

Nortex Regional Planning Commission

Request for Audit Services

September 22, 2020

PART 1 GENERAL INFORMATION

1.1 Purpose

Nortex Regional Planning Commission, a political subdivision of the state of Texas, is soliciting proposals from interested parties for financial and compliance audit services of Federal and State funds in accordance with state policy and Federal regulations including the Single Audit Act Amendments of 1996, *2 CFR PART 200—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS*, (known as the Uniform Guidance and superseding Circular A-133), and the State of Texas Uniform Grant Management Standards as adopted June, 2004, to include the State Single Audit attachment.

This Request for Proposals (RFP) contains the technical specifications, which define the services solicited herein, as well as, the standards and requirements for this procurement.

Part 1, General information, provides both general background and specific requirements governing the administration of this procurement.

Part 2, Scope of this Request, describes the specific services and performances criteria for which Nortex Regional Planning Commission will accept competitive bids.

Part 3, Instructions for Preparation and Submittal of Proposals, provide the required information and format necessary for preparation and submittal of a responsive bid. This information must be completed as specified.

Part 4, Attachments, provides the required forms and additional instructions and information necessary for preparation and submittal of a responsive proposal.

1.2 Background

Nortex Regional Planning Commission (NRPC) was organized in 1965 under Article 1011m, V.A.C.S. for the purpose of orderly planning and development of the North Texas Planning Region. Currently Nortex Regional Planning Commission serves an eleven county area including Archer, Baylor, Clay, Cottle, Foard, Hardeman, Jack, Montague, Wichita, Wilbarger, and Young. The NRPC staff is comprised of approximately 31 employees on a full-time basis at the time of this RFP. The NRPC Executive Director is Dennis Wilde and the Director of Finance is Jessie Johnson.

NRPC administers or acts as fiscal agent for the following major programs:

Programs Administered and Managed by NRPC:

Area Agency on Aging Department:

Title III- Funds provided for senior citizens services
NSIP Nutrition Services Incentive Program
Retired Senior Volunteer Program
Aging Disabilities Resource Center Program

Criminal Justice Department:

Criminal Justice Coordination Contract – Interlocal Agreement
Regional Peace Officer Training Grant

Regional Services:

Solid Waste Coordination Planning Grant
Regional Grant Administration (CDBG)

9-1-1 Services:

9-1-1 Planning/Implementation Grant

Homeland Security:

Homeland Security Coordination Contract – Interlocal Agreement
State Homeland Security Planning Grant
Mitigation Grant

Economic Development:

Economic Development Planning
Transportation Planning
Economic Development Agribusiness Planning Grant

Homeless Services Department:

Homeless Grant
HIV/AIDs Grant

Fiscal Agent Services:

Early Head Start Program
Wichita Adult Literacy Council Program
Workforce Programs of Workforce Solutions North Texas

Programs Managed by Workforce Solutions North Texas:

Workforce Development:

Workforce Investment Act
Choices/TANF
Food Stamp Employment & Training
Child Care Services
Wagner Peyser Employment Services
Veterans Services
Vocational Rehabilitation Services

1.3 Administration of this Request for Proposal

Funds available: All awards are contingent upon the availability of funds. The annual budget is approximately \$14 million.

Audit Period: October 1, 2019 through September 30, 2020.

Contract Period: October 1, 2019 through September 30, 2020, however, the term may be extended up to three additional years. Contracts after the first year are contingent on funds availability and Contractor performance.

Procurement Standards: Procurement for an audit firm shall be in compliance with Federal 2CFR200 Procurement Standards, and the provisions of applicable Federal law or Executive Orders, as well as, state and local policies for procurement. Solicitation via this RFP shall ensure services are obtained efficiently and economically while maintaining maximum full and open competition.

Technical Assistance: Only the Executive Director will answer those questions pertaining to clarification of the RFP. Accounting records and prior years audit reports are available for review at the Nortex Regional Planning Commission office located at 4309 Jacksboro Highway, Suite 200, Wichita Falls, Texas.

When audit field work begins, fiscal staff will be available to assist in the preparation of

schedules, pull reports and produce documents as needed.

A. Method of Payment

Payment shall be made for services rendered and billed by the Contractor. Payment is contingent upon receipt of an itemized invoice by Nortex Regional Planning Commission.

B. Governing Provisions and Limitations

1. A response to the Request for Proposal does not commit Nortex Regional Planning Commission to a purchase agreement or contract, or to pay any costs incurred in the preparation of such response.
2. NRPC reserves the right to accept or reject any or all proposals received, to cancel this RFP in part or its entirety, and to reissue this RFP.
3. NRPC reserves the right to hold, and accept a proposal for a period of thirty working days after the response deadline.
4. NRPC reserves the right to negotiate the final terms of any and all agreements with bidders selected and such agreements negotiated as a result of this RFP may be renegotiated and/or amended in order to successfully meet the needs of the audit contract.
5. NRPC reserves the right to waive any defect in this procurement process or to make changes to this solicitation as it deems necessary.
6. NRPC will provide notifications of such changes to all bidders of record as having received or requested an RFP.
7. NRPC reserves the right to contact any individual; agencies or employers listed in a proposal, to contact others who may have experience and/or knowledge of the bidder's relevant performance and/or qualifications; and to request additional information from any and all proposers.
8. NRPC also reserves the right to conduct a review of systems and procedures of any bidder selected. This may occur prior to or subsequent to the award of an agreement. Misrepresentation of the proposer's ability to perform as stated in the proposals may result in cancellation of the agreement.

9. Proposers shall not, under penalty of law, offer or provide any gratuities, favors, or anything of monetary value to any officer, member, employee, or agent of the Nortex Regional Planning Commission for the purpose of or having the effect of influencing favorable disposition toward their own proposal or any other proposal submitted hereunder.
10. No employee, officer, or agent of NRPC shall participate in the selection, award, or administration of a contract supported by Federal funds if a conflict of interest, real or apparent would be involved.
11. Proposers shall not engage in any activity, which will restrict or eliminate competition. Violation of this provision may cause a proposer's bid to be rejected. This does not preclude joint ventures or subcontracts.
12. The only purpose of this Request for Proposal (RFP) is to ensure uniform information in the solicitation of proposals and procurement of auditing services. This RFP is not to be construed as an agreement or contract commitment of any kind nor does it commit NRPC to pay for costs incurred prior to the execution of a formal contract.
13. The contents of a successful proposal may become a contractual obligation, if selected for award for a contract. Failure of the proposer to accept this obligation may result in cancellation of the award. No pleas of error or mistake shall be available to successful proposer(s) as a basis for release of proposed services at stated price/costs. Any damages accruing to NRPC as a result of the proposer's failure to contract may be recovered from the proposer.
14. No complaints or protests regarding the proposal selection process shall be accepted by any grantor agency until all administrative remedies at the grantee or local level have been exhausted. This includes, but is not limited to, disputes, claims, protests of award, source evaluation, or other matters of a contractual nature. Matters concerning violation of law shall be referred to such authority that may have proper authorization.
15. Solicitation and selection of proposals must conform to relevant state and federal laws and regulations and local policies governing the procurement of supplies, equipment, and services under state and federal guidelines. Bidders are responsible for familiarizing themselves

with these laws and regulations.

C. Proposer Selection Process

The primary consideration in selecting a provider of auditing services shall be its effectiveness in delivering comparable or related services as based on demonstrated performance.

The proposal review process will include: evaluation, rating, and ranking of proposals by NRPC staff, independent outside reviewers and/or members of the Budget and Finance Committee; recommendation for selection of proposal by the Budget and Finance Committee; and review, approval and selection for award of contract by the NRPC Executive Committee.

The following shall apply to the selection process:

1. All proposals considered must be received on time and be responsive to the RFP instructions.
2. Where the quality of two or more proposals is equal, cost will become a primary factor in the selection of a contractor.
3. Award may be made to the responsible bidder whose proposal will be most advantageous to the programs administered by NRPC and its organization.
4. Positive efforts shall be made to utilize small, minority, and female-owned or operated organization or business (HUB) in the procurement and provisions of these services.
5. Awards of contracts shall be made only to "Responsive Providers". NRPC may base its selection on the following, including but not limited to: mandatory criteria for professional qualification; a satisfactory record of past performance; provider's integrity and business ethics; accountability; financial stability; technical resources; and the provider's ability to meet performance and design criteria; the quality of the proposed services; and the reasonableness of the price/cost.

The specific evaluation criteria are provided in Part 4.1 of this request.

D. Contractor's Responsibilities

Provider selected will be required to assume full responsibility for all services provided.

PART 2 SCOPE OF THIS REQUEST

2.1 Audit Criteria and Technical Requirements

A. Conduct of the audit will require thorough knowledge of:

1. The Single Audit Act of 1996;
2. American Institute of Certified Public Accountants (AICPA) Industry Audit Guide, Audits of State and Local Government Units;
3. Government Auditing Standards, Comptroller General of the United States;
4. Applicable Pronouncements of the Financial Accounting Standards Board (FASB) and the Government Accounting Standards Board (GASB;)
5. 2 CFR PART 200—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS, (known as the Uniform Guidance). The Uniform Guidance supercedes OMB Circulars A-50, A-87, A-102, A-133.
6. OMB's Compliance Supplement for Single Audits of state and local governments;
7. Financial/Programmatic Monitoring Reports, Incident Reports, Investigative Reports of the Office of Inspector General, which may have potential audit implications;
8. Grant/Program specific Acts, Regulations, or Audit guides provided by state or federal agencies in the administration of said programs; and
9. Texas Uniform Grant Management Standards to include the State of Texas Single Audit Circular.

B. Description of the Entity and Records to be Audited

Nortex Regional Planning Commission was organized under Article 1011m, V.A.C.S. for the purpose of orderly planning and development of the North Texas Planning Region. The budget for 2018-2019 is approximately \$14 million with a working staff of 31 employees. The organization maintains a modified accrual based accounting system. Fund accounting is utilized for all grants.

Nortex Regional Planning Commission serves as the fiscal agent for Workforce Solutions North Texas. Due to cash flow purposes and accountability, the financial activities of the Workforce Solutions North Texas are included in the scope of this audit and included in the budget of Nortex Regional Planning Commission.

C. Scope of Services

1. Perform audit in compliance with Single Audit Act and OMB Circular A-133.
2. Completion of IRS Form 990 for Workforce Solutions North Texas.
3. Workpapers and work to be performed by client are to be identified in the proposal.
4. Preliminary work is to be completed by March 15, 2021.
5. Report review timing and number of copies:
 - a. Exposure draft is to be presented to NRPC Executive Director and Director of Finance on or before May 15, 2021.
 - b. Final report is to be submitted to NRPC Executive Director on or before June 10, 2021, with no less than 50 additional copies for NRPC Budget and Finance Committee and Executive Committee.
 - c. Instances of fraud, waste, and illegal acts or indications of such, including all questioned costs must be covered.
 - d. Management Report, if required, is to be submitted as a separate report.
 - e. Workpapers are to be retained for a minimum of three years from the

date of audit.

- f. Workpapers will be made available for examination if requested by authorized representatives of Nortex Regional Planning Commission and Workforce Solutions North Texas, grantor agencies, or the state auditor's office.

PART 3 INSTRUCTIONS FOR PREPARATION AND SUBMITTAL OF PROPOSAL

3.1 Proposal Submittal Instructions

Submission:

Response Deadline: All proposals must be received (not postmarked) by October 13, 2020 no later than 4:00 p.m. in the office of Nortex Regional Planning Commission, 4309 Jacksboro Highway, Suite 200, Wichita Falls, Texas 76302. Any modifications to the proposal must be received by the response deadline. Proposals delivered/received after the 4:00 p.m. deadline on the due date will not be considered, but will be deemed late and unresponsive to this RFP and procurement process.

Format: Proposals must be typed and submitted on 8 1/2 x 11 inch paper in accordance with the instructions of Part 3 of this RFP. Emphasis must be placed on addressing all the requirements of this RFP in a clear and concise manner.

Number of Copies: One (1) complete original, with original signatures and eight (8) complete copies must be submitted. All must be legible.

Person(s) Authorized to Represent the Organization:

- a. Proposals shall identify the liaison and primary contact person; and
- b. Person with documented signatory authority to enter into and execute a contract should the proposal be selected for negotiation and result in a contract.

3.2 Preparation of Response and Format

Please complete and provide the following in accordance with the instructions provided herein, and submit them in the order outlined below. The Certification Regarding Debarment..., Certification of Bidder, and Certification of Professional Qualifications must

be executed to officially submit a response to this request.

- A. Transmittal Letter summarizing the key points of the proposal and a general description of the approach to accomplishing the work. Name and address of the firm, as well as a contact person who submitted the proposal, should be included. It should include the proposer's understanding of this request, its requirements, and services to be performed. There should be a statement from authorized signatory that proposal is valid for thirty (30) days after submittal deadline.
- B. Proposal cover sheet (form attached – page 15)
- C. Certification of Bidder (form attached – page 17)
- D. Certification Regarding Debarment and Suspension (form attached – Page 16)
- E. Certification of Professional Qualifications (form attached – Page 18); attach copy of most recent peer review report.
- F. Code of Ethical Conduct statement (form attached – Pages 19-21)
- G. Bidder's Qualifications:
 - 1. Names and credentials of principals. Describe your organization or the individual professional in terms of its history and primary business.
 - 2. Demonstrate the company's relevant experience for the type of work solicited in the RFP. Demonstrate that the respondent has successfully been in business of providing, or the principals have had ownership/executive management in a previous company with comparable type experience, for the services solicited. Describe your technical approach and work plan to complete the tasks described in the RFP's Scope of Work. Provide a schedule describing how the work would be accomplished. Include a discussion of previous experience in similar work, and the result of that experience. Provide names and telephone numbers of client officials responsible for three of the last audits listed.
 - 3. Identify audit managers, field supervisors, and other staff who will work on the audit, including staff from other than the local office. Provide as an attachment, resumes including relevant experience

and continuing education for auditor in charge up to the individual with final responsibility.

4. If other auditors are to participate in the audit, similar information must be provided for those auditors.
5. Include the latest Peer Review Report.

H. Proposer's Profile:

1. Organization and size, local, regional, national, or international in operation.
2. Location of business headquarters; office where work is to be done and number of professional staff by staff level at that office.
3. Range of services performed by local office such as auditing, accounting, tax services, or management services.

I. Approach to Audit

1. Work Plan

- a. Submit a work plan to accomplish the scope of the audit defined in Part 2 of this RFP. Include time estimate for each segment of the work plan by staff level to be assigned. Where possible, individual staff members should be named and their titles provided; the planned use of specialists should be specified.
- b. The audit work plan should demonstrate the auditor's understanding of the audit requirements of a Single Audit as specified in OMB Circular A-133/2CFR200 and the audit tests and procedures to be applied in completing the audit plan. The audit work plan should specify what work will be accomplished to allow the auditor to render:
 1. An opinion report on the financial statements;
 2. A report on the study and evaluation and report on internal control systems; and
 3. A report on the organization's control system to assure compliance.

2. Reporting Requirements
Describe proposer's understanding of, and ability to meet reporting requirements, including type and number of reports and exit conferences.

3. Time Requirements
Describe in detail plan to meet timeline and reporting deadline requirements.

J. Compensation: The proposal should reflect a separate bid for the each of the following:

1. Total cost of services proposed should be specified. All fees, expenses, and other requirements associated with providing audit services to NRPC shall be stated.
2. Total cost of services proposed for the completion of IRS Form 990 for Workforce Solutions North Texas.

PART 4 ATTACHMENTS, INFORMATION, INSTRUCTIONS AND FORMS

Proposals will be evaluated by NRPC using the following criteria and point system.

<u>CRITERIA</u>	<u>POINT VALUE</u>
<ul style="list-style-type: none">• Technical Factors Responsiveness of the proposal clearly states an understanding of the work to be performed, including comprehensiveness of audit work plan, reasonableness of time/hour estimates, staffing and timeliness of expected completion	25 points
<ul style="list-style-type: none">• Demonstrated Effectiveness Demonstrated effectiveness based on the proposer's qualifications including:<ul style="list-style-type: none">a. Certification of the organization's professional qualifications;b. Experience in auditing similar entities, and similar type audits;c. Credentials of principles;d. Qualifications of staff; ande. Certification regarding debarment.	35 points
<ul style="list-style-type: none">• Reasonableness of Costs Reasonableness of Cost of the Proposed Service	35 points
<ul style="list-style-type: none">• Small, Minority or Female Owned Proposer is a small, minority or female owned organization/business.	5 points
TOTAL	100 points

INSTRUCTIONS FOR CERTIFICATION REGARDING DEBARMENT

1. By signing and submitting this proposal, the prospective participant is providing the certification as set out in the form itself.
2. The certification is a material representation of fact upon which reliance was placed when this transaction was entered into knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the U.S. Department of Labor may pursue available remedies, including suspension and/or debarment.
3. The prospective participant must provide immediate written notice to the Nortex Regional Planning Commission Executive Committee if at any time the prospective participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction", "debarred", "suspended", "ineligible", "lower tier covered transaction", "principal", "proposal", and "voluntarily excluded" as used in the certification have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549.
5. The prospective participant further agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the U.S. Department of Labor.
6. The prospective participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Department, Suspension, Ineligibility, and Voluntary Exclusion, -- Lower Tier Covered Transaction," without modification, in all lower-tier covered transactions and in all solicitations for lower-tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower-tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Federal non-procurement list.
8. Nothing contained in the foregoing may be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed

that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower-tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the U.S. Department of Labor may pursue available remedies, including suspension and/or debarment.
10. Write in the name of the bidder (individual or organization) and the name and title of the authorized representative of the bidder. The authorized representative signs where noted and dates the signature.

Proposal Cover Sheet

1. Company/Organization: _____

Address: _____

City: _____ State: _____ Zip Code _____

2. Activity: _____

3. Proposed Total Cost: _____

4. IRS Identification Number: _____

5. Date of Application: _____

6. As the respondent I certify to the best of my knowledge and belief that the information contained in this Bid is true and correct and it will comply with attached assurances, terms and conditions of the Request for Proposal (RFP). If I am awarded a contract, I further acknowledge that I have read and understand the requirements and provisions of the RFP and that I am prepared to implement the project as specified in this Bid. I certify that no employee of the Nortex Regional Planning Commission has assisted in the preparation of this bid/proposal other than through provision of answers to specific questions directed to the Executive Director. I further certify that no costs have been incurred prior to the effective date of contract.

Typed Name and Title

Signature of Authorized Representative

Telephone Number

CERTIFICATION REGARDING DEBARMENT, SUSPENSION,
INELIGIBILITY, AND VOLUNTARY EXCLUSION - LOWER -TIER
COVERED TRANSACTION

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 29 CFR part 98, Section 98-.510, Participants' responsibilities.

1. The prospective recipient of Federal assistance funds certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. Where the prospective recipient of Federal Assistance funds is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Name of Bidder/Organization

Name and Title of Authorized Representative

Signature and Date

Certification of Bidder

I, _____, certify that I am
(Typed Name)

the _____, of the corporation,
(Typed Title)

commission, association, or public agency named as respondent herein, that

_____, who signed this bid
(Typed Name)

on behalf of Respondent was then _____, of said corporation, committee, commission, association, or public agency and that said bid was duly submitted and signed for on behalf of said organization by authority of its governing body and is within the scope of its _____ corporation, _____ committee, _____ commission, _____ association, _____ public agency powers.

ATTEST:

Signature

Signature

Typed Name

Typed Name

Typed Title

Typed Title

Date

Date

The Respondent ensures and certifies that it will comply with the requirements of the Single Audit Act of 1996 and the provisions and assurances referred.

CERTIFICATION OF PROFESSIONAL QUALIFICATIONS

1. LEGAL STATUS

_____ Private for Profit Corporation _____
Date Incorporated (State)
_____ Private Not-for-Profit Corporation _____
Date Incorporated (State)
_____ Public Agency
_____ Sole Proprietorship
_____ Partnership

Attach a copy of your certificate of corporation, articles of incorporation, or other proof of legal power to contract.

2. OTHER INFORMATION

Internal Revenue Service (IRS) EIN _____
IRS Classification for Tax Exemption _____
(if not-for-profit)

3. GOVERNING BODY OR BOARD OF DIRECTORS

NAME	TITLE	ADDRESS	TELEPHONE
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4. Does the offeror have general liability insurance?

_____ Yes _____ No

Nortex Regional Planning Commission
Code of Ethical Conduct
General Statement of Policy

Nortex Regional Planning Commission is a political subdivision of the State of Texas. Employees, as public servants, will carry out their activities in a fair and legal manner avoiding actual or perceived conflicts of interest.

All staff members are expected to conduct the activities of the organization always in full compliance with the law and in an honest, fair, and courteous manner. Staff members must not ask or expect contractors or others with whom Nortex Regional Planning Commission does business to favor Nortex Regional Planning Commission or the individual staff member with special treatment.

Staff members should not permit personal preferences and dislikes to affect decisions related to their duties. To do so acts against Nortex Regional Planning Commission's policy which is to treat all individuals, members, potential members, contractors, and others fairly and equitably.

Enforceable Code of Conduct

Nortex Regional Planning Commission governing body sets policy for the organization. Staff members will reflect these policies in their oral and written statements representing Nortex Regional Planning commission with the public, local government members, potential members, contractors, grantee state agencies, and federal agencies.

Each office or employee acknowledges that his or her conduct while serving as a member of the staff is governed by this Code of Conduct. An office or employee may not:

1. Use his or her official authority or influence to interfere with or affect the result of an election or nomination for office; or
2. Directly or indirectly coerce, attempt to coerce, command, or advise a local or state officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political purpose; or
3. Use funds provided by the State of Texas to influence the passage or defeat of any legislative measure in the Texas Legislature or the outcome of any election.
4. Use funds provided by the U. S. Government contracts in any way to attempt to influence in any manner a member of Congress to favor or oppose any legislation or appropriation by Congress, or for lobbying with

state or local legislators.

State of Texas, Conflict of Interest Statute, Chapter 171.002 of the Local Government Code:

- A. A person has a substantial interest in a business if:
 - 1. The person owns ten (10) percent or more of the voting stock or shares of the business entity or owns either ten (10) percent or \$5,000 or more of the fair market value of the business entity; or
 - 2. Funds received by the person from the business entity exceeded ten (10) percent of the person's gross income from the previous year.
- B. A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more.
- C. A local public official is considered to have a substantial interest under this section if a person related to the official in the first degree by consanguinity or affinity has a substantial interest under this section.

State Nepotism Laws, Article 5996 a, b, et sec., V.T.C.S:

The Nortex Regional Planning Commission will comply with Texas Civil Statutes, Article 5996 a, b, by insuring that no officer, employee, or member of the applicant's governing body or of the applicant's contractor shall vote to confirm the employment of any person related within the second degree by affinity or third degree by consanguinity to any member of the governing body or to any other officer or employee to employ or supervise such person. This prohibition shall not prohibit the employment of a period of two years prior to the election or appointment of the officer, employee, or governing member related to such person in the prohibited degree.

Bylaws of the Nortex Regional Planning Commission:

No member of the Nortex Regional Planning Commission shall cast a vote on the provision of services by that member (or any organization which that member represents) or vote on any matter which would provide direct or indirect financial benefit to that member.

OMB Circular A-102, Attachment O, Procurement Standards, Section 7, Code of Conduct:

"Grantee shall maintain a written code or standards of conduct which govern the performance of their officers, employees or agents engaged in the award and

administration of contracts supported by Federal funds. No employee, officer or agent of the administration of a contract supported by the Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- a. The employee, officer, or agent;
- b. Any member of his immediate family;
- c. His or her partner, or
- d. An organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award.

The grantee officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements.

Grantees may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

To the extent permitted by State or local law or regulations, such standards of conduct all provide for penalties, sanctions or other disciplinary actions for violations of such standards by the grantee's officers, employees, or agents or by contractors or their agents."