



Newburgh
City Comptroller's Office

City Hall – 83 Broadway
Newburgh, New York 12550

Tel. (845) 569-7320
Fax (845) 569-7490

REQUEST FOR PROPOSALS

for

Expert Professional Audit Services for the Courthouse Construction Project

Proposal Due Date: Friday, June 5, 2009
at 11:00 a.m. (local time)

Pre-Bid Conference: Wednesday, May 27, 2009
at 1:00 p.m. (local time)

Bid No. 9.09

By: Charles E. Emberger, City Comptroller

City of Newburgh - Comptroller's Office
83 Broadway, 4th Floor
Newburgh, NY 12550

(845) 569-7316 Telephone

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City of Newburgh City Comptroller's Office

City Hall – 83 Broadway
Newburgh, New York 12550

Tel. (845) 569-7322
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Charles E. Emberger
City Comptroller
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NOTICE

ADVERTISEMENT FOR REQUEST FOR PROPOSALS
FOR
EXPERT PROFESSIONAL AUDIT SERVICES
FOR THE COURTHOUSE CONSTRUCTION PROJECT
FOR THE CITY OF NEWBURGH, NY

Sealed proposals will be received by the City Comptroller in his office at City Hall, 83 Broadway, 4th Floor, Newburgh, New York, until 11:00 a.m., prevailing time, Friday, June 5, 2009 for Expert Professional Audit Services for the Courthouse Construction Project for the City of Newburgh, New York.

Specifications, becoming available to the public on Tuesday, May 19, 2009, may be obtained through the Comptroller's Office in City Hall or by contacting Elizabeth Garrison by telephone at (845) 569-7316 or email at egarrison@cityofnewburgh-ny.gov.

Proposal form provided must be used when submitting proposal. All proposals must be sealed and clearly labeled "RFP for Expert Professional Audit Services." Faxed or photocopies will not be acceptable. Two (2) original proposals are to be submitted in a sealed envelope.

Applicant Firms are required to execute a non-collusive affidavit pursuant to section 103d of the General Municipal Law of the State of New York. The City of Newburgh is exempt from payment of Federal and State taxes on all materials supplied to the owner pursuant to this contract. Proposals submitted without a non-collusion affidavit will not be considered.

Proposals shall not be withdrawn for a period of forty-five (45) days subsequent to the opening of the proposals without the consent of the City of Newburgh Comptroller.

The City reserves the right to reject any or all proposals. Proposals submitted may be subject to approval by the City Council.

Charles E. Emberger
City Comptroller

Dated: Wednesday, May 13, 2009

ADVERTISE: Hudson Valley Black Press, **Wednesday, May 20, 2009**
Mid Hudson Times, **Wednesday, May 20, 2009**
The Sentinel, **Tuesday, May 19, 2009**

"AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER"

RFP FOR EXPERT PROFESSIONAL AUDIT SERVICES
CITY OF NEWBURGH

I. General Scope

The City Comptroller of the City of Newburgh (hereinafter referred to as "City") is inviting responses for Expert Professional Audit Services from qualified accounting firms to conduct an audit of a completed courthouse construction project, the review of books and records, construction documents and contracts including all aspects of construction planning and development, oversight of project construction, inspection of work and change orders (particularly those in relation to asbestos abatement totaling over \$3M alone where the City needs confirmation as to the accuracy and legitimacy for such), performance and professional service agreements, and to ensure compliance with applicable laws, rules and regulations including generally accepted accounting principles and practices, and organizational policies and procedures. Firms are required to be experienced with any and all aspects of asbestos abatement. The cost of the courthouse construction project is approximately \$18,000,000.00.

Audits shall be conducted in accordance with the Generally Accepted Accounting Standards as promulgated in the United States General Accounting Office and the American Institute of Certified Public Accountants (AICPA) Statements on Auditing Standards. Findings may be used by the City of Newburgh for future claim disputes in order to recapture funds and resolve errors and omissions sustained.

II. Submission of Proposals

Requests for Proposals shall be received by the City Comptroller in his office at City Hall, 83 Broadway, 4th Floor, Newburgh, New York, until 11:00 a.m., local time, Friday, June 5, 2009 in a sealed envelope with the company name and address on the outer envelope along with the words "RFP for Expert Professional Audit Services" clearly marked.

Interested accounting professionals and/or firms shall submit their proposal to the City of Newburgh Comptroller by hand, mail or other courier type services no later than the specified time and date as stated above. Facsimile or electronic mail submittals will not be accepted. Proposals received after specified bid due date and time will not be accepted. Applicant Firms are responsible for timely delivery of their proposals.

Firms are to submit two (2) original proposals in a sealed envelope as set forth above, and shall be submitted to:

Charles Emberger, City Comptroller
City of Newburgh
83 Broadway, 4th Floor
Newburgh, NY 12550

There is no express or implied obligation for the City of Newburgh to reimburse responding firms for any expenses incurred in preparing proposals in response to this request. The City of Newburgh shall only be obligated in accordance with the terms and conditions of a duly executed contract.

**RFP FOR EXPERT PROFESSIONAL AUDIT SERVICES
CITY OF NEWBURGH**

III. Pre-Bid Conference

All Prospective Accounting Applicants are encouraged to attend a Pre-Bid Conference to inspect the contract documents prepared to bid project, payment applications and change orders in the Comptroller's Office as well as a site visit. The Pre-Bid Conference will be held on Wednesday, May 27, 2009 at 1:00 p.m. (local time) in the Council Chambers located in City Hall, 83 Broadway, 3rd Floor, Newburgh, New York 12550.

IV. Questions concerning the content of this RFP

Questions pertaining to the content of this Request for Proposal must be submitted in writing ***no later than 12:00 p.m.*** on Thursday, May 28, 2009 via facsimile or email to:

Charles Emberger, City Comptroller
City of Newburgh
(845) 569-7490 Facsimile
Email: cemberger@cityofnewburgh-ny.gov

Inquiries received after this date and time will not be acknowledged. Any and all questions responded to by the City of Newburgh shall be forwarded in an official written reply to each prospective Applicant Firm listed with the City who will be submitting an RFP. ***It is the responsibility of the Applicant Firm to contact the City to insure their name is listed on such.*** In order to be certain Applicant Firm's name is on the City's prospective vendor list, please contact Elizabeth Garrison directly at (845) 569-7316 or by email at egarrison@cityofnewburgh-ny.gov with detailed information including firm name, address, telephone and facsimile numbers, email address and name of contact person.

V. REQUIREMENTS

Applicant Firms shall submit two (2) original proposals. Proposals submitted for consideration must include the following:

1. Identify the experience of the Applicant Firm in providing services similar to those contemplated herein including comparable services performed during the last five (5) years including owners and contact information.
2. A detailed description of the proposed management approach to be taken for the performance of the required services; including, but not limited to, the proposed organizational structure responsive to the City's needs, resumes of proposed personnel who will be assigned to perform the required services, proposed approach ensuring the quality of the work product to be produced.
3. If the Applicant Firm or any employee or agent of the Applicant Firm may have, or may give the appearance of a possible conflict of interest, the Applicant Firm shall include in its Proposal a statement indicating the nature of the conflict. The City of

RFP FOR EXPERT PROFESSIONAL AUDIT SERVICES
CITY OF NEWBURGH

Newburgh reserves the right to disqualify the Applicant Firm if, in its sole discretion, any interest disclosed from any source could create, or give the appearance of, a conflict of interest. The City's determination regarding any question(s) of conflict of interest shall be final.

4. Completion of the Non-Collusion Affidavit on page 8. Please note that this form does not need to be completed for each original proposal. One (1) fully executed original should be placed on top of the proposals in the sealed envelope.
5. Provide standard billing rates for classes of professional personnel.
6. Provide a listing of any sub-contractors your firm may contract with.
7. Provide an estimated time for completion.

VI. EVALUATION CRITERIA

The selection process for the performance of the subject services shall include consideration of the six (6) factors listed below in order of importance. Please prepare your proposal with the factors in the order listed.

- 1.) Quality and depth of the experience and qualifications of the Applicant's team
- 2.) Demonstrated successful relevant experience
- 3.) Projected cost of services
- 4.) Qualifications and experience of proposed staff
- 5.) Methodology and work plan
- 6.) Responsiveness to requirements

VII. SELECTION OF SUCCESSFUL FIRM

Proposals submitted shall be evaluated by City of Newburgh staff and such advisors and consultants as it deems necessary. During the evaluation process, the City may request additional information from prospective firms.

All proposals will be reviewed to determine whether or not they are responsive to the requirements of this solicitation. Proposals determined not responsive to this solicitation will be rejected.

The City of Newburgh reserves the right to reject any and all proposals as it may determine in its sole and absolute discretion.

RFP FOR EXPERT PROFESSIONAL AUDIT SERVICES
CITY OF NEWBURGH

After review of all proposal submissions, an oral presentation may be requested. It should be noted that Applicant Firms selected to make presentations may be given short advance notice. Presentations should be limited to 30-minutes. The presentation may be followed by questions from members of the City Council and other pertinent City staff. The Applicant Firm's presentation shall be led by the proposed Project Manager who may be supported by no more than two (2) other staff members proposed to work on this project.

The Applicant Firm, its directors, officers, agents or employees, shall not, either prior to, during or after the termination of its services hereunder, make any disclosure, statements or release to any third party, any of the aforementioned information or records without the prior written approval of the City of Newburgh.

PROPOSAL

NON-COLLUSION CLAUSE

Chapter 675 of the Laws of 1966 requires the following statement:

“(a) By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

(1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;

(2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and

(3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.”

(B) A bid shall not be considered for award nor shall any award be made where (a) (1), (2), and (3) above have not been complied with; provided, however, that if in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefore. Where (a) (1), (2), and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivisions, public department, agency or official thereof to which the bid is made, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

NON-COLLUSION CLAUSE (continued)

The fact that a bidder (a) has published price lists, rates, or tariffs covering items being procured, (b) has informed prospective customers of proposed or pending publication of new or revised price lists for such items, or (c) has sold items to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning of subparagraph one (a).

Any bid hereafter made to any political subdivision of the State or any public department, agency or official thereof by a corporate bidder for work or services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, or local law, and where such bid contains the certification referred to in subdivision one of this section, shall be deemed to have been authorized by the board of directors of the bidder, and such authorization shall be deemed to include the signing and submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation.

NON-COLLUSION AFFIDAVIT
CITY OF NEWBURGH

STATE OF _____)
County of _____) SS:
_____)

I, _____ of the (Town, Village, City) of _____ in the County of _____ and the State of _____ of full age, being duly sworn according to law on my oath depose and say that:

I am _____, an officer of the firm of _____

the bidder making the Proposal for the above named work, and that I executed the said Proposal with full authority to do so; that said bidder has not, directly or independently, entered into any agreement, participated in any collusion, or otherwise in connection with the above named work; and that all statements contained in said Proposal and in this affidavit are true and correct, and made with the full knowledge that the City of Newburgh, NY as Owner relies upon the truth of the statements contained in said Proposal and in the statements contained in this affidavit in awarding the contract for said work.

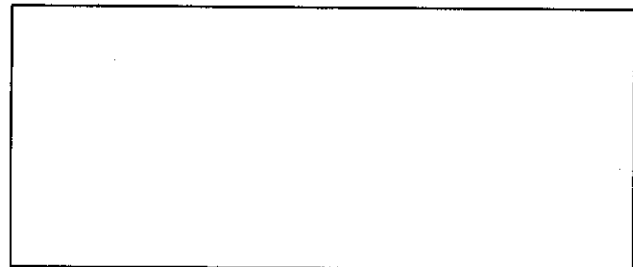
I further warrant that no person or selling agency has been employed or retained to solicit or secure contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except bonafide employees or bonafide established commercial or selling agencies maintained by _____
(Name of Contractor)

Subscribed and sworn to

(Also type or print name and title of affiant under this signature)

before me this _____ day
of _____ 200__

Notary Public of



Stamp Notary Seal in box

My commission expires _____, 200__

THIS AFFIDAVIT MUST BE COMPLETED BY ALL BIDDERS