



# REQUEST FOR PROPOSALS

## PROFESSIONAL AUDIT SERVICES

(RFP 15-16-001)

March 12, 2016

### REQUEST FOR PROPOSALS PROFESSIONAL AUDIT SERVICES

The Luzerne County Transportation Authority (LCTA), the public transportation provider in Luzerne County, in accordance with directives from the U. S. Department of Transportation and the Pennsylvania Department of Transportation, is required to obtain proposals from Certified Public Accountants to perform audits on its' state and federally funded transit programs. The periods to be audited are the fiscal reporting periods from July 1, 2015 through June 30, 2016 with the option to renew contract for FY 2016-17 and FY 2017-2018. The audit is to be conducted in accordance with generally accepted auditing standards; *Government Auditing Standards*, issued by the Comptroller General of the United States; and the provisions of Office of Management and Budget (OMB) Circular A-133, *Audits of States, Local Governments and Non-Profit Organizations*, as well as auditing standards set forth by the Pennsylvania Department of Transportation.

All proposals and related documents will be subject to the financial assistance contract between the Pennsylvania Department of Transportation (PennDOT) and LCTA. LCTA will not discriminate against any proposer because of race, color, religion, sex, or national origin. Any firm or person who enters into a contract with LCTA must agree to comply with any and all FTA, LCTA and Commonwealth of PA laws, rules and regulations regarding the prohibition of discrimination. All proposers, by submitting a proposal, shall accept the affirmative duty to ascertain and comply with such laws.

Copies of the RFP package can be requested by e-mail at [jalu@lctabus.com](mailto:jalu@lctabus.com) or obtained from our website, [www.lctabus.com](http://www.lctabus.com). All questions regarding the RFP are to be directed to John Alu, Director of Finance.

Three (3) copies of the proposal must be submitted in the format outlined and marked "Audit Proposal" (RFP 15-16-001). Completed proposals are due at the offices of LCTA no later than noon (12:00 P.M. EST) on March 30, 2016. Proposals should be addressed to:

John Alu  
Luzerne County Transportation Authority  
315 Northampton St.  
Kingston, PA 18704

Proposals received later than noon (12:00 P.M. EST) on March 30, 2016 shall be rejected. The Luzerne County Transportation Authority reserves the right to reject any and all proposals.

## **1.1 Submission Instructions**

### **1.1.1 Quantity**

The proposer shall submit three (3) copies of its proposal and in a separate sealed envelope, three (3) copies of its cost proposal. Any attachments or backup material will only require a single copy.

### **1.1.2 Due Date**

In order to be considered, proposals must be received at the offices of LCTA by noon (12:00 P.M. EST) on Wednesday, March 30, 2016. Failure of the U.S. Postal Service or other delivery service to deliver proposal packages on time shall result in the proposal not being opened or considered. Proposals should be clearly marked "Audit Proposal" and delivered to:

John Alu  
Luzerne County Transportation Authority  
315 Northampton St.  
Kingston, PA 18704

### **1.1.3 Proprietary Information**

Any information contained in the proposal that the proposer considers proprietary must be clearly identified as such. LCTA will respect requests for non-disclosure of proprietary information to the extent that information so restricted conforms to the Freedom of Information Act and the Pennsylvania Sunshine Laws.

#### **1.1.4 Forms**

Appendices A, B & C of this solicitation contain certain forms that are mandatory in the proposal process. These forms must be executed and submitted in their exact format in order for the proposal to be considered responsive. Precise, unedited computer reproductions to expedite the proposal preparation process are acceptable.

#### **1.1.5 Availability of Electronic Version of this Document**

The Request for Proposals and all related forms contained herein are available electronically in Portable Document Format (PDF). Interested parties who desire an electronic copy of this document should contact John Alu ([jalu@lctabus.com](mailto:jalu@lctabus.com)). Files will be sent via e-mail to the requesting party. LCTA does not warrant the integrity or format accuracy of any file or document sent in this manner.

## **1.2 Questions Concerning the Project**

### **1.2.1 Verbal and Written Questions**

Prospective proposers are encouraged to submit substantive questions, comments, and concerns in writing. Written question received no later than 3:00 P.M. EST on March 18, 2016 will be answered in writing and distributed via addendum to those listed on the RFP distribution list. Questions should be addressed to John Alu of LCTA at 315 Northampton St., Kingston, PA 18704. E-mailed questions will be considered as written; however, no telephone solicitations will be honored.

## **1.3 On-Site Interviews**

LCTA reserves the right to conduct on-site interviews with one or more of the top ranked proposers as part of the evaluation and selection process.

## **1.4 Proposal Format**

### **1.4.1 General**

LCTA desires to contract with a qualified Certified Public Accounting Firm for the completion of audits relating to programs administered by the Authority. It is expected that if an award is made, it will be made for audit of one (1) fiscal year being July 1, 2015 through June 30, 2016 and with the option to renew for FY 2016-2017 and 2017-2018. LCTA reserves the right to reject any and all proposals received as a result of this request, or to negotiate separately with competing proposers.

### **1.4.2 Submission of Supplemental Material**

Proposers will be permitted to submit any additional information they consider relevant to the project scope of work and the project at hand. Such supplemental materials, if submitted, should be in addition to the proposal, not contained in the proposal itself. Only one copy of any supplemental material should be submitted.

### 1.4.3 Minimum Requirements – Technical Proposal

At a minimum, each technical proposal should contain the following elements organized in the following fashion and in the order listed.

- Cover: RFP Project title and proposer’s name
- Letter of Transmittal: This letter must include the name, address, and phone number of the proposer’s contact person and that of the firm. The proposer must provide an affirmative statement that it is independent of Luzerne County as defined by current professional standards. Professional standards refer specifically to Generally Accepted Auditing Standards as established by the American Institute of Certified Public Accountants and Generally Accepted Government Auditing Standards established by the U.S. General Accounting Officer. An affirmative statement must be included indicating that the firm and all assigned key professional staff are properly registered/licensed to practice in Pennsylvania. The period of time for which the offer will be honored, which should be at least 60 days from the date of the proposal. One original must be signed by an authorized officer of the proposer.
- Official proposal form – See Appendix B
- Table of Contents
- Proposal: The proposal shall be a comprehensive, accurate and effective presentation. Three (3) copies should be submitted. The proposal shall be submitted on 8 ½” X 11” paper with foldouts as required. No more than 30 sheets (60 pages) should be contained in the proposal and printing on both sides of the pages will be permitted.
- **Section 1 – Firm Profile** – The proposal should state the size of the firm, the size of the firm’s governmental audit staff and the location for the office from which the audit will be performed.

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

The firm is also required to submit a copy of the report on its most recent external quality control review (Peer Review), with a statement whether that quality control review included a review of specific 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 (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.

- **Section 2 – Audit Approach** – Proposers should include as part of this section the proposed segmentation of the engagement including anticipated time frames and methodologies for each segment, approach taken to gain and document an understanding of LCTAs’ internal control

structure, identification of the approach used for the test of controls and to test compliance, the auditing standards to be applied, approach taken to determine laws and regulations applicable to audit work, and arrangements for progress meetings, consultation, and draft report reviews.

- **Section 3 – Summary of Qualifications** – Proposers should identify the principal management and supervisory staff, including engagement partners, managers, and other supervisors and specialists, who would be assigned to the engagement and indicate whether each person is licensed to practice as a Certified Public Accountant in Pennsylvania. Please include copies of all professional resumes and licenses.

The firm also should provide information on the government auditing experience of each person, including information on relevant continuing professional education for the past three (3) years and membership in professional organizations relevant to the performance of this audit.

- **Section 4 – Experience** – For the firm’s office that will be assigned responsibility for the audit, list the most significant engagements performed in the last five years that are similar to the engagements described in this request for proposals. Indicate the scope of work, dates of the engagements, name of the engagement partner, total audit hours, and the name, e-mail address and telephone number of the principal client contact.
- **Section 5 – Appendix A** - The proposer must indicate its compliance with certain Federal and state executive orders, laws, statutes, and regulations to be considered for award:
  - Integrity Certification
  - Commonwealth of Pennsylvania Non-discrimination Clause
  - Receipt of Addenda (submit whether or not any addenda are issued)
  - Civil Rights (EEO, Title VI & ADA)
  - DBE Certification
  - Non-Collusion Affidavit
  - Luzerne County Transportation Authority’s Protest Procedure
  - Termination of Contract

#### **1.4.4 Cost Proposal**

Cost proposals must be submitted as a separate document from the proposal and in the format contained in Appendix C. Three (3) copies are required. The cost proposal format is available in Microsoft Excel format for ease of completion.

The cost proposal must contain all pricing information relative to performing the audit engagement as described in this request for proposal. The total all-inclusive price must contain all direct and indirect costs including all out-of-pocket expenses. Direct costs include the professional rates for partners, managers, supervisors, and staff accountants and must support the total all-inclusive price.

The Luzerne County Transportation Authority will not be responsible for expenses incurred in preparing and submitting the proposal and sealed cost proposal. Such costs should not be included in the proposal.

The information requested is required to support the reasonableness of the proposed cost and is for the review of the evaluation committee only. It will not be shared with other proposers or released to the general public except in the form of total contract value. The prices and rates for personnel, overhead and profit must be binding for the life of the contract if a Notice to Proceed is issued within sixty (60) days of submission. The Grand Total must be binding for this period and may become the “Not to Exceed” Amount issued with the Notice to Proceed.

## **1.5 Disadvantaged Business Enterprise**

If not addressed under subcontractors, please identify any participation in the project by a disadvantaged business enterprise. A listing of all certified DBE firms in the Commonwealth of Pennsylvania can be viewed at [www.paucp.com](http://www.paucp.com).

The Luzerne County Transportation Authority (LCTA) has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. LCTA has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, LCTA has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of LCTA to ensure that DBEs as defined in part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT-assisted contracts;
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

The Compliance Manager has been delegated as the DBE Liaison Officer. In that capacity, the Compliance Manager is responsible for implementing all aspects of the DBE Program. Implementation of the DBE Program is accorded the same priority as compliance with all other legal obligations incurred by LCTA in its financial assistance agreements with the Department of Transportation.

LCTA has disseminated this policy statement to the Board of Directors and all of the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts. LCTAs’ policy statement will appear in local and transit-oriented publications once a year and will be included in all Requests for Proposals and Invitations for Bids.

## 1.6 Contract

### 1.6.1 Award of Contract

LCTA anticipates award of a contract at its regularly scheduled Board meeting on April 26, 2016. A Notice to Proceed is anticipated within one (1) month, following receipt of necessary documentation, such as insurance certificates from the selected vendor.

### 1.6.2 Contract Type

LCTA will enter into a firm, fixed fee contract with the selected vendor.

### 1.6.3 Time for Completion

LCTA will negotiate with the highest ranked proposer to establish a project schedule based on the proposed schedule submitted in the proposal. The desired time frame for completion of each audit engagement is four (4) months although LCTA will seek a schedule that is mutually satisfactory to all parties.

## 1.7 Evaluation Methodology

### 1.7.1 Evaluation Criteria

Proposals for this project shall be evaluated by a committee (BEC) using the following rank-ordered criteria with their respective weights:

- **Proposer Experience – 40%.** This category includes prior transit authority auditing experience, prior government auditing experience, prior Single Audit experience.
- **Proposed work plan and assignments – 30%.** This category includes the quality and applicability for the proposed work plan and assignments, qualifications of the individual personnel assigned to the engagement, the anticipated timeliness of the audit work and resulting reports.
- **Cost – 30%.** This category includes factors such as costs that are comparative to the other proposals for each element in the Cost Proposal Form; unit prices that are comparable to similar unit prices in the industry; and inclusion of extraneous elements.

### 1.7.2 Evaluation Committee

LCTA shall form a Bid Evaluation Committee (BEC) for this solicitation. Proposers shall not contact any member of the Evaluation Committee during this procurement other than the contact names specified in the RFP.

Each committee member will review all proposals individually and complete an evaluation form. Once all forms are completed and tabulated, the committee will convene to recommend a vendor for the project

to the LCTA Board of Directors. Interviews between the committee and finalists may or may not be necessary.

The committee reserves the right to accept or reject any or all proposals.

## **1.8 Proposal Summary**

### **1.8.1 Procurement Schedule (Tentative)**

Advertisement of Request for Proposal	March 12, 2016
Release Date for RFP	March 12, 2016
Deadline for written questions	March 18, 2016
Proposals due	March 30, 2016
Contract Award / Notice to Proceed	May 30, 2016

## **2.1 Project Goals**

### **2.1.1 General Goals**

LCTA desires to contract with a qualified Certified Public Accounting Firm for the completion of an audit relating to programs administered by LCTA. It is expected that if an award is made, it will be made for audits of one (1) fiscal year beginning July 1, 2015 through June 30, 2016 and with the option to renew for FY 2016-2017 and FY 2017-2018.

## **2.2 Description of LCTA**

### **2.2.1 Reporting Entity and Its Service**

The Luzerne County Transportation Authority was created on October 10, 1972 under the provisions of the Municipal Authorities Act of 1945, P.L. 382. LCTA provides fixed route transportation service within Luzerne County with the exception of the Greater Hazleton Area, as well full Shared Ride para-transit service. LCTA receives operating assistance, capital funding, and asset maintenance funding from federal, state and local government sources.

### **2.2.2 Basis of Accounting**

LCTAs' financial statements are presented on the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of timing or related cash flows.

### **2.2.3 Budget**

LCTA annually adopts a budget which is the instrument used to monitor revenues and expenditures for each fiscal year. The proposed budget reflects, as nearly as possible, the estimated revenue and



expenditures. The estimated operating budget for both fixed-route and para-transit programs is approximately \$14.6 million. The capital budget varies based upon capital projects scheduled and undertaken for any particular fiscal year.

#### **2.2.4 Staff and Record Keeping**

LCTA uses MAS-90 as its general ledger software. The Accounting Manager is responsible for the day to day record keeping. The Director of Finance oversees all accounting operations and will be available to assist the auditor.

#### **2.2.5 Prior Audits**

LCTA has received a qualified opinion the past three years. Prior years' audit reports and financial statements are available for review.

### **2.3 General Scope**

#### **2.3.1 Proposer Deliverables**

The proposer is expected issue the following reports, in their entirety, in response to this request for proposal:

- Auditor's reports on the fair presentation of the financial statements
- Single Audit Report including the auditors reports on Internal Control and Compliance
- Supplemental State Audit Reports for filing with PennDOT
- Form DCED-CLGS-04 for file with Pennsylvania Department of Community and Economic Development
- Management Letter

#### **2.3.2 Proposers Responsibilities**

All proposer responsibilities are outlined in this specification. However, the contract between the proposer and LCTA shall describe the proposer's responsibilities as they are agreed to by both parties.

The Proposer's responsibilities will include the following:

- Provide an opinion on the respective financial position of LCTA based on the auditing procedures applied during the audit of the financial statements and the reports of other auditors, as applicable.
- Provide experienced staff that understand the industry and audit methodology
- Provide an Engagement Partner to act as a single point of contact for all communication regarding work under the Request for Proposal
- Adhere to agreed upon audit timeline

#### **2.3.3 LCTAs' Responsibilities**

LCTA will:

- Provide a member of the Finance Department to serve as the single point of contact for this engagement.
- Prepare the Management Discussion and Analysis
- Provide an adjusted trial balance and all supporting documentation
- Prepare draft financial statements, notes to the financial statements, and required supplementary information

## **APPENDIX A – REQUIRED FORMS AND CERTIFICATIONS**

**Please be sure to execute each of the following affidavits, certifications, and assurances. Failure to do so will render your proposal non-responsive and it will not be granted further consideration.**

- Integrity Certification
- Commonwealth Of Pennsylvania Non-Discrimination Clause
- Receipt of Addenda (submit whether or not any addenda are issued).
- Civil Rights (EEO, Title VI & ADA)
- DBE Certification
- Non-Collusion Affidavit
- Luzerne County Transportation Authority's Protest Procedure
- Termination of Contract

**INTEGRITY CERTIFICATION**

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION,  
AND OTHER RESPONSIBILITY MATTERS**

(1) The prospective lower tier participant certifies, by submission of this bid or proposal, that neither it nor its "principals" [as defined at 49 C.F.R.' 29.105(p)] is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) When the prospective lower tier participant is unable to certify to the statements in this certification, such prospective participant shall attach an explanation to this proposal.

(If the lower tier covered participant (applicant for an FTA grant, or cooperative agreement, or potential third party contractor) is unable to certify to any of the statements in this certification, the participant shall attach an explanation to this certification.)

THE LOWER TIER COVERED PARTICIPANT (APPLICANT FOR AN FTA GRANT OR CO-OPERATIVE AGREEMENT, OR POTENTIAL CONTRACTOR FOR A MAJOR THIRD PARTY CONTRACT), \_\_\_\_\_, CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF THE CONTENTS OF THE STATEMENTS SUBMITTED ON OR WITH THIS CERTIFICATION AND UNDERSTANDS THAT THE PROVISIONS OF 31 U.S.C. SECTIONS 3801 ET SEQ. ARE APPLICABLE THERETO.

\_\_\_\_\_  
Signature & Title of Authorized Official

The undersigned chief legal counsel for the \_\_\_\_\_(Contractor) hereby certifies that the \_\_\_\_\_(Contractor) has authority under State and Local law to comply with the subject assurances and that the certification above has been legally made.

\_\_\_\_\_  
Signature of Contractor's Attorney

\_\_\_\_\_  
Date

(Applies to Contractor/Subcontractors with contracts in excess of \$25,000)

(Failure to complete this form and to submit it with your bid will render the bid non-responsive).

**COMMONWEALTH OF PENNSYLVANIA**  
**NON-DISCRIMINATION CLAUSE**

1. Contractor shall not discriminate, against any employee, applicant for employment, independent contractor or any other person because of race, color, religious creed, national origin, age or sex.

Contractor shall take affirmative action to ensure that applicants are employed, and that employees or agents are treated during employment, without regard to their race, color, religious creed, ancestry, national origin, age or sex. Such affirmative action shall include, but is not limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training.

Contractor shall post in conspicuous places, available to employees, agents, applicants for employment and other persons, a notice to be provided by the contracting agency setting forth the provisions of this non-discrimination clause.

2. Contractor shall in advertisements or requests for employment placed by it or on its behalf state that all qualified applicants will receive consideration for employment without regard to race, color, religious creed, ancestry, national origin, age or sex.

3. Contractor shall send each labor union or workers' representative with which it has a collective bargaining agreement(s) or other contract or understanding, a notice advising said labor union or workers' representative of its commitment to this non-discrimination clause. Similar notice shall be sent to every other source of recruitment regularly utilized by Contractor.

4. It shall be no defense to a finding of noncompliance with the Contract Compliance Regulations issued by the Pennsylvania Human Relations Commission or this non-discrimination clause that the Contractor has delegated some of its employment practices to any union, training program or other source of recruitment which prevents it from meeting its obligations. However, if the evidence indicates that the Contractor was not on notice of the third-party discrimination or made a good faith effort to correct it, such factor shall be considered in mitigation in determining appropriate sanctions.

5. Where the practices of a union or any training program or other source of recruitment will result in the exclusion of minority group persons, so that the Contractor will be unable to meet its obligations under the Contractor Compliance Regulations issued by the Pennsylvania Human Relations Commission, or this non-discrimination clause. The Contractor shall then employ and fill vacancies through other non-discriminatory employment procedures.

6. The Contractor shall comply with the Contract Compliance Regulations of the Pennsylvania Human Relations Commission, 16 PA Code Chapter 49 and will all laws prohibiting discrimination in hiring or employment opportunities. In the event of Contractor's non-compliance with the non-discrimination clause of this contract or with any such laws, this contract may, after hearing and adjudication, be

terminated or suspended, in whole or in part, and the Contractor may be declared temporarily ineligible for further Commonwealth contracts, and such other sanctions may be imposed and remedies invoked as provided by the Contract Compliance Regulations.

7. The Contractor shall furnish all necessary employment documents and records to, and permit access to its books, records and accounts by, the contracting agency and the Human Relations Commission, for purposes of investigation to ascertain compliance with the provisions of the Contractor Compliance Regulations, pursuant to PA Code Chapter 49.35 of these regulations. If the Contractor does not possess documents or records reflecting the necessary information requested, it shall furnish such information on reporting forms supplied by the contracting agency or the Commission.

8. The Contractor shall actively recruit minority Subcontractors or Subcontractors with substantial minority representation among their employees.

9. The Contractor shall include the provisions of this non-discrimination clause in every subcontract, so that such provisions will be binding upon each Subcontractor.

10. The terms used in this non-discrimination clause shall have the same meaning as in the Contract Compliance Regulations issued by the Pennsylvania Human Relations Commission, 16 PA Code Chapter 49.

11. Contractor obligations under this clause are limited to the Contractor's facilities within Pennsylvania or where the contract is for purchase of goods manufactured outside of Pennsylvania, the facilities at which such goods are actually produced.

Wherever herein above the word Contractor is used it shall also include the word Engineer, consultant, Researcher, or other Contracting Party as may be appropriate.

\_\_\_\_\_  
Name of Individual, Partnership, or Corporation

\_\_\_\_\_  
Address

\_\_\_\_\_    \_\_\_\_\_  
Authorized Person    Signature

\_\_\_\_\_    \_\_\_\_\_  
Title    Date

**RECEIPT OF ADDENDA**

**Certification of Receipt of Addenda to the Request for Proposal**

Failure to submit this form in a properly executed manner will result in the bid/proposal being found non-responsive and rejected. This certification required for all procurements.

**Acknowledgement of Receipt of Addenda**

The undersigned hereby acknowledges receipt of the following addenda to the above referenced RFP:

Addendum Number: \_\_\_\_\_, dated: \_\_\_\_\_

Addendum Number: \_\_\_\_\_, dated: \_\_\_\_\_

Addendum Number: \_\_\_\_\_, dated: \_\_\_\_\_

Name of Individual, Partnership or Corporation:

\_\_\_\_\_

Address:

\_\_\_\_\_

Name of Authorized Person:

Signature:

\_\_\_\_\_

\_\_\_\_\_

Title of Authorized Person:

Date:

\_\_\_\_\_

\_\_\_\_\_

**Civil Rights (EEO, Title VI & ADA)**

29 U.S.C. § 623, 42 U.S.C. § 2000  
42 U.S.C. § 6102, 42 U.S.C. § 12112  
42 U.S.C. § 12132, 49 U.S.C. § 5332  
29 CFR Part 1630, 41 CFR Parts 60 et seq.

The following requirements apply to the underlying contract:

(1) Nondiscrimination - In accordance with Title VI of the Civil Rights Act, as amended, 42 U.S.C. § 2000d, section 303 of the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6102, section 202 of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132, and Federal transit law at 49 U.S.C. § 5332, the Contractor agrees that it will not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, age, or disability. In addition, the Contractor agrees to comply with applicable Federal implementing regulations and other implementing requirements FTA may issue.

(2) Equal Employment Opportunity - The following equal employment opportunity requirements apply to the underlying contract:

(a) Race, Color, Creed, National Origin, Sex - In accordance with Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e, and Federal transit laws at 49 U.S.C. § 5332, the Contractor agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 C.F.R. Parts 60 et seq., (which implement Executive Order No. 11246, "Equal Employment Opportunity," as amended by Executive Order No. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," 42 U.S.C. § 2000e note), and with any applicable Federal statutes, executive orders, regulations, and Federal policies that may in the future affect construction activities undertaken in the course of the Project. The Contractor agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, creed, national origin, sex, or age. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.

(b) Age - In accordance with section 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § § 623 and Federal transit law at 49 U.S.C. § 5332, the Contractor agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.

(c) Disabilities - In accordance with section 102 of the Americans with Disabilities Act, as amended, 42 U.S.C. § 12112, the Contractor agrees that it will comply with the requirements of U.S. Equal Employment Opportunity Commission, "Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act," 29 C.F.R. Part 1630, pertaining to employment of persons with disabilities. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.

(3) The Contractor also agrees to include these requirements in each subcontract financed in whole or in part with Federal assistance provided by FTA, modified only if necessary to identify the affected parties.

\_\_\_\_\_  
Authorized Official of Firm

\_\_\_\_\_  
Title of Authorized Official

\_\_\_\_\_  
Date

## Disadvantaged Business Enterprises (DBEs)

### 49 CFR Part 26

a. This contract is subject to the requirements of Title 49, Code of Federal Regulations, Part 26, *Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs*. The national goal for participation of Disadvantaged Business Enterprises (DBE) is 10%. The agency's overall goal for DBE participation is **0.56 %**.

b. The contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of this DOT-assisted contract. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as Luzerne County Transportation Authority deems appropriate. Each subcontract the contractor signs with a subcontractor must include the assurance in this paragraph (see 49 CFR 26.13(b)).

c. Bidders/offerors are required to document sufficient DBE participation to meet these goals or, alternatively, document adequate good faith efforts to do so, as provided for in 49 CFR 26.53. Award of this contract is conditioned on submission of the following concurrent with and accompanying an initial proposal:

1. The names and addresses of DBE firms that will participate in this contract;
2. A description of the work each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal;
5. Written confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment; and
6. If the contract goal is not met, evidence of good faith efforts to do so.

Bidders/Offerors must present the information required above as a matter of responsiveness with initial proposals (see 49 CFR 26.53(3)).

d. The contractor is required to pay its subcontractors performing work related to this contract for satisfactory performance of that work no later than 30 days after the contractor's receipt of payment for that work from Luzerne County Transportation Authority. In addition, the contractor is required to return any retainage payments to those subcontractors within 30 days after the subcontractor's work related to this contract is satisfactorily completed.

e. The contractor must promptly notify Luzerne County Transportation Authority, whenever a DBE subcontractor performing work related to this contract is terminated or fails to complete its work, and must make good faith efforts to engage another DBE subcontractor to perform at least the same amount of work. The contractor may not terminate any DBE subcontractor and perform that work through its own forces or those of an affiliate without prior written consent of Luzerne County Transportation Authority.

f. The contractor hereby agrees to subcontract a minimum of \_\_\_\_% of the contract to Disadvantaged Business Enterprises. (A list of DBE's certified in the Commonwealth of Pennsylvania can be found in the DBE Directory, which can be accessed at [www.paucp.com](http://www.paucp.com).)

\_\_\_\_\_  
Authorized Official of Firm

\_\_\_\_\_  
Title of Authorized Official

\_\_\_\_\_  
Date



## **NON-COLLUSION AFFIDAVIT**

### **INSTRUCTIONS FOR NON-COLLUSION AFFIDAVIT**

1. This Non-Collusion Affidavit is material to any contract awarded pursuant to this Bid. According to the Pennsylvania Anti- bid-Rigging Act, 73 P.S. 1611 et sec., governmental agencies may require Non-Collusion Affidavits to be submitted together with bids.
2. This Non-Collusion Affidavit must be executed by the member, officer or employee of the bidder who makes the final decision on prices and the amount quoted in the bid.
3. Bid rigging and other efforts to restrain competition, and the making of false SWORN statement in connection with the submission of bids are unlawful and may be subject to criminal prosecution. The person who signs the Affidavit should examine it carefully before signing and assure himself or herself that each statement is true and accurate, making diligent inquiry, as necessary, of all other persons employed by or associated with the bidder with responsibilities for the associated approval or submission of the bid.
4. In the case of a bid submitted by a joint venture, each party to the venture must be identified in the Bid Documents, and an Affidavit must be submitted separately on behalf of each party.
5. The term "Complementary Bid" as used in the Affidavit has the meaning commonly associated with that term in the bidding process, and includes the knowing submission of bids higher than the bid of another firm, any intentionally high or non-competitive bid, and any other form of bid submitted for the purpose of giving a false appearance of competition.
6. Failure to file an Affidavit in compliance with these instructions may result in disqualification of the bid.

**NON-COLLUSION AFFIDAVIT**

**FOR BID FOR** \_\_\_\_\_

(Name of project or item being bid upon)

State of \_\_\_\_\_

County of \_\_\_\_\_

I state that I am \_\_\_\_\_ of \_\_\_\_\_  
(Title) (Name of my Firm)

and that I am authorized to make this affidavit on behalf of my firm, and its Owners, Directors, and Officers. I am the person responsible in my firm for price(s) and the amount of this bid.

I state that:

1. The price(s) and amount of this Bid have been arrived at independently and without consultation, communication or agreement with any other contractor, bidder or potential bidder.
2. Neither the price(s) nor the amount of this bid, and neither the approximate price(s) nor approximate amount of this bid, have been disclosed to any other firm or person who is a bidder or potential bidder, and they will not be disclosed before bid opening.
3. No attempt has been made or will be made to induce any firm or person to refrain from bidding on this contract, or to submit a bid higher than this bid, or to submit any intentionally high or non-competitive bid or other form of competitive bid.
4. The bid of my firm is made in good faith and not pursuant to any agreement or discussion with, or inducement from, any firm or person to submit a complementary or other non-competitive bid.
5. \_\_\_\_\_, its affiliates,  
(Name of my firm)  
subsidiaries, officers, directors, and employees are not currently under investigation by any governmental agency and have not in the last four years been convicted or found liable for any act prohibited by State or Federal Law in any jurisdiction, involving conspiracy or collusion with respect to bidding on any public contract, except as follows:

I state that \_\_\_\_\_ understands and  
(Name of my firm)

Acknowledges that the above representations are material and important, and will be relied on  
by \_\_\_\_\_ in awarding the contract(s) for which this  
(Name of my firm)

bid is submitted. I understand and my firm understands that any misstatement in this affidavit  
is and shall be treated as fraudulent concealment from

\_\_\_\_\_  
(Name of public entity)

of the true facts relating to the submission of bids for this contract.

\_\_\_\_\_  
(Name) (Company Position)

SWORN TO AND SUBSCRIBED

BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My Commission Expires

## **Luzerne County Transportation Authority Protest Procedure**

If a bidder/proposer perceives that a segment of the specifications is either too restrictive for competition or if the bidder/proposer perceives any improprieties in the solicitation or specifications, a written protest must be filed with LCTA's Executive Director at least five (5) business days prior to bid opening or the due date for proposals. Any protests concerning the award of a contract after the bid opening, or after a public announcement by LCTA of a contractor selection decision, or after an evaluation of proposals submitted under an RFP, must be made within five (5) days after the bid opening, or public announcement in the case of an RFP, in order to permit LCTA the opportunity to resolve the issue prior to contract award.

### **Contents of Protest to LCTA**

A bidder or proposer filing a protest with LCTA must submit the protest in writing, via certified United States mail with a return receipt request, to Luzerne County Transportation Authority (LCTA) c/o Executive Director, 315 Northampton St, Kingston, PA 18704. The protest must include:

1. The name and address of the bidder;
2. Project number and the number of the solicitation;
3. A detailed and factual statement of the grounds for protest and any supporting documentation. The documentation submitted to LCTA must be fully supported to the extent possible;
4. The desired relief, action or ruling from LCTA.

Following an adverse decision by the Executive Director, the bidder or proposer may file a protest with FTA Regional Office III for resolution.

FTA Review of Protest: A protester must exhaust all administrative remedies with LCTA before pursuing a protest with FTA. Review of a protest by FTA will be limited to:

- (1) LCTA's failure to have or follow its protest procedures, or its failure to review a complaint or protest; or
- (2) Violations of Federal law or regulation.

Following any adverse decision by the Executive Director, the bidder may file a protest if there has been a violation in connection with 1 and 2 above. An appeal to FTA must be received by the U. S. Department of Transportation, Federal Transit Administration ("FTA"), Region III, 1760 Market Street, Suite 500,

Philadelphia, PA 19103, within five (5) working days of the date the protester learned or should have learned of an adverse decision by the Executive Director or other basis of appeal to FTA.

**Contents of Protest to FTA**

A bidder filing a protest with FTA must submit the protest in writing, via certified United States mail with a return receipt request, to the U. S. Department of Transportation, Federal Transit Administration (“FTA”), Region III, 1760 Market Street, Suite 500, Philadelphia, PA 19103. The protest must include:

1. The name and address of the bidder;
2. Identification of the grantee (LCTA), project number and the number of the solicitation;
3. A detailed and factual statement of the grounds for protest and any supporting documentation. The documentation submitted to FTA must be fully supported to the extent possible;
4. A copy of the protest filed with LCTA, and a copy of the LCTA’s decision, if any; and
5. The desired relief, action or ruling from FTA.

FTA will not consider any data that was not submitted to LCTA. If new data becomes available after the exhaustion of administrative remedies with LCTA, that data should be submitted to LCTA with a request for reconsideration. If the request is denied or if the protestor’s administrative remedies with LCTA are again exhausted, the protestor may then submit the new data to FTA.

No formal briefs or other technical forms of pleading or motion are required, but a protest and other submission should be concise, logically arranged, and clear.

Bid protests must be filed with FTA no later than five (5) days after the exhaustion of administrative remedies with LCTA is known or should have been known, whichever is earlier.

\_\_\_\_\_  
Authorized Official of Firm

\_\_\_\_\_  
Title of Authorized Official

\_\_\_\_\_  
Date

## Termination

- a. **Termination for Convenience of Default:** LCTA may terminate this contract, or any portion of it, by serving a notice or termination on the Contractor. The notice shall state whether the termination is for convenience of LCTA or for the default of the Contractor. If the termination is for default, the notice shall state the manner in which the contractor has failed to perform the requirements of the contract. The Contractor shall account for any property in its possession paid for from funds received from LCTA or property supplied to the Contractor by LCTA. If the termination is for default, LCTA may fix the fee, if the contract provides for a fee, to be paid the contractor in proportion to the value, if any, of work performed up to the time of termination. The Contractor shall promptly submit its termination claim to LCTA and the parties shall negotiate the termination settlement to be paid the Contractor.

If the termination is for the convenience of LCTA, the Contractor shall be paid its contract close-out costs, and a fee, if the contract provided for payment of a fee, in proportion to the work performed up to the time of termination.

If, after serving a notice of termination for default, LCTA determines that the Contractor has an excusable reason for not performing, such as strike, fire, flood, events which are not the fault of and are beyond the control of the contractor, LCTA, after setting up a new work schedule, may allow the Contractor to continue work, or treat the termination as a termination for convenience.

Additional information related to LCTA's Contract Termination can be found in LCTA's Purchasing Regulations & Procurement Manual.

---

Authorized Official of Firm

---

Title of Authorized Official

---

Date

# APPENDIX B – OFFICIAL AUDIT PROPOSAL FORM

Please be sure to complete this form in its entirety. Failure to do so will render your proposal non-responsive and it will not be granted further consideration.

## 1.1 Proposer Guarantee

The proposer certifies that it can and will provide, at a minimum, all services set forth in Section 2.3 General Scope.

## 1.2 Proposer Warranties

### 1.2.1

Proposer warrants that it has an errors and omissions insurance policy with coverage of not less than \$1,000,000 for the willful or negligent acts or omissions of any partners, officers, employees or agents thereof and proof shall be submitted upon award of the contract.

### 1.2.2

Proposer warrants that all information provided by it in connection with this proposal is true and accurate.

## 1.3 Proposer Small Business Participation

To be filled out by LCTA, if **Proposer** will claim the small business preference associated with this solicitation:

RFP/IFB: Professional Audit Services

Date Advertised: March 12, 2016

NAICS Code: 541211

Average number of employees over the past 12 months: \_\_\_\_\_

Average annual receipts over the past 3 years: \_\_\_\_\_

Type of entity (i.e. sole proprietor): \_\_\_\_\_

\_\_\_\_\_  
Authorized Official of Firm

\_\_\_\_\_  
Title of Authorized Official

\_\_\_\_\_  
Date

**APPENDIX C – COST PROPOSAL FORM  
TO BE SUBMITTED IN A SEPARATELY SEALED ENVELOPE**

**JULY 1, 2015 - JUNE 30, 2016**

	HOURS					Total Hours	Annual Fee
	Hourly Rate	Audit Planning	Internal Control Review and Documentation	Audit Testing	Review & Reports		
Engagement Partner							
Manager							
Senior							
Audit Staff							
Clerical							
<b>TOTAL</b>							
			<b>INDIRECT COSTS</b>				\$ _____
			<b>TOTAL ANNUAL COST</b>				\$ _____

\_\_\_\_\_  
Authorized Official of Firm

\_\_\_\_\_  
Title of Authorized Official

\_\_\_\_\_  
Date



