estimated gas fired capability of 115 MW), (ii) the operation of the Calpine/Hidalgo combined cycle Power Plant in which the Public Utilities Board has an ownership interest entitling it to 105 MW of capacity, (iii) a Power Purchase Agreement with Constellation Energy Generation, LLC, formerly Exelon Corporation, entitling the Public Utilities Board to purchase 78 MW of renewable energy, (iv) a Power Purchase Agreement with AEP Energy Partners, Inc. entitling the Public Utilities Board to an estimated 65 MW of energy and (v) economy energy purchases through an economy power interchange arrangement.

The Public Utilities Board currently has a gas transportation agreement with Texas Gas Service (“TGS”), a division of ONE Gas, Inc., a gas supply agreement with Tenaska Marketing Ventures (“TMV”) for service to its Silas Ray generation units and a gas supply agreement with Calpine Energy Services, LP for service to its Calpine/Hidalgo Plant. Fuel and transportation contracts are in place, limiting the Public Utilities Board’s exposure to the volatile fuel commodity markets.

The Water System draws raw water from the Rio Grande River and consists of a river rock weir, a river pump station, two reservoirs providing 187 million gallons total capacity, and a raw water transport system. Surface water treatment is achieved by two water treatment plants providing 40 million gallons per day (MGD) of total capacity (20 MGD treatment capacity each). Two clear wells provide 6.85 million gallons storage capacity, and four elevated storage tanks provide 7 million gallons of elevated storage capacity. Water is pumped by four high-service pumping stations into the distribution system which consists of 731 miles of transmission and distribution mains. The Public Utilities Board mainly sells to residential and commercial customers, but also sells treated water on a wholesale basis to three other water distribution companies that amount to approximately 5.63% of sales. The Public Utilities Board partnered with the Southmost Regional Water Authority (Authority) and built a 7.5 million gallon reverse osmosis water treatment plant of which the Public Utilities Board has 92.91% ownership. The Authority’s plant completed an expansion in 2015 to provide microfiltration pretreatment and an increased total production capacity of 10 MGD. This plant includes a 7.5 million gallon storage tank.

The Public Utilities Board has an annual allocation of municipal priority water rights from the Texas Commission on Environmental Quality (TCEQ) in the amount of 31,965.63 acre-feet of water, which is dependent upon inflow to the Falcon and Amistad Reservoirs. In addition, the Public Utilities Board holds Permit No. 1838 entitling it the right to 40,000 acre-feet of surplus water.

The Public Utilities Board is subject to regulation of water quality by the TCEQ. The Public Utilities Board presently has a “Superior” water system as determined in accordance with current TCEQ regulations. The Public Utilities Board’s water utility service area is subject to the certification jurisdiction of the TCEQ. The Public Utilities Board has been certified singly to provide water service within the boundaries of the City. A large portion of the area, three and one-half miles surrounding the boundaries (the “extraterritorial jurisdiction”) of the City, is dually certified. There is a small water utility system (El Jardin Water Supply Corporation) whose customers are situated adjacent to or within the System. All of its treated water is supplied by the Public Utilities Board’s water system.

The **Wastewater System**, consisting of collection and treatment facilities, includes gravity wastewater collection lines, 177 pumping/lift stations and two treatment plants. Wastewater is transported by lift stations and associated force mains to one of two wastewater treatment plants – the Robindale Plant or the South Plant. The Robindale Plant was designed to treat 5 MGD in 1980 and expanded to a capacity of 10 MGD in 1995. The Robindale renovation and expansion project completed in June 24, 2014 increased the treatment capacity to 14.5 MGD. The Robindale Plant provides secondary waste treatment utilizing a Modified Ludzack-Ettinger (MLE) process (anoxic and aerobic with an internal nitrate cycle) of activated sludge, turbo blowers (with magnetic bearings) with auto dissolved oxygen control, secondary settling, ultra-violet light system (for disinfection), effluent cascade aeration system, sludge thickening, aerobic digestion, mechanical sludge dewatering (via 2-meter belt filter press), a SCADA (Supervisory Control and Data Acquisition) system, and land disposal of sludge (City of Brownsville Solid Waste Landfill). The South Plant was originally designed as a trickling filter plant with a treatment capacity of 5 MGD. In 1971, it was expanded to a capacity of 7.8 MGD and was further modified in 1978 to include complete-mix. In 2000, the plant was expanded to 12.8 MGD. The treatment process was changed to complete mix activated sludge and the anaerobic digesters were converted to use the aerobic process. Sludge is thickened, dewatered by a belt filter press, and disposed of at the City of Brownsville Solid Waste Landfill.

The wastewater system is subject to regulation by the EPA and the TCEQ with regards to operations of the facilities and the water quality of the wastewater plants' effluent.

The Public Utilities Board has the authority to provide wastewater service both inside and outside the city limits. The Brownsville Navigation District owns and operates its own wastewater treatment facilities. There is no competition between the Public Utilities Board's wastewater system and the Brownsville Navigation District since the Brownsville Navigation District operates in defined areas in which the Public Utilities Board's wastewater system has no wastewater lines.

Long-Term Financial Planning

The Public Utilities Board's current electric, water, and wastewater capital improvement plan identifies projects for a five-year period ending September 30, 2029. The electric capital improvement plan identifies approximately \$101.1 million in generation, transmission, distribution, general and facilities projects of which \$29.0 million are projected to be debt financed. The water capital improvement plan identifies approximately \$72.8 million in projects, of which approximately 22.2% are projected to be debt financed while the wastewater capital improvement plan identifies approximately \$59.1 million in projects, of which approximately 27.1% are projected to be debt financed.

INFORMATION REQUESTED FROM THE PROPOSING FIRM

A firm wishing to be considered for the external audit services is requested to submit on the firm's letterhead, a statement which provides information on the following points, numbered and headed as indicated. Responding firms should refer to the section "Instructions to Participating Firms" for the response format. You should be aware that the contents of the successful RFP may become a part of subsequent contractual documents. Failure to accept this obligation may result in the cancellation of any award. In order to simplify the review process and obtain the maximum degree of comparison, please organize your proposal according to the following outline:

A. Title Page

- a. Show the Proposal subject, name of the proposing firm, address, telephone number, name of contact person, email address, and date.

B. Table of Contents

- a. Include a clear identification of the material by section and by page number.

C. Letter of Transmittal

- a. Briefly state the firm's understanding of the work to be performed and make a positive commitment to perform the work within the time period.
- b. State the all-inclusive fee estimate. BPUB and SRWA fees should be stated separately.
- c. State the name of the person who will be authorized to make representation for the firm, title, email address, and telephone number.
- d. State that the person signing the Transmittal Letter will be authorized to bind the firm.
- e. Identify and discuss any potential conflicts of interest of which the firm is aware and is not stated in the Conflict of Interest and Disclosure Statements.

D. Firm Profile

- a. Provide a brief history and background of the firm and state whether the firm is local, regional, or national.
- b. State the location of the office from which the audit work is to be performed and the number of partners, managers, supervisors, senior associates, and other professional staff members employed at that office.
- c. Describe the areas of specialization and services offered by the local office such as auditing, tax, or management services.

- d. Describe the local office's capability to audit computerized systems, including the number and classification of personnel skilled in computer science that will work on the audit.
- e. Describe any reprimands or penalties that the firm may have received in recent years from the Texas State Board of Public Accountancy.
- f. State the firm's experience in auditing municipal utilities and governmental entities.
- g. State the firm's professional affiliations.
- h. Attest that the firm has recently completed an external peer review with a "pass" rating.

E. Summary of Qualifications

- a. Identify the partner, audit manager, and senior associates who will perform the audit, including staff from other than the local office. Resumes including relevant audit experience and professional certifications for these individuals assigned to the audit should be included (may be included as an appendix).
- b. Describe the most recent auditing experience similar to the type of audit requested for the office that will be assigned to BPUB's audit. Include a reference list of local government audit clients and any GFOA Certificates of Achievement for Excellence in Financial Reporting awarded to those clients.

F. Audit Approach

- a. Provide a detailed description of the audit approach and the methodology that will be utilized. Include time estimates for each significant segment of the work performed and the staff level position. Identify individual staff and their titles where possible. Specify any planned use of specialists.
- b. Describe the use of technology and data analytics that will be employed in the audit process.
- c. State the degree of utilization of BPUB personnel.

G. Compensation

- a. State the total hours and hourly rate by staff classification and the resulting all-inclusive fee estimate. The fee for BPUB and SRWA should be separately stated. Fees for a Single Audit should also be separately stated, as a Single Audit may not be required every year.

SCOPE OF SERVICES

The expectation of services provided to the BPUB and SRWA include the following:

1. Financial Statement Audit

Conduct an audit of the financial statements in accordance with Generally Accepted Auditing Standards (GAAS) and Government Auditing Standards (GAGAS). Verify the accuracy and completeness of the financial statements and ensure they are in compliance with Generally Accepted Accounting Principles (GAAP) and Governmental Accounting Standards Board (GASB) requirements.

The initial period to be audited will be from October 1, 2024 to September 30, 2025. The proposal should include an annual maximum not-to-exceed amount for each of the two (2) succeeding years (i.e., period ended September 30, 2026 and September 30, 2027). BPUB reserves the right not to extend this agreement beyond the initial one-year term.

2. Single Audit (When required)

Perform a Single Audit in accordance with the Uniform Guidance (2 CFR Part 200) for federal awards and the Texas Single Audit Act. Ensure compliance with federal, state, and local regulations related to the use of grant funds.

3. Internal Controls Evaluation

Assess the effectiveness of internal controls over financial reporting and compliance with applicable laws and regulations. Provide recommendations for improving internal controls and operational efficiencies.

4. Compliance Audit

Ensure adherence to specific laws, regulations, and contractual obligations, including federal and state requirements. Evaluate compliance with relevant policies and procedures.

5. IT Controls and Risk Assessment

Conduct an IT risk assessment and evaluate the effectiveness of IT controls. Test the security and integrity of information systems and data.

6. Exit Conference

Conduct an Exit Conference with the CFO, Director of Finance and other personnel as appropriate. This Conference should be conducted prior to the Board presentation.

Any Management Letter comments should be addressed at the Exit Conference prior to full Board meeting.

REPORTING EXPECTATIONS

The following auditor reports are an expected outcome of the financial statement audit:

1. Independent Auditors' Report that states the audit was performed in accordance with GAAP and provides an opinion on the fairness of the financial statements and compliance with applicable laws and regulations. This report would be required for BPUB and SRWA.
2. Independent Auditors' Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statement Performed in Accordance with *Government Auditing Standards* that reports on compliance with federal statutes, laws, regulations, contracts and grant agreements. This report would be required for BPUB and SRWA.
3. Independent Auditors' Report on Compliance for Each Major Program and on Internal Control Over Compliance Required by the Uniform Guidance when a Single Audit has been performed. When applicable, this report would be required for BPUB and SRWA.

In addition to the standard auditor's reports, a management letter will be required. It should include a statement of audit findings and recommendations based on the assessment of internal controls, financial reporting processes, and compliance with applicable regulations. This document should provide a detailed description of the significant issues identified during the audit and any potential impact to the financial statements and operations, and recommendations for improving internal controls, financial reporting processes, and operational efficiencies.

A formal presentation of the audit report and Management Letter will be required at the respective Board of Directors' meeting.

A timeline of events is outlined below.

TARGET DATES	DESCRIPTION OF EVENTS
March 24, 2025	RFP distributed to prospective firms.
April 9, 2025	Last day to submit questions.
April 23, 2025	Responses due @ 5:00 PM at the BPUB Purchasing Office.
June 2025	Finance Committee recommendation.
July 14, 2025	BPUB Board of Directors selection of firm.
July 2025	Initial meeting with audit firm selected. Begin coordination for preliminary fieldwork.
December 2025	Draft AFR report provided for review.
January 2026	Draft ACFR report provided for review. Management Letter due.
February 2026	Auditor's Required Communication to Governance and presentation of ACFR to BPUB Board of Directors.
March 2026	Auditor's Required Communication to Governance and presentation of AFR to SRWA Board of Directors.

EVALUATION CRITERIA

It is a requirement that the BPUB provide complete and accurate financial reporting of the BPUB's financial activities to the citizens of Brownsville, the Brownsville City Commissioners, the BPUB Board members, holder and raters of bonds, the Federal Energy Regulatory Commission, other regulatory agencies, and other Local, State, and Federal Agencies.

In procuring basic financial audit services from independent Certified Public Accountants who provide their opinions on the BPUB's financial reports, the criteria used to select these services is as follows. The firm is required to have:

- A) A working knowledge of Generally Accepted Accounting Principles, Generally Accepted Auditing Standards, Government Auditing Standards, and statements issued by the Governmental Accounting Standards Board.
- B) Previous auditing experience (at least five years) that includes governmental and municipal utility audits.
- C) A demonstrated ability assisting clients in securing the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association.
- D) Experience in reporting on Local, State and Federal Financial Assistance Programs Compliance in accordance with the current reporting requirements.
- E) Readily available resources, in terms of personnel and technology, for performing governmental and municipal utility audit services plus resources for providing consultation on accounting and other technical matters as needed. The audit firm should keep BPUB abreast of the rapid changes in governmental accounting principles and reporting standards, as well as guidance on industry standards and best practices for utility accounting matters.

For nearly twenty years, the BPUB has submitted its comprehensive annual financial report to the Government Finance Officers Association (GFOA) for their Certificate of Achievement for Excellence in Financial Reporting program and has been awarded the certificate of excellence eighteen times (the nineteenth submission is currently under review). BPUB will continue to submit financial statements to the GFOA for consideration in receiving certification. The auditing firm is required to be an integral part of the process.

The BPUB will carefully review the submitted proposals. A BPUB Staff Review Committee will evaluate and rate the proposals received. The staff's recommendation to the Finance Committee and the BPUB Board shall be based on the proposal determined to be "the best value" for the BPUB.

The evaluation of the proposals will be made based on, but not limited to, the criteria outlined below:

CRITERIA	WEIGHT
Audit Approach and Methodology	2
Cost	2
References and Past Performance	3
Understanding of Audit Requirements	4
Experience and Expertise	5
Available Resources and Timeliness	5

A rating will be assigned based on points awarded, ranked from 1 (least) to 5 (best).

A weight will be assigned based on importance, ranked from 1 (least) to 5 (best).

Total Points awarded = Rating times Weight.

BROWNSVILLE PUBLIC UTILITIES BOARD'S ROLE DURING AUDIT

BPUB's role in the external audit will be as follows:

1. BPUB will designate a liaison or point of contact to facilitate communication between the audit team and the BPUB management staff. The point of contact will be Director of Finance.
2. BPUB staff will provide the auditors with access to relevant financial records, documentation and internal controls. Staff will be available for interviews and discussions with auditors, and will provide timely responses to auditor's requests for information and documentation.
3. BPUB Finance staff will prepare both the Annual Comprehensive Financial Report and the SRWA Annual Financial Report.

INSTRUCTIONS TO PARTICIPATING FIRMS

The selected firm will be responsible for auditing the financial statements and ensuring compliance with applicable regulations and standards. Firms with relevant experience and qualifications are encouraged to submit their proposal and qualifications. Preparation of submittals will be at the expense of the Firm.

The following instructions should be followed:

1. Please respond specifically to all information requested in this Request for Proposals OR indicate on the acknowledgement form why no response is provided.
2. Please limit response to relevant material; additional information must be submitted in the form of an attachment or appendix.

3. Identify the question being answered in the introduction to each response.
4. Respondents or their representatives are prohibited from communicating with any BPUB officials to include board members regarding the RFP from the time the RFP is released until it has been acted upon by the Board. Respondents or their representatives are prohibited from communicating with BPUB employees regarding the RFP, until the contract is awarded. Violation of this provision by the respondent or their agent will lead to disqualification of the respondent's RFP from consideration.

TERM OF AGREEMENT

This proposal will be for one (1) year from the date of award, with the option to renew for two (2) additional one (1) year periods, if price and service are satisfactory and agreed upon in writing by both parties.

BROWNSVILLE PUB RIGHTS

1. If only one or no RFP is received by "submission date", the BPUB has the right to reject, re-propose, accept and/or extend the RFP by up to an additional two (2) weeks from original submission date.
2. The right to reject any/or all RFPs and to make award as they may appear to be advantageous to the BPUB.
3. The right to hold RFP for 90 days from submission date without action, and to waive all formalities in RFP.
4. The right to extend the total RFP beyond the original 90-day period prior to an award if agreed upon in writing by both parties and if RFP holds firm.
5. The right to terminate all or any part of the unfinished portion of the work resulting from this solicitation within thirty (30) days written notice; upon default by the firm, for delay or non-performance by the firm or if it is deemed in the best interest of BPUB for convenience.
6. The BPUB reserves the right to request additional information or to meet with representatives from responding organizations to discuss points in the RFP before and after submission, any and all of which may be used in forming a recommendation.
7. The BPUB reserves the right to reject any and all proposals and to accept the RFP it considers in its best interest based upon the requirements and descriptions outlined in this RFP.

Contract with Firm/Entity Indebted To BPUB

It is a policy of BPUB to refuse to enter into a contract or other transaction with an individual sole proprietorship, joint venture, Limited Liability Company or other entity indebted to BPUB.

Firm Representative

The successful firm agrees to send a personal representative with binding authority for the company to the Brownsville Public Utilities Board upon request to make adjustments and/or assist with coordination of all transactions as needed.

Firm ACH (Direct Deposit) Services

The BPUB has implemented a payment service for vendors by depositing the payment directly to the vendor's bank account. Successful vendor(s) will be required to receive payments directly through Automated Clearing House (ACH) in lieu of a paper check. **The awarded vendor must agree to receive payments via ACH (Direct Deposit).**

Tax Identification Number (TIN)

In accordance with IRS Publication 1220, a W9 form, or a W8 form in cases of a foreign vendor, will be required of all vendors doing business with the Brownsville PUB. If a W9 or W8 form is not made available to Brownsville PUB, the first payment will be subject to income tax withholding at a rate of 28% or 30% depending on the U.S. status and the source of income as per IRS Publication 1220. **The W9 or W8 form must be included with bid response.** Attached are sample forms.

Taxes

The Brownsville Public Utilities Board is exempt from Federal Excise Tax, State Tax and local Taxes. Do not include tax in the bid. If it is determined that tax was included in the bid it will not be included in the tabulation or any awards. Tax exemption certificates will be furnished upon request.

Signing of Proposal

Failure to sign proposal will disqualify it. Person signing proposal should show title or authority to bind their firm to a contract.

EEOC Guidelines

During the performance of this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of race, national origin, age, religion, gender, marital or veteran status, or physically challenging condition.

Corrections

Any interpretation, correction, or change of the RFP will be made by ADDENDUM. Changes or corrections will be issued by the BPUB Purchasing Department. **Addenda will be emailed to all who have returned the RFP Acknowledgement Form.** Addenda will be issued as expeditiously as possible. It is the responsibility of the firms to determine whether all addenda have been

received. It will be the responsibility of all respondents to contact the BPUB prior to submitting a response to the RFP to ascertain if any addenda have been issued, and to obtain any and or all addenda(s), execute them, and return addenda with the response to the RFP. Addenda may also be posted on BPUB's webpage.

BPUB is requesting six (6) sets of the proposal, including attachments. Proposals shall be enclosed in an envelope and plainly marked on the outside of the envelope or any carrier's envelope: **"P039-25 Request for Proposals for External Audit Services, April 23, 2025, 5:00 PM"**, to be mailed, sent by overnight courier, or hand delivered to the attention of:

Diane Solitaire
Purchasing & Materials Manager
Brownsville Public Utilities Board
1155 FM 511
Olmito, TX 78575

Proposals will be accepted until 5:00 PM, April 23, 2025.

NO PROPOSAL WILL BE ACCEPTED AFTER 5 P.M. ON THE DATE DUE.

Proposals will be acknowledged at 10:00 AM, April 24, 2025. Upon written request, non-confidential information on the accepted RFP will be available after the BPUB Board selects the successful firm.

The BPUB is subject to the Texas Open Records Act. However, certain types of information may be exempt from disclosure under the Act. Firms submitting information which they deem confidential or proprietary must clearly mark and identify such information page by page. The BPUB will, to the extent allowed by applicable law, endeavor to protect such information from disclosure. The final decision as to what information must be disclosed under the Open Records Act lies with the Texas Attorney General. As a general rule, information pertaining to Invitations for Bids may be released after the Bid opening; however, information relative to Requests for Proposals/Qualifications shall not be released by the BPUB until a contract has been awarded.

Questions or clarifications concerning the BPUB requirements may be directed to:

Diane Solitaire
Purchasing
Brownsville Public Utilities Board
1155 FM 511
Olmito, TX 78575
(956) 983-6366
dsolitaire@brownsville-pub.com

Responses will be in the form of an addendum issued to all firms that have returned the Acknowledgement Form.

During the performance of this contract, the firm agrees not to discriminate against any employee or applicant for employment because of race, national origin, age, religion, gender, marital or veteran status, or physically challenging condition.

COST SHEET P039-25

Instructions: The Firm shall consider all incurred expenses and cost of services when filling out the cost sheet and include it in the final proposal. The proposal should include an annual maximum not-to-exceed amount for each of the two (2) succeeding years.

Project Services			
PRODUCT/SERVICE DESCRIPTION	ESTIMATED HOURS	UNIT COST/HOUR	TOTAL COST
BPUB external audit services – Year 1			
SRWA external audit services – Year 1			
Single Audit			
OPTION 1: External audit services – Year 2			
OPTION 2: External audit services – Year 3			
TOTAL COST:			

NOTE: ON A SEPARATE SHEET OF PAPER, STATE THE TOTAL HOURS AND HOURLY RATE REQUIRED BY STAFF CLASSIFICATION AND THE RESULTING ALL-INCLUSIVE FEE ESTIMATE FOR WHICH THE REQUESTED WORK WILL BE DONE.

Company Name: _____

Authorized Company Representative: _____

Authorized Company Representative: _____

Signature – **Failure to sign RFP will disqualify it** / Date

Company Address: _____

Telephone #: _____

E-mail: _____

FORMS CHECKLIST

The following forms are be submitted as a part of the bid document

NAME	FORM DESCRIPTION	SUBMITTED WITH BID	
		YES	NO
Legal Notice	Acknowledgement Form	<input type="checkbox"/>	<input type="checkbox"/>
	Debarment Certification	<input type="checkbox"/>	<input type="checkbox"/>
	Ethics Statement	<input type="checkbox"/>	<input type="checkbox"/>
	Conflict of Interest Questionnaire	<input type="checkbox"/>	<input type="checkbox"/>
	W9 or W8 Form	<input type="checkbox"/>	<input type="checkbox"/>
	Direct Deposit Form (will be provided to the awarded vendor)	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
Special Instructions	Bid Schedule/Cost sheet completed and signed	<input type="checkbox"/>	<input type="checkbox"/>
	Cashier Check or Bid Bond of 5% of Total Amount of Bid (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>
	OSHA 300 Log (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>
	Contractor Pre-Bid Disclosure completed, signed and notarized (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>
	Sub-Contractor Pre-Bid Disclosure completed, signed, and notarized (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
References	Complete the Previous Customer Reference Worksheet for each reference provided	<input type="checkbox"/>	<input type="checkbox"/>
Addenda			

ETHICS STATEMENT (Complete and Return this form with Response)

The undersigned Firm, by signing and executing this proposal, certifies and represents to the Brownsville Public Utilities Board that Firm has not offered, conferred or agreed to confer any pecuniary benefit, as defined by (1.07 (a) (6) of the Texas Penal Code, or any other thing of value as consideration for the receipt of information or any special treatment of advantage relating to this proposal; the Firm also certifies and represents that they have not offered, conferred or agreed to confer any pecuniary benefit or other thing of value as consideration for the recipient's decision, opinion, recommendation, vote or other exercise of discretion concerning this proposal, the Firm certifies and represents that they have neither coerced nor attempted to influence the exercise of discretion by any officer, trustee, agent or employee of the Brownsville Public Utilities Board concerning this proposal on the basis of any consideration not authorized by law; the Firm also certifies and represents that they have not received any information not available to other Firms so as to give the undersigned a preferential advantage with respect to this proposal; the Firm further certifies and represents that they have not violated any state, federal, or local law, regulation or ordinance relating to bribery, improper influence, collusion or the like and that Firm will not in the future offer, confer, or agree to confer any pecuniary benefit or other thing of value of any officer, trustee, agent or employee of the Brownsville Public Utilities Board in return for the person having exercised their person's official discretion, power or duty with respect to this proposal; the Firm certifies and represents that it has not now and will not in the future offer, confer, or agree to confer a pecuniary benefit or other thing of value to any officer, trustee, agent, or employee of the Brownsville Public Utilities Board in connection with information regarding this proposal, the submission of this proposal, the award of this proposal or the performance, delivery or sale pursuant to this proposal.

THE FIRM SHALL DEFEND, INDEMNIFY, AND HOLD HARMLESS THE BROWNSVILLE PUBLIC UTILITIES BOARD, ALL OF ITS OFFICERS, AGENTS AND EMPLOYEES FROM AND AGAINST ALL CLAIMS, ACTIONS, SUITS, DEMANDS, PROCEEDING, COSTS, DAMAGES, AND LIABILITIES, ARISING OUT OF, CONNECTED WITH, OR RESULTING FROM ANY NEGLIGENT ACTS OR OMISSIONS OF CONTRACTOR OR ANY AGENT, EMPLOYEE, SUBCONTRACTOR, OR SUPPLIER OF CONTRACTOR IN THE EXECUTION OR PERFORMANCE OF THIS PROPOSAL.

I have read all of the specifications and general proposal requirements and do hereby certify that all items submitted meet specifications.

COMPANY: _____

AGENT NAME: _____

AGENT SIGNATURE: _____

ADDRESS: _____

CITY: _____

STATE: _____ ZIP CODE: _____

TELEPHONE: _____ TELEFAX: _____

FEDERAL ID#: _____ AND/OR SOCIAL SECURITY #: _____

DEVIATIONS FROM SPECIFICATIONS IF ANY:

NOTE: QUESTIONS AND CONCERNS FROM PROSPECTIVE CONTRACTORS SHOULD BE RAISED WITH OWNER AND ITS CONSULTANT (IF APPLICABLE) AND RESOLVED IF POSSIBLE, PRIOR TO THE PROPOSAL SUBMITTAL DATE. ANY LISTED DEVIATIONS IN A FINALLY SUBMITTED PROPOSAL MAY ALLOW THE OWNER TO REJECT A PROPOSAL AS NON-RESPONSIVE.

CERTIFICATION REGARDING
DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY
MATTERS **(Complete and Return this form with Response)**

Name of Entity: _____

The prospective participant certifies to the best of their knowledge and belief that they and their principals:

Are not presently debarred, suspended, proposed for debarment or suspension by The State Bar of Texas or any Federal court.

Have not within a three year period preceding this RFP been convicted of, had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, Local) with commission of any of the offenses enumerated in this paragraph of the certification; and

I understand that a false statement on this certification may be grounds for rejection of this RFP or termination of the award. In addition, under 18 USC Section 1001, a false statement may result in a fine up to a \$10,000.00 or imprisonment for up to five (5) years, or both.

Name and Title of Authorized Representative (Typed)

Signature of Authorized Representative

Date

☐ I am unable to certify to the above statements. My explanation is attached.

THIS FORM MUST BE COMPLETED IN ITS ENTIRETY AND SUBMITTED WITH BID RESPONSE

CONFLICT OF INTEREST QUESTIONNAIRE For vendor doing business with local governmental entity		FORM CIQ
<p>This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.</p> <p>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).</p> <p>By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.</p> <p>A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.</p>	OFFICE USE ONLY <div style="border: 1px solid black; height: 100px; margin-top: 5px;"></div>	
1 Name of vendor who has a business relationship with local governmental entity.		
2 <input type="checkbox"/> Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)		
3 Name of local government officer about whom the information is being disclosed.		
<div style="border-bottom: 1px solid black; width: 60%; margin: 0 auto;"></div> Name of Officer		
4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.		
<div style="margin-bottom: 20px;"> A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor? <div style="margin-left: 100px;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </div> </div> <div> B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity? <div style="margin-left: 100px;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </div> </div>		
5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.		
6 <input type="checkbox"/> Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).		
7		
<div style="border-bottom: 1px solid black; width: 60%; margin: 0;"></div> Signature of vendor doing business with the governmental entity		<div style="border-bottom: 1px solid black; width: 20%; margin: 0;"></div> Date

Form provided by Texas Ethics Commission

www.ethics.state.tx.us

Revised 1/1/2021

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

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

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

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

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

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

- (2) the vendor:

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

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

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

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

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

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

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

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

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

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

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

- (1) the date that the vendor:

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

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

- (2) the date the vendor becomes aware:

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

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

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

CERTIFICATE OF INTERESTED PARTIES-FORM 1295

Special message: Please read the Special Notification regarding HB 1295 effective January 1, 2016, implemented by the Texas Ethics Commission, which requires business entities to provide a completed Form 1295 to Brownsville PUB with signed contracts in order to execute them.

In 2015, the Texas Legislature adopted House Bill 1295. The law states that a governmental entity or state agency may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency. The law applies to a contract of a governmental entity or state agency that either (1) requires an action or vote by the governing body of the entity or agency before the contract may be signed or (2) has a value of at least \$1 million. The disclosure requirement applies to a contract entered into on or after January 1, 2016.

To implement the law, the Texas Ethics Commission (TEC) adopted new rules necessary to prescribe the disclosure of interested parties form, and post a copy of the form on the commission's website. The commission adopted the Certificate of Interested Parties form, Form 1295, on October 5, 2015. The commission also adopted new rules as part of Chapter 46 of the Texas Administrative Code on November 30, 2015.

On January 1, 2016, TEC made a new filing application available on their website for business entities to use to both create and file Form 1295. Business entities will enter the required information on Form 1295 within the application and print a copy of the completed form, which will include a certification of filing with a unique certification number. An authorized agent of the business entity will need to sign the printed copy of the form and have the form notarized. The completed Form 1295 with the certification of filing must be included with the signed contract to the governmental body or state agency in order for the governmental body to execute the contract.

Brownsville PUB will then notify the commission, using TEC's filing application, of the receipt of the filed Form 1295 with the certification of filing not later than the 30th day after the date the contract binds all parties to the contract.

TEC will then post the business entity's completed Form 1295 to its website within seven (7) business days after receiving notice from Brownsville PUB acknowledging that it was received.

To obtain additional information on HB 1295, to learn more about TEC's process to create a new account or to complete an electronic version of Form 1295 for submission with a signed contract, please go to the following link:
https://ethics.state.tx.us/whatsnew/elf_info_form1295.htm

NOTE: IF AWARDED THIS CONTRACT, FORM 1295 WILL BE SUBMITTED AT THE TIME THE SIGNED CONTRACT IS SUBMITTED TO B PUB. ☐ YES ☐ NO

CERTIFICATE OF INTERESTED PARTIES**FORM 1295**

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the goods or services to be provided under the contract.

4 Name of Interested Party	City, State, Country (place of business)	Nature of Interest (check applicable)	
		Controlling	Intermediary

5 Check only if there is NO Interested Party. ☐

6 UNSWORN DECLARATION

My name is _____, and my date of birth is _____.

My address is _____, _____, _____, _____, _____.
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in _____ County, State of _____, on the _____ day of _____, 20____.
(month) (year)

Signature of authorized agent of contracting business entity
(Declarant)

ADD ADDITIONAL PAGES AS NECESSARY

BROWNSVILLE PUBLIC UTILITIES BOARD
RESIDENCE CERTIFICATION

In accordance with Art. 601g, as passed by the 1985 Texas Legislature, the following will apply. The pertinent portion of the Act has been extracted and is as follows:

Section 1. (a)

(1) "Nonresident bidder" means a bidder whose principal place of business is not in this state, but excludes a contractor whose ultimate parent company or majority owner has its principal place of business in this state.

(2) "Texas resident bidder " means a bidder whose principal place of business is in this state, and includes a contractor whose ultimate parent company or majority owner has its principal place of business in this state.

Section 1. (b)

The state or governmental agency of the state may not award a contract for general construction, improvements, services, or public works projects or purchases of supplies, materials or equipment to a nonresident bidder unless the nonresident's bid is lower than the lowest bid submitted by a responsible Texas resident bidder by the same amount that a Texas resident bidder would be required to underbid a nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located.

I certify that _____
(Company Name) is a **resident Texas bidder** as defined in Art. 601g.

Signature: _____

Print Name: _____

I certify that _____
(Company Name) is a **nonresident bidder** as defined in Art. 601g. and our principal place of business is: _____
(City and State)

Signature: _____

Print Name: _____

Organization Name
State Law Verifications

I, _____ (Person's name), the undersigned
representative of (Company or Business name)

_____ (hereafter referred to as
the "Company") being an adult over the age of eighteen (18) years of age, after being duly
sworn by the undersigned notary, do hereby depose and verify under oath as follows:

- **IRAN, SUDAN AND FOREIGN TERRORIST ORGANIZATIONS:** By submission of a response to City of Brownsville Public Utilities Board ("BPUB") Request for Qualifications Q018-23 (the "RFQ"), the responding Company represents that, to the extent this proposal submission or any contracts executed in response to this proposal constitutes a governmental contract within the meaning of Section 2252.151 of the Texas Government Code, as amended, solely for purposes of compliance with Section 2252.152 of the Texas Government Code, and except to the extent otherwise required by applicable federal law, neither the responding Company, nor any wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of the Company is a company listed by the Texas Comptroller of Public Accounts under Sections 806.051, 807.051, or 2252.153 of the Texas Government Code.
- **ANTI-BOYCOTT ISRAEL VERIFICATION:** By submission of a response to the BPUB RFQ, the responding Company represents that, to the extent this proposal submission, or any contracts executed in response to this proposal, constitutes a contract for goods or services within the meaning of Section 2271.002 of the Texas Government Code, as amended, solely for purposes of compliance with Chapter 2271 of the Texas Government Code, and subject to applicable federal law, including without limitation, 50 U.S.C. Section 4607, the responding Company, as well as any wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of the Company, (1) does not boycott Israel and (2) will not boycott Israel through the term of any such contract. The term "boycott Israel" as used in this paragraph has the meaning assigned to such term in Section 808.001 of the Texas Government Code, as amended.
- **VERIFICATION REGARDING NO DISCRIMINATION AGAINST FIREARMS:** By submission of a response to the BPUB RFQ, the responding Company represents that, to the extent this proposal submission, or any contracts executed in response to this proposal, constitutes a contract for goods or services for which a written verification is required under Section 2274.002, Texas Government Code (as added by Senate Bill 19, 87th Texas Legislature, Regular Session), as amended, the responding Company hereby verifies that it, as well as any wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of the Firm, (1) does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and (2) will not

discriminate during the term of any such contract against a firearm entity or firearm trade association. The foregoing verification is made solely to comply with Section 2274.002, Texas Government Code (as added by Senate Bill 19, 87th Texas Legislature, Regular Session), as amended, to the extent such section does not contravene applicable Texas or federal law. As used in the foregoing verification, “discriminate against a firearm entity or firearm trade association” shall have the meaning assigned to such term in Section 2274.001, Texas Government Code (as added by Senate Bill 19, 87th Texas Legislature, Regular Session).

- **VERIFICATION REGARDING NO ENERGY COMPANY BOYCOTTS:** By submission of a response to the BPUB RFQ, the responding Company represents that, to the extent this proposal submission, or any contracts executed in response to this proposal, constitutes a contract for goods or services for which a written verification is required under Section 2274.002, Texas Government Code (as added by Senate Bill 13, 87th Texas Legislature, Regular Session), as amended, the responding Company hereby verifies that the responding Company, as well as any wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of the Firm, (1) does not boycott energy companies and (2) will not boycott energy companies during the term of any such contract. The foregoing verification is made solely to comply with Section 2274.002, Texas Government Code (as added by Senate Bill 13, 87th Texas Legislature, Regular Session), as amended, to the extent such section does not contravene applicable Texas or federal law. As used in the foregoing verification, “boycott energy companies” shall have the meaning assigned to such term in Section 809.001(1), Texas Government Code.

DATE

SIGNATURE OF COMPANY REPRESENTATIVE

On this the ____ day of _____, 20____, personally appeared

_____, the above-named person, who after by me being duly sworn, did swear and confirm that the above is true and correct.

NOTARY SEAL _____

NOTARY SIGNATURE _____

Date

Organization Name
House Bill 89 Verification

I, _____ (Person name), the undersigned
representative of (Company or Business
name) _____
_____ (hereafter referred to as
company) being an adult over the age of eighteen (18) years of age, after being duly sworn
by the undersigned notary, do hereby depose and verify under oath that the company named-
above, under the provisions of Subtitle F, Title 10, Government Code Chapter 2270:

1. Does not boycott Israel currently; and
2. Will not boycott Israel during the term of the contract providing that:
 - (1) "company" does not include a sole proprietorship; and
 - (2) the law applies only to a contract that:
 - (a) is between a governmental entity and a company with 10 or more full-time employees; and
 - (b) has a value of \$100,000 or more that is to be paid wholly or partly from public funds or the governmental entity

Pursuant to Section 2270.001, Texas Government Code:

1. "Boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes; and
2. "Company" means a for-profit sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or any limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of those entities or business associations that exist to make a profit.

DATE SIGNATURE OF COMPANY REPRESENTATIVE

On this the _____ day of _____, 20____, personally appeared

_____, the above-named person, who after by
me being duly sworn, did swear and confirm that the above is true and correct.

NOTARY SEAL _____

NOTARY SIGNATURE _____

Date

Previous Customer Reference Worksheet

Name of Customer:		Customer Contact:
Customer Address:		Customer Phone Number:
		Customer Email:

Name of Company Performing Referenced Work:

What was the Period of Performance?		What was the Final Acceptance Date?
From:		
To:		
Dollar Value of Contract?		What Type of Contract?
\$ _____		<input type="checkbox"/> Firm Fixed Price <input type="checkbox"/> Time and Material <input type="checkbox"/> Not to Exceed <input type="checkbox"/> Cost Plus Fixed Fee <input type="checkbox"/> Other, Specify:

[illegible]

**Request for Taxpayer
Identification Number and Certification**
Go to www.irs.gov/FormW9 for instructions and the latest information.

Give form to the
requester. Do not
send to the IRS.

Before you begin. For guidance related to the purpose of Form W-9, see *Purpose of Form*, below.

Print or type. See Specific Instructions on page 3.	1 Name of entity/individual. An entry is required. (If for a sole proprietor or disregarded entity, enter the owner's name on line 1, and enter the business/disregarded entity's name on line 2.)	
	2 Business name/disregarded entity name, if different from above.	
	3a Check the appropriate box for federal tax classification of the entity/individual whose name is entered on line 1. Check only one of the following seven boxes. <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C corporation <input type="checkbox"/> S corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> LLC. Enter the tax classification (C = C corporation, S = S corporation, P = Partnership) Note: Check the "LLC" box above and, in the entry space, enter the appropriate code (C, S, or P) for the tax classification of the LLC, unless it is a disregarded entity. A disregarded entity should instead check the appropriate box for the tax classification of its owner. <input type="checkbox"/> Other (see instructions)	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from Foreign Account Tax Compliance Act (FATCA) reporting code (if any) _____ (Applies to accounts maintained outside the United States.)
	3b If on line 3a you checked "Partnership" or "Trust/estate," or checked "LLC" and entered "P" as its tax classification, and you are providing this form to a partnership, trust, or estate in which you have an ownership interest, check this box if you have any foreign partners, owners, or beneficiaries. See instructions <input type="checkbox"/>	
	5 Address (number, street, and apt. or suite no.). See instructions.	Requester's name and address (optional)
6 City, state, and ZIP code		
7 List account number(s) here (optional)		

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. See also *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number [] [] [] - [] [] - [] [] [] []
or
Employer identification number [] [] - [] [] [] [] [] [] [] []

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and, generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person	Date
------------------	--------------------------	------

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

What's New

Line 3a has been modified to clarify how a disregarded entity completes this line. An LLC that is a disregarded entity should check the appropriate box for the tax classification of its owner. Otherwise, it should check the "LLC" box and enter its appropriate tax classification.

New line 3b has been added to this form. A flow-through entity is required to complete this line to indicate that it has direct or indirect foreign partners, owners, or beneficiaries when it provides the Form W-9 to another flow-through entity in which it has an ownership interest. This change is intended to provide a flow-through entity with information regarding the status of its indirect foreign partners, owners, or beneficiaries, so that it can satisfy any applicable reporting requirements. For example, a partnership that has any indirect foreign partners may be required to complete Schedules K-2 and K-3. See the Partnership Instructions for Schedules K-2 and K-3 (Form 1065).

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS is giving you this form because they

Form **W-8BEN-E**

(Rev. October 2021)

Department of the Treasury
Internal Revenue Service**Certificate of Status of Beneficial Owner for
United States Tax Withholding and Reporting (Entities)**

► For use by entities. Individuals must use Form W-8BEN. ► Section references are to the Internal Revenue Code.
► Go to www.irs.gov/FormW8BENE for instructions and the latest information.
► Give this form to the withholding agent or payer. Do not send to the IRS.

OMB No. 1545-1621

Do NOT use this form for:

- U.S. entity or U.S. citizen or resident W-9
- A foreign individual W-8BEN (Individual) or Form 8233
- A foreign individual or entity claiming that income is effectively connected with the conduct of trade or business within the United States (unless claiming treaty benefits) W-8ECI
- A foreign partnership, a foreign simple trust, or a foreign grantor trust (unless claiming treaty benefits) (see instructions for exceptions) . . . W-8IMY
- A foreign government, international organization, foreign central bank of issue, foreign tax-exempt organization, foreign private foundation, or government of a U.S. possession claiming that income is effectively connected U.S. income or that is claiming the applicability of section(s) 115(2), 501(c), 892, 895, or 1443(b) (unless claiming treaty benefits) (see instructions for other exceptions) W-8ECI or W-8EXP
- Any person acting as an intermediary (including a qualified intermediary acting as a qualified derivatives dealer) W-8IMY

Instead use Form:**Part I Identification of Beneficial Owner**

- | | |
|---|---|
| 1 Name of organization that is the beneficial owner | 2 Country of incorporation or organization |
| 3 Name of disregarded entity receiving the payment (if applicable, see instructions) | |

- 4** Chapter 3 Status (entity type) (Must check one box only):
- | | | | |
|---|--|--|---|
| <input type="checkbox"/> Simple trust | <input type="checkbox"/> Tax-exempt organization | <input type="checkbox"/> Corporation | <input type="checkbox"/> Partnership |
| <input type="checkbox"/> Central Bank of Issue | <input type="checkbox"/> Private foundation | <input type="checkbox"/> Complex trust | <input type="checkbox"/> Foreign Government - Controlled Entity |
| <input type="checkbox"/> Grantor trust | <input type="checkbox"/> Disregarded entity | <input type="checkbox"/> Estate | <input type="checkbox"/> Foreign Government - Integral Part |
| <input type="checkbox"/> International organization | | | |

If you entered disregarded entity, partnership, simple trust, or grantor trust above, is the entity a hybrid making a treaty claim? If "Yes," complete Part III. ☐ Yes ☐ No

- 5** Chapter 4 Status (FATCA status) (See instructions for details and complete the certification below for the entity's applicable status.)
- | | |
|---|---|
| <input type="checkbox"/> Nonparticipating FFI (including an FFI related to a Reporting IGA FFI other than a deemed-compliant FFI, participating FFI, or exempt beneficial owner). | <input type="checkbox"/> Nonreporting IGA FFI. Complete Part XII. |
| <input type="checkbox"/> Participating FFI. | <input type="checkbox"/> Foreign government, government of a U.S. possession, or foreign central bank of issue. Complete Part XIII. |
| <input type="checkbox"/> Reporting Model 1 FFI. | <input type="checkbox"/> International organization. Complete Part XIV. |
| <input type="checkbox"/> Reporting Model 2 FFI. | <input type="checkbox"/> Exempt retirement plans. Complete Part XV. |
| <input type="checkbox"/> Registered deemed-compliant FFI (other than a reporting Model 1 FFI, sponsored FFI, or nonreporting IGA FFI covered in Part XII). See instructions. | <input type="checkbox"/> Entity wholly owned by exempt beneficial owners. Complete Part XVI. |
| <input type="checkbox"/> Sponsored FFI. Complete Part IV. | <input type="checkbox"/> Territory financial institution. Complete Part XVII. |
| <input type="checkbox"/> Certified deemed-compliant nonregistering local bank. Complete Part V. | <input type="checkbox"/> Excepted nonfinancial group entity. Complete Part XVIII. |
| <input type="checkbox"/> Certified deemed-compliant FFI with only low-value accounts. Complete Part VI. | <input type="checkbox"/> Excepted nonfinancial start-up company. Complete Part XIX. |
| <input type="checkbox"/> Certified deemed-compliant sponsored, closely held investment vehicle. Complete Part VII. | <input type="checkbox"/> Excepted nonfinancial entity in liquidation or bankruptcy. Complete Part XX. |
| <input type="checkbox"/> Certified deemed-compliant limited life debt investment entity. Complete Part VIII. | <input type="checkbox"/> 501(c) organization. Complete Part XXI. |
| <input type="checkbox"/> Certain investment entities that do not maintain financial accounts. Complete Part IX. | <input type="checkbox"/> Nonprofit organization. Complete Part XXII. |
| <input type="checkbox"/> Owner-documented FFI. Complete Part X. | <input type="checkbox"/> Publicly traded NFFE or NFFE affiliate of a publicly traded corporation. Complete Part XXIII. |
| <input type="checkbox"/> Restricted distributor. Complete Part XI. | <input type="checkbox"/> Excepted territory NFFE. Complete Part XXIV. |
| | <input type="checkbox"/> Active NFFE. Complete Part XXV. |
| | <input type="checkbox"/> Passive NFFE. Complete Part XXVI. |
| | <input type="checkbox"/> Excepted inter-affiliate FFI. Complete Part XXVII. |
| | <input type="checkbox"/> Direct reporting NFFE. |
| | <input type="checkbox"/> Sponsored direct reporting NFFE. Complete Part XXVIII. |
| | <input type="checkbox"/> Account that is not a financial account. |

- 6** Permanent residence address (street, apt. or suite no., or rural route). **Do not use a P.O. box or in-care-of address** (other than a registered address).

City or town, state or province. Include postal code where appropriate.

Country

- 7** Mailing address (if different from above)

City or town, state or province. Include postal code where appropriate.

Country

For Paperwork Reduction Act Notice, see separate instructions.

Cat. No. 59689N

Form **W-8BEN-E** (Rev. 10-2021)