



TOWN OF LAUDERDALE-BY-THE-SEA

REQUEST FOR PROPOSALS #10-03-01
FOR

PROFESSIONAL AUDITING SERVICES

Proposals must be submitted before:

July 12, 2010 by 2:00 P.M.

To the Office of the Town Clerk
4501 Ocean Drive
Lauderdale-By-The-Sea, FL 33308
(954) 776-0576

LAUDERDALE-BY-THE-SEA

REQUEST FOR PROPOSALS

TABLE OF CONTENTS

- I. Introduction
 - A. General Information and Term of Engagement
 - B. Information and Clarification
 - C. Presentation Costs
 - D. Certification
 - E. Public Records
 - F. Retention of Documents and Acceptance of Conditions

- II. Nature of services required
 - A. General
 - B. Scope of Work to be Performed
 - C. Auditing Standards to be Followed
 - D. Reports to be Issued
 - E. Special Considerations
 - F. Working Paper Retention and Access to Working Papers
 - G. Insurance Requirements
 - H. Additional Consulting Services

- III. Description of the Government
 - A. Name and Telephone Number of Contact Persons
 - B. Background Information
 - C. Fund Structure

- IV. Time requirements
 - A. Time Schedule for Each Fiscal Year's Audit
 - 1. Audit Plan
 - 2. Fieldwork
 - 3. Issuance of Reports and Financial Statement Attestation
 - B. Entrance Conferences, Progress Reporting and Exit Conferences

- V. Assistance to be Provided to the Auditor and Report Preparation
 - A. Finance Department Support
 - B. Work Area, Telephones, Photocopying and FAX Machines
 - C. Report Preparation

TABLE OF CONTENTS
(Continued)

- VI. Proposal Requirements
 - A. Submission of Proposals
 - B. Proposal Format
 - C. Proposal Content
 - 1. License to Practice in Florida
 - 2. Firm Qualifications and Experience
 - 3. Partner, Supervisory and Staff Qualifications and Experience
 - 4. Similar Engagements with Other Government Entities
 - 5. Specific Audit Approach
 - 6. Identification of Anticipated Potential Audit Problems
 - 7. Independence
 - D. Addenda

- VII. Sealed Dollar Cost Bid
 - A. All Inclusive Maximum Price
 - B. Rates
 - C. Expenses
 - D. Rates for Additional Professional Services
 - E. Manner of Payment

- VIII Evaluation Procedures
 - A. Audit Committee
 - B. Review of Proposals
 - C. Non-Monetary Evaluation Criteria
 - 1. Mandatory Elements
 - 2. Technical Qualifications
 - D. Oral Presentations
 - E. Final Selection
 - F. Right to Reject Proposals

APPENDICES

- A. Warranties
- B. Public Entity Crimes Affidavit
- C. Non-Collusion Affidavit
- D. Acknowledgement of Addenda
- E. Independence Affidavit

SECTION I. INTRODUCTION AND GENERAL INFORMATION

A. General Information and Term of Engagement

Lauderdale-By-The-Sea (the "Town"), a Florida Municipality located in Broward County, is requesting proposals from qualified Certified Public Accounting firms to audit its financial statements for the fiscal year ending September 30, 2010, with the option of auditing its financial statements for each of the four (4) subsequent fiscal years. This is a Financial Audit as required under Section 218.39, Florida Statutes.

B. Information and Clarification

All requests for information or clarification regarding this Request for Proposals (RFP) shall be made in writing and received by the Town no later than 7 days prior to the required submittal date. Written inquiries shall be addressed to:

June White, Town Clerk
Lauderdale-By-The-Sea
4501 Ocean Drive, Lauderdale-By-The-Sea, FL 33308
Phone: 954-776-0576
FAX: 954-776-0094

No person is authorized to give oral interpretations of, or make oral change to, this RFP. Only written Addendum from the Town shall be binding.

C. Presentation Costs

The Town shall not be liable for any costs, fees or expenses incurred by any firm in responding to the Request for Proposals or any subsequent inquiries or presentation relating to a response.

D. Certification

The signer of the proposal must declare that the only person(s), company or parties interested in the project as principals, are named therein; that the proposal is made without collusion with any other person(s), company or parties that submitted a proposal; that it is in all respects fair and in good faith, without collusion or fraud; and that the signer of the proposal has full authority to bind the principals.

E. Public Records

All material submitted in response to this RFP will become a "public record" and is subject to public disclosure consistent with Chapter 119, Florida Statutes (Public Record Law). Proposers must claim the applicable exemptions to disclosure provided by law in their response to the RFP by identifying materials to be protected, and must state the reasons why such exclusion from public disclosure is necessary and legal. The Town reserves the right to make all final determination(s) of the applicability of the Florida Public Records Law.

F. Retention of Documents and Acceptance of Conditions

The Town reserves the right to retain all documents and materials submitted and to use any ideas regardless of whether that proposal is selected. Submission of a proposal indicates acceptance by the firm of the conditions contained in this Request for Proposals. All proposers hereunder agree to provide proposals in compliance with all federal, state and local law and regulation, including by example and not limitation, the Town Code Section 2-25 and the Town purchasing manual.

II. NATURE OF SERVICES REQUIRED

A. General

The Town is soliciting the services of qualified firms of certified public accountants to audit its financial statements for the fiscal year ending September 20, 2010, with the option to audit the Town financial statements for each of the four (4) subsequent fiscal years.

B. Scope of Work to be Performed

The Town desires the auditor to express an opinion on the fair presentation of its general purpose financial statements in conformity with generally accepted accounting principles. This is a Financial Audit which shall meet the requirements of 218.39, Florida Statutes.

C. Auditing Standards to be Followed

To meet the requirements of this Request for Proposals, the audit shall be performed in accordance with:

- Generally accepted auditing standards as set forth by the American Institute of Certified Public Accountants (AICPA)
- The government auditing standards set forth in the U.S. General Accounting Office's *Government Auditing Standards*
- The rules and requirements established by the Auditor General of the State of Florida for form and content of audits
- The provisions of the Federal Single Audit Act of 1984
- The Florida Single Audit Act
- The provisions of the U.S. Office of Management and Budget (OMB) Circular A-133 and any applicable amendments Section 11.45, Florida Statutes
- State of Florida Department of Banking and Finance regulations
- All other applicable Federal, State and local laws and regulations.

D. Reports to be Issued

Following the completion of the audit of the fiscal year's financial statements, the auditor shall compile the financial statements and footnotes based on information provided by the Town. In addition, the auditor shall prepare reports as required by adherence to the auditing standards cited in Section C. above, including but not limited to:

- A report on the fair presentation of the basic financial statements in conformity with generally accepted accounting principles.

- A report that assesses the Town's existing internal control structure based on the audit of the basic financial statements performed in accordance with government auditing standards and makes recommendations to improve those controls.
- A report on compliance with applicable laws and regulations.

In the required reports on internal controls, the auditor shall communicate any significant deficiencies found during the audit. A significant deficiency shall be defined as a significant deficiency in the design or operation of the internal control structure which could adversely affect the organization's ability to record, process, summarize and report financial data consistent with the assertions of management in the financial statements.

Significant deficiencies that are also material weaknesses shall be identified as such in the report.

Non-reportable conditions discovered by the auditors shall be reported in a separate letter to management, which shall be referred to in the reports on internal controls.

The report on compliance shall include all material instances of noncompliance. All nonmaterial instances of noncompliance shall be reported in a separate management letter, which shall be referred to in the report on compliance.

Auditors shall be required to make an immediate, written report of all irregularities and illegal acts of which they become aware to the appropriate Town personnel (which may include the Town Manager, the Finance Director and the Town Commission) as well as the Town Attorney.

F. Special Considerations

For the audit of the fiscal year ending September 30, 2010, the Town wants the auditor to examine compliance with the Town's purchasing rules and regulations with regard to limitations on the Town Manager's authority to approve contracts or services up to a maximum of \$15,000. Therefore, the auditor shall double their normal sample to review individual transactions for payments made to vendors or contractors in the \$7,500 - \$14,999 range in that year's audit in order to both determine compliance with the Town's purchasing rules and regulations and that payment was made in compliance with the terms of the pertinent contract or purchase order.

The Town intends to send its Comprehensive Annual Financial Report (CAFR) to the Government Finance Officers Association of the United States and Canada for review in their Certificate of Achievement for Excellence in Financial Reporting program. The auditor will be required to provide some assistance to the Town to meet the requirements of that program at no expense to Town.

F. Working Paper Retention and Access to Working Papers

All working papers and reports must be retained, at the auditor's expense, for a minimum of five (5) years, unless the firm is notified in writing by the Town of the need to extend the retention period. The auditor will be required to make working papers available upon request by the Town Manager, the Finance Director, the Town Commission, or the Audit Committee.

In addition, the firm shall respond to the reasonable inquiries of successor auditors and allow successor auditors to review working papers relating to matters of continuing accounting significance at the auditor's expense.

G. Insurance Requirements

The auditor shall maintain at its sole cost and expense at all times, in addition to any other insurance the Town may reasonably require, professional liability insurance with a minimum limit of \$1,000,000 per occurrence, comprehensive general liability insurance and automotive liability insurance with minimum policy limits for each coverage in the amount of One Million Dollars (\$1,000,000.00) per occurrence,

single limit for property damage and bodily injury, including death. The auditor shall also maintain worker's compensation insurance at the statutory minimums required by Chapter 440, Florida Statutes.

All submittals shall include proof in the form of a certificate of insurance complying with the requirements specified above or evidence of insurability in the form of a letter from its insurance carrier indicating that the proposer is able to obtain the required insurance. If the proposer is selected to provide audit services, the Town shall be named as an additional insured on each of the above policies, unless prohibited by law or Town waives such requirement.

H. Additional Consulting Services

In addition to the regular audit requirements, the Town may request that the audit firm selected provide consulting services for evaluation of systems which the Town will be implementing, or other audit related matters outside the performance of the annual audit. The auditors and Town will separately negotiate a fee for each instance that consulting services are requested.

III. DESCRIPTION OF THE GOVERNMENT

A. Name and Telephone Number of Town's Contact Person

The auditor's principal contact with the Town will be Kaola King, Finance Director, who will coordinate the assistance to be provided to the auditor by the Town. Her phone number is 954-7767910.

B. Background Information

The Town was incorporated as a municipality in 1947, and commenced operations on November 30, 1947. It is located in Broward County, Florida. The current population of the Town is approximately 6,000 residents. The Town is a legal taxing district with the power to levy ad valorem tax within its boundaries.

The Town operates under the Council/Manager form of government. The Town is governed by a five (5) member Town Council. The Town Manager is appointed by the Town Council to administer Town operations and policy.

The Town fiscal year begins on October 1 and ends on September 30. Budgets are adopted annually in accordance with the Town Charter, and expenditures are controlled in accordance with written policies and procedures.

C. Fund Structure

The Town currently uses the following fund types and account groups in its financial reporting:

Fund Type / Account Group	# of Individual Funds
Governmental Funds	2
Special Revenue Funds	1
Proprietary Funds	2
Enterprise Funds	0
General Fixed Assets Account Group	3
General Long-term Debt Account Group	1

IV. TIME REQUIREMENTS

A. Time Schedule for Each Fiscal Year Audit

The Town and auditor will mutually agree on a time schedule to be developed for the audit of each fiscal year. The schedule shall include dates for completing each of the following steps by the auditor no later than the agreed upon date for each year of the audit. Each of the following shall be completed by the auditor no later than the dates indicated.

1. Audit Plans:

The auditor shall provide a detailed audit plan and a list of all schedules to be prepared by the Town by October 30 of 2010 and by September 30 of each subsequent year.

2. Fieldwork:

The auditor shall complete all fieldwork by January 20 of each year.

3. Issuance of Reports and Financial Statement Attestation:

The auditor shall have ready for publication all reports denoted in Section II.D. of this Request for Proposals by February 15 of each year.

B. Entrance Conferences, Progress Reporting and Exit Conferences

There shall be an entrance conference with key Town personnel no later than October 15th of 2010 and by September 15 of each subsequent year. Progress conferences will be held with key Town personnel throughout the engagement. An exit conference will be scheduled to discuss the draft report and management letter prior to the issuance of the CAFR.

V. ASSISTANCE TO BE PROVIDED TO THE AUDITOR AND REPORT PREPARATION

A. Finance Department Support

The Finance Director will be available during the audit to assist the firm by providing information, documentation and explanations. The preparation of confirmations will be the responsibility of the Town.

B. Work Area, Telephones, Photocopying and FAX Machines

For necessary on-site work, the Town will provide the auditor with reasonable work space, desks and chairs. The auditor will also be provided with access to telephone lines, photocopying facilities and FAX machines at no charge to the auditor for Town-related work.

C. Report Preparation

Pro formas and editing will be the responsibility of the auditor. Report preparation and printing shall also be the responsibility of the auditor, with reasonable and limited assistance from Town staff. The auditor shall be responsible for providing 20 copies of the annual financial reports to the Town, and assist Town staff with preparing additional bound copies as needed for reporting distribution. The auditor shall also be responsible for preparing an electronic copy of the complete CAFR which meets the electronic submission requirements of the Auditor General.

VI. PROPOSAL REQUIREMENTS

A. Submission of Proposals

To be considered, one (1) original and eleven (11) duplicate proposals must be received by the Town Clerk, at 4501 Ocean Drive, Lauderdale-By-The-Sea no later than 2:00 P.M on July 12, 2010. The proposal shall be sealed and clearly marked on the outside as follows:

REQUEST FOR PROPOSALS - PROFESSIONAL AUDITING SERVICES
TOWN OF LAUDERDALE-BY-THE-SEA

Proposers shall send the completed proposal to the following address:

Town of Lauderdale-By-The-Sea
4501 Ocean Drive
Lauderdale-By-The-Sea, FL 33308
Attention: Town Clerk RFP # 10-03-01

The proposal shall be signed by a representative who is authorized to contractually bind the firm.

Each proposal shall be prepared simply and economically, providing a straightforward, concise delineation of the firm's capabilities to satisfy the requirements of the Request for Proposals. The emphasis in each proposal must be on completeness and clarity of content. In order to expedite the evaluation of proposals, it is essential that firms follow the format and instructions contained herein, as outlined in this Section.

B. Proposal Format

The following material shall be submitted for a firm or individual to be considered:

1. Title Page
Title page showing the RFP subject; the firm's name; the name, address and telephone number of the contact person, and the date of the proposal.
2. Table of Contents
3. Transmittal Letter
A signed letter of transmittal briefly stating the proposer's understanding of the work to be done, the commitment to perform the work within the time period, a statement why the firm believes itself to be best qualified to perform the engagement and a statement that the proposal is a firm and irrevocable offer for ninety (90) days.
4. Detailed Proposal
The detailed proposal shall follow the order set forth in Section VI of this RFP.
5. Executed copies of Appendices
These forms are attached to this RFP as appendices as follows:
 - Appendix A: Warranties
 - Appendix B: Public Entity Crimes Statement
 - Appendix C: Non-Collusion Affidavit
 - Appendix D: Acknowledgement of Addenda
 - Appendix E: Independence Affidavit

C. Proposal Content

The purpose of the RFP is to determine the qualifications, competence and capacity of the firms seeking to undertake an independent audit of the Town in conformity with the requirements of this Request for Proposals and to make a selection there under. As such, the substance of qualifications will carry more weight than their form or manner of presentation. The proposal shall demonstrate the qualifications of the firm and of the particular staff to be assigned to this engagement. It shall also specify an audit approach that will meet the RFP requirements.

While additional data may be presented in the proposal, the following subjects shall be included.

1. License to Practice in Florida

An affirmative statement shall be included, indicating that the firm and all assigned supervisory professional staff are properly licensed to practice in Florida and qualified to perform governmental audits.

2. Independence

The proposer should provide an affirmative statement that it meets all the appropriate guidelines and criteria for independence from the Town. On the form provided as Appendix E to this RFP, the proposer shall list and describe any relationships -professional, financial or otherwise - that it may have with the Town, its elected or appointed officials, its employees or agents or any of its agencies or component units for the past five (5) years, together with a statement explaining why such relationships do not constitute a conflict of interest relative to performing the services sought in this RFP. Additionally, the proposer shall give the Town written notice of any other relationships - professional, financial or otherwise - that it enters into with the Town, its elected or appointed officials, its employees or agents or any of its agencies or component units during the period of the engagement.

D. Addenda

The Town reserves the right to issue addenda. Each proposer shall acknowledge receipt of such addenda on the form provided as Appendix D. In the event any proposer fails to acknowledge receipt of such addenda, his/her proposal shall nevertheless be construed as though the addenda had been received and acknowledged and the submission of his/her proposal shall constitute acknowledgment of receipt of all addenda, whether or not received by him/her. It is the responsibility of each prospective proposer to verify that he/she has received all addenda issued before depositing the proposal with the Town.

3. Firm Qualifications and Experience

The proposal shall state the size of the firm's governmental staff, the location of the office from which the work on this engagement is to be performed and the number and level of the professional staff to be employed in this engagement on a full-time basis and the number and level of the staff to be so employed on a part-time basis.

If the firm is a joint venture or consortium, the qualifications of each firm comprising the joint venture or consortium shall be separately identified, and the firm that is to serve as the principal auditor shall be noted, if applicable.

In a joint proposal, the principal firm shall complete and sign the proposal signature page, and the structure, duties and responsibilities of each firm shall be clearly delineated.

Each firm is also required to submit a copy of the report on its most recent external / quality control review, with a statement whether that quality control review included a review of specific local government engagements.

The firm shall also provide information on the results of any federal or state desk reviews or field reviews of its audits during the past three (3) years. In addition, the firm shall provide information on the circumstances and status of any disciplinary action taken or /pending against the firm during the past three (3) years with state regulatory bodies or professional organizations. The firm shall provide an explanation of all pending, local office litigation as well as all litigation related to the firm's audits of State or Local Government entities.

4. Partner, Supervisory and Staff Qualifications and Experience

The firm shall identify the principal supervisory and management staff, including engagement partners, managers, other supervisors and specialists who would be assigned to the engagement, and indicate whether each such person is licensed to practice as a certified public accountant in Florida. The firm also shall provide information on the number of years performing government audits as well as the auditing experience of each person, including information on relevant continuing professional education for the past two (2) years and membership in professional organizations relevant to the performance of this audit.

The firm shall provide all information regarding the number, qualifications, certifications, experience and training, including relevant continuing professional education, of the specific staff to be assigned to this engagement. The firm also shall indicate how the quality of staff over the term of the agreement will be assured.

Engagement partners, managers, other supervisory staff and specialists may be changed if those personnel leave the firm, are promoted or are assigned to another office. These personnel may also be changed for other reasons with the express prior written permission of the Town. However, in either case, the Town retains the right to approve or reject replacements.

Consultants and firm specialists mentioned in response to this Request for Proposals can only be changed with the express prior written permission of the Town, which retains the right to approve or reject replacements.

Other audit personnel may be changed at the discretion of the proposer provided that replacements have substantially the same or better qualifications or experience.

5. Similar Engagements with Other Governmental Entities

For the firm's office that will be assigned responsibility for the audit, list a minimum of five Florida municipal audit engagements performed in the last three years and include the name and phone number of the customer point of contact for each audit engagement.

6. Specific Audit Approach

The proposal shall set forth a work plan, including an explanation of the audit methodology to be followed, to perform the services required in Section II of this Request for Proposals. In developing the work plan, reference shall be made to such sources of information as the Town's budget and related materials, organization charts, manuals and programs and financial and other management information systems.

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

- a. Qualified segmentation of the engagement.
- b. Level of staff to be assigned to each qualified segment of the engagement.
- c. Type and extent of analytical procedures to be used in the engagement.
- d. Approach to be taken to gain and document an understanding of the Town's internal control structure.

- e. Approach to be taken in determining laws and regulations that will be subject to audit test work.
- f. Approach to be taken in drawing audit samples for purposes of tests of compliance.

7. Identification of Anticipated Potential Audit Problems

The proposal shall identify and describe any anticipated potential audit problems, the firm's approach to resolving these problems and any special assistance that will be requested from the Town staff.

VII. SEALED DOLLAR COST BID

A. Total All-Inclusive Maximum Price

The proposal shall include a “sealed dollar cost bid” which should contain all pricing information relative to performing the audit engagement as described in this request for proposals. The sealed dollar cost bid is required to have an all-inclusive maximum price (AMP) which shall contain all direct and indirect costs of the engagement, including all out-of-pocket expenses. The content for this section of the proposal is outlined below. The first page of the sealed dollar cost bid should include the following information:

1. Name of Firm
2. Certification that the person signing the proposal is entitled to represent the firm, empowered to submit the bid, and authorized to sign a contract with the Town of Lauderdale-By-The-Sea.
3. A Total All- inclusive Maximum Price for the engagement

B. Rates

The second page of the sealed dollar cost bid should include a schedule of professional fees and expenses that supports the AMP. The cost of special services with regard to this request for proposals should be disclosed as separate components of the AMP.

C. Expenses

Out-of-pocket expenses for firm personnel (e.g., travel, lodging and subsistence) will be reimbursed at the rates used by the Town of Lauderdale-By-The-Sea for its employees. All estimated out-of –pocket expenses to be reimbursed should be presented on the second page of the sealed dollar cost bid. All expense reimbursements will be charged against the Total AMP submitted.

D. Rates for Additional Professional Services

If it should become necessary for the Town of Lauderdale-By-The-Sea to request the auditor to render any additional services to either supplement the services requested in this request for proposals or to perform additional work as a result of the specific recommendations included in

any report issued on this engagement, then such additional work shall be performed only if set forth in an addendum to the contract between the Town of Lauderdale-By-The-Sea and the firm. Any such additional work agreed to between the Town of Lauderdale-By-The-Sea and the firm shall be performed at the same rates, set forth in the schedule of fees and expenses included in the sealed dollar cost bid.

E. Manner of Payment

Progress payments will be made on the basis of hours of work completed during the course of the engagement and out-of-pocket expenses incurred in accordance with the firm's dollar cost bid proposal. Interim billing shall cover a period of not less than a calendar month. Ten percent may be withheld from each billing pending delivery and approval by the Town of all of the firm's required final reports.

VIII. EVALUATION PROCEDURES

A. Audit Committee

All responsive proposals will be evaluated and publicly considered by the members of the Audit Committee at an open meeting.

B. Review of Proposals

Town staff will examine the documentation submitted in the proposal to determine the responsiveness of each. A proposal will be considered responsive if it contains, as a minimum, the Mandatory Elements outlined in Section VIII (C) below. Failure to provide the required mandatory information shall disqualify any such proposal as non-responsive, and such proposal will not be considered.

The Audit Committee members will individually review and evaluate the proposals provided by the responsive, qualified firms based on the Technical Qualifications criteria and AMP as described herein.. The full Audit Committee will then convene to review and discuss these evaluations and may create a short list of proposers who may be asked to make a presentation to the Audit Committee and respond to questions from the Audit Committee. The committee members will then individually rank the short-listed proposers based 35% percent on the AMP and 65% on the Technical Qualifications described in Section VIII (C). The Finance Director will collect the individual rankings and prepare a composite ranking for each firm.

The Audit Committee will then reach a consensus and rank and recommend in order of preference the firms deemed to be most qualified to perform the audit services.

During the evaluation process, the Audit Committee and the Town reserve the right, where it may serve the Town's best interest, to request additional information or clarifications from proposers, or to allow corrections of errors or omissions.

C. Non-Monetary Evaluation Criteria

Proposals will be evaluated using the criteria outlined below. Firms meeting the mandatory criteria will be deemed responsive and will have their qualifications evaluated and ranked for technical

qualifications. The following represent the principal criteria which will be considered during the evaluation and ranking process.

1. Mandatory Elements

- a. The audit firm is independent and licensed to practice in Florida.
- b. The audit firm's professional personnel have received adequate continuing professional education within the preceding two (2) years in accordance with the requirements of the Florida State Board of Accountancy and Government Auditing Standards.
- c. The firm has no conflict of interest with regard to any other work performed by the firm for the Town.
- d. The firm submits a copy of its last external quality control review report and the firm has a record of quality audit work.
- e. The firm adheres to the instructions in this Request for Proposals for preparing and submitting the proposal.
- f. In the past five years the audit firm shall have generated a minimum of 33% of the firm's business from governmental audit work.

2. Technical Qualifications

a. Expertise and Experience

- (1) The firm's experience and performance on comparable government engagements, including recognized CAFR awards of their clients. (Name and contact information is to be provided in the response to the RFP of the chief executive officer and Finance Director of at least five recent governmental audit clients.)
- (2) The quality and experience of the firm's professional personnel to be assigned to the engagement and the quality of the firm's management support personnel to be available for technical consultation.
- (3) The firm's experience in providing financial reporting to government securities underwriting.

b. Audit Approach

- (1) Adequacy of qualified staffing plan for various segments of the engagement.
- (2) Adequacy of sampling techniques.
- (3) Adequacy of analytical procedures.

D. Oral Presentations

During the evaluation process, the Audit Committee may, at its discretion, request one or more firms to make oral presentations. The presentation team shall include the engagement partner, engagement manager and the senior audit team member. Such presentations will provide firms with an opportunity to answer any questions the Audit Committee may have on a firm's proposal. Not all firms may be asked to make such oral presentations.

E. Final Selection

The Audit Committee will rank and recommend to the Town Commission in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services after considering the factors described in this RFP. If fewer than three firms respond to the RFP, then the Audit Committee shall recommend such firms as it deems to be the most highly qualified.

The Town Commission will provide a final ranking of all firms and direct negotiation of an acceptable agreement, subject to approval by the Town Commission and Town Attorney, in accord with Section 218.391 (a), Florida Statutes.

F. Right to Reject Proposals

The Town Commission reserves the right without prejudice to reject any or all proposals, waive any deficiency or irregularity in the selection process, waive any minor irregularity or deficiency in a proposal or to cancel this solicitation, and choose whether or not to re-solicit.

APPENDIX A

WARRANTIES

- A. Proposer warrants that it is willing and able to comply with State of Florida laws with respect to foreign (non-state of Florida) corporations.
- B. Proposer warrants that it is willing and able to obtain an errors and omissions insurance policy providing a prudent amount of coverage for the willful or negligent acts, or omissions of any officers, employees or agents thereof in amounts in compliance with the requirements of this RFP.
- C. Proposer warrants that it will not delegate or subcontract its responsibilities under an agreement with Town without the prior written permission of the Town.
- D. Proposer warrants that all information provided by it in connection with this RFP is true and accurate.

Signature of Official: _____

Name (typed): _____

Title: _____

Firm: _____

Date: _____

APPENDIX B

**SWORN STATEMENT ON PUBLIC ENTITY CRIMES
SECTION 287.133, FLORIDA STATUTES**

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted to Lauderdale-By-The-Sea

By _____

[print individual's name and title]

For _____

[print name of entity submitting sworn statement]

whose business address is

and (if applicable) its Federal Employer Identification Number (FEIN) is _____

(If the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement: _____).

2. I understand that a "public entity crime" as defined in Paragraph 287.133(1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or the United States, including, but not limited to, any bid or contract for goods and services to be provided to any public entity or an agency or political subdivision of any other state or of the United States involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.
3. I understand that "convicted" or "conviction" as defined in Paragraph 287.133(1)(b), Florida Statutes, means a finding of guilt or a conviction or a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.
4. I understand than an "affiliate" as defined in Paragraph 287.133(1)(a), Florida Statutes, means:
- a. A predecessor or successor of a person convicted of a public entity crime; or
 - b. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents

who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.

5. I understand that a "person" as defined in Paragraph 287.133(1)(e), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an entity.

6. Based on information and belief, the statement that I have marked below is true in relation to the entity submitting this sworn statement. [Indicate which statement applies.]

_____Neither the entity submitting this sworn statement, nor any officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, nor any affiliate of the entity, has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

_____The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

_____The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. However, there has been a subsequent proceeding before a Hearing Officer of the State of Florida, Division of Administrative Hearings and the Final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list, [attach a copy of the final order]

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND, THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES, FOR CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

APPENDIX C

NON-COLLUSION AFFIDAVIT

The undersigned individual, being duly sworn, deposes and says that:

1. He / She is _____ of _____, the proposer that has submitted the attached proposal;
2. He / She is fully informed respecting the preparation and contents of the attached proposal and of all pertinent circumstances respecting such proposal;
3. Such proposal is genuine and is not a collusive or sham proposal;
4. Neither said proposer nor any of its officers, partners, owners, agents, representatives, employees, or parties in interest, including this affiant, has in any way colluded, connived, or agreed, directly or indirectly, with any other proposer, firm or person to submit a collusive or sham proposal in connection with the agreement for which the attached proposal has been submitted or to refrain from qualifying in connection with such agreement, or has in any manner, directly or indirectly, sought by agreement of collusion or communication of conference with any other proposer, firm, or person to fix the price or prices, or of any other proposer, or to fix any overhead, profit or cost element of the RFP or the response of any other proposer, or to secure through any collusion, connivance, or unlawful agreement any advantage against Lauderdale-By-The-Sea, Florida, or any person interested in the qualified agreement; and
- 5 The response to the attached RFP is fair and proper and is not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the proposer or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

Signature (Blue ink only)

Print Name

Title

Date

Witness my hand and official notary seal/stamp at _____ the day and year written above.

APPENDIX D

ACKNOWLEDGMENT OF ADDENDA

The proposer hereby acknowledges the receipt of the following addenda issued by the Town and incorporated into and made part of this RFP. In the event the proposer fails to include any such addenda in the table below, submission of this form shall constitute acknowledgment of receipt of all addenda, whether or not received by him/her.

ADDENDUM NUMBER	DATE RECEIVED	PRINT NAME	TITLE	SIGNATURE (BLUE INK ONLY)

[THIS SPACE INTENTIONALLY LEFT BLANK]

APPENDIX E

INDEPENDENCE AFFIDAVIT

The undersigned individual, being duly sworn, deposes and says that:

1. He / She is _____ of _____, the proposer that has submitted the attached proposal;

2. (a) Below is a list and description of any relationships, professional, financial or otherwise that proposer may have with the Town, its elected or appointed officials, its employees or agents or any of its agencies or component units for the past five (5) years.

(b) Additionally, the proposer agrees and understands that proposer shall give the Town written notice of any other relationships professional, financial or otherwise that proposer enters into with the Town, its elected or appointed officials, its employees or agents or any of its agencies or component units during the period of this agreement.

(If paragraph 2(a) above does not apply, please indicate by stating, "not applicable" in the space below.)

I have/have not (circle one) attached an additional page to this form explaining why such relationships do not constitute a conflict of interest relative to performing the services sought in the RFP.

Signature (Blue ink only)

Print Name

Title

Date

Witness my hand and official notary seal/stamp at _____ the day and year written above

