



**Erie County Industrial Development Agency and Affiliates
Western Region Corporation**

*Joint Request for Proposals
For Professional Auditing Services*

*Issued: July 25, 2022
Questions Due: August 3, 2022
Submission: Four (4) Copies of Response (including Attachments A - C) +
Electronic Copy
Due: August 26, 2022 4:00 pm (EDT)*

I. INTRODUCTION

A. Request for Proposals (RFP)

The Erie County Industrial Development Agency and its affiliated corporations (“ECIDA Group”) and Western Region Corporation (“WRC”) are requesting a joint proposal for professional auditing services for three (3) calendar years from January 1, 2022 to December 31, 2024, with two (2) one-year options of auditing its financial statements for the subsequent two (2) calendar years. In accordance with the ECIDA’s professional services RFP process, these services are to be rebid at least every five (5) years.

Submission of a proposal indicates acceptance by the firm of the conditions contained in this request for proposals, unless clearly and specifically noted in the proposal submitted and confirmed in the contract between the ECIDA and the firm selected.

There is no expressed or implied obligation for the ECIDA to reimburse responding firms for any expenses incurred in preparing proposals in response to this request.

B. Current CPA Firm

The above audit services have most recently been provided by Freed Maxick, CPAs for all companies. In preparing your proposal, be advised that ECIDA management will give permission to contact the prior auditors.

C. Designated Individual – Procurement Lobbying Law

Mollie Profic

Vice President/CFO

mprofic@ecidany.com

D. Questions

Any questions, objections or requests for revisions to this RFP must be submitted in writing via email to the Designated Staff identified in Section C above and received no later than August 3, 2022. All questions will be answered in writing within three (3) business days and copies of the questions and answers will be posted on ECIDA’s website on the ‘Requests for Proposals’ page.

E. Background Information

The Erie County Industrial Development Agency (“ECIDA”) is a public benefit corporation created in 1970 by an act of the New York State Legislature. The mission of the ECIDA is to provide the resources that encourage investment, innovation, and international trade - creating a successful business climate that improves the quality of life for the residents of the region.

The ECIDA has a related party relationship with the Buffalo and Erie County Regional Development Corporation (“RDC”) and the Buffalo and Erie County Industrial Land Development Corporation (“ILDC”). The same personnel manage all three entities. The ECIDA and RDC share the same board of directors as their oversight body while ILDC has a subset of these directors in addition to others as its board of directors.

The ECIDA provides financial management services to the Western Region Corporation (“WRC”), which operates independently of the ECIDA.

II. NATURE OF SERVICES REQUIRED

A. General

The following audit & taxation services are required to be performed under this joint request for proposal:

Erie County Industrial Development Agency
Government (Public Benefit Corporation and a political subdivision of the State of New York) offering tax incentive projects. Recipient of various Federal, State, Erie County and other grants. Acts as administrator of several PILOT Increment Financing (PIF) and similar funds. Includes UDAG (HUD) fund.
<p>Services Required:</p> <ul style="list-style-type: none"> • Audit of Financial Statements* • Audit of Financial Statements including Supplemental Project Information (covering ECIDA bond and tax incentive projects, leases, and indebtedness) as required by the Office of the State Comptroller and Authorities Budget Office • Report on Internal Controls and Compliance in accordance with Government Auditing Standards • Examination of compliance with Investment Guidelines for Public Authorities and Section 2925 of Public Authorities Law • Single Audit may be required based on active/future Federal grant expenditures
Buffalo & Erie County Regional Development Corporation
Not-for-profit 501(c)(3) special-purpose government engaged in business-type activities. Administers two revolving loan funds, one comprised of federal funding from Economic Development Administration.
<p>Services Required:</p> <ul style="list-style-type: none"> • Audit of Financial Statements* • Report on Internal Controls and Compliance in accordance with Government Auditing Standards • Examination of compliance with Investment Guidelines for Public Authorities and Section 2925 of Public Authorities Law • Single Audit of Economic Adjustment Assistance – CARES Act program under Title 2 U.S. CFR Part 200 • Preparation of Federal and New York State not-for-profit returns
Buffalo & Erie County Industrial Land Development Corporation
Not-for-profit 501(c)(3) special-purpose government engaged in business-type activities, component unit of Erie County. Acquires and develops industrial sites, administers microloan program of Erie County Business Development Fund, issues tax-exempt bonds.
<p>Services Required:</p> <ul style="list-style-type: none"> • Audit of Financial Statements* • Report on Internal Controls and Compliance in accordance with Government Auditing Standards • Examination of compliance with Investment Guidelines for Public Authorities and Section 2925 of Public Authorities Law • Single Audit may be required based on active/future Federal grant expenditures • Preparation of Federal and New York State not-for-profit returns
Western Region Corporation
Not-for-profit 501(c)(3). Operates revolving loan programs (State funded).
<p>Services Required:</p> <ul style="list-style-type: none"> • Audit of Financial Statements • Preparation of Federal and New York State not-for-profit returns

* These financial statements are currently available on the ECIDA's website at www.ecidany.com. **ECIDA Financial Statements including Supplemental Information on Bond Notes and Straight Leases and WRC Financial Statements provided upon request.**

B. Auditing Standards to be Followed

To meet the requirements of this request for proposals, the audit shall be performed in accordance with auditing standards generally accepted in the United States of America (GAAS); the standards contained in *Government Auditing Standards* (GAS), issued by the Comptroller General of the United States; the provisions of the Single Audit Act Amendments of 1996, and the audit requirements of Title 2 U.S. Code of Federal Regulations Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*.

C. Working Paper Retention and Access to Working Papers

All working papers and reports must be retained, at the auditor's expense, for a minimum of six (6) years, unless the firm is notified in writing by the ECIDA Group of the need to extend the retention period. The auditor may be required to make working papers available, upon request, to the following parties or their designees: U.S. Department of Housing and Urban Development (HUD); U.S. Department of Commerce / Economic Development Administration (EDA); U.S. General Accounting Office (GAO); New York State Office of the State Comptroller; New York State Authorities Budget Office; auditors of entities of which the ECIDA is a subrecipient of grant funds; and other parties as deemed appropriate or necessary by the ECIDA.

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

D. Insurance Requirements

Firms selected under this request for proposal will be required to maintain workers' compensation and liability insurance naming the ECIDA as an additional insured.

III. TIME REQUIREMENTS

A. Proposal Calendar

The following is a list of key dates up to and including the date proposals are due to be submitted:

Requests for proposals issued	July 25, 2022
Questions submitted in writing	August 3, 2022
Due date for proposals	August 26, 2022 (4PM) EDT

B. Notification Dates

Selected audit firm expected to be notified	September 28, 2022
---	--------------------

C. Date Audit May Commence

The ECIDA has the majority of records and working papers ready for audit on or around January 20th.

D. Final Audited Financial Statements Due Dates

Final Audited Financial Statements	Due Date (2022-2024)
ECIDA (excluding Supplemental Information), RDC, ILDC	March 31 st *
ECIDA (including Supplemental Information), WRC	April 30 th **
RDC Single Audit	September 30 th

* Draft financial statements are required by the first week of March in order to comply with the Public Authorities Accountability Act March 31 due date.

** ECIDA audited financial statements (including supplemental information) are due by April 30th in order to comply with Section 859 of General Municipal Law.

Historically the fieldwork for all audits has been completed in a two-week period in early to mid-February. Timing may vary slightly from year to year, but the vast majority of audit fieldwork (including Single Audits) has been completed for all entities by the end of February.

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

A. ECIDA Primary Contact

The auditors' principal contact with the ECIDA will be Mollie Profic, CFO, who will coordinate the assistance to be provided by the ECIDA to the auditor.

B. Finance Department and Clerical Assistance

Each year, the audit firm will be provided with detailed working papers for key financial accounts. The finance department staff and other personnel will be available during the audit to assist the firm with further information requests and explanations. The ECIDA can also assist with the preparation of audit confirmations.

C. Extent of Audit Adjusting Entries

Under the current finance staff, most financial statements have not required significant adjusting journal entries other than standard entries for presentation purposes.

D. Financial Statement Preparation

Financial statement drafting, preparation, editing and printing shall be the responsibility of the auditor. Management's Discussion and Analysis for ECIDA, RDC and ILDC is prepared by management.

V. PROPOSAL REQUIREMENTS

A. Proposal Requirements

Each proposal should be no more than ten (10) pages in length (excluding items such as peer review report, cover letter, fee schedule) and include the following:

1. Qualifications and Experience of the Firm

- List the local firm's most significant engagements performed in the last five (5) years that are similar to the engagement described in this request for proposal.
- Indicate the breadth and depth of the firm's specialized resources for unique accounting or tax situations. Please indicate if you have had any previous experience with EDA, HUD or tax credit programs such as New Markets Tax Credits or Brownfield Tax Credits.
- Indicate whether the firm has alliances or affiliations with other firms or organizations to share knowledge and resources.
- Indicate performance of local firm on the last peer review, including the nature of any letter of comments that were issued and the firm's response to the letter of comments.

2. Qualifications of Partner and Staff

- Identify the Partner, Manager and Senior Accountant who will be assigned to this engagement and provide biographies. Indicate any complaints against them that have been leveled by a state board of accountancy or other regulatory authority, if any. Indicate any corrective actions that have been taken by the firm with respect to these individuals.
- Provide the names and contact information for other, similar clients of the partner and/or manager who will be assigned to our organization, for reference purposes.

3. All-Inclusive Cost

Each firm submitting a proposal is requested to complete Exhibit A "Format for Schedule of Professional Fees & Expenses". This schedule should include all costs to perform the audit, tax and compilation engagements as described in this Request for Proposal. This schedule should also include all direct and indirect costs, including all out-of-pocket expenses (e.g. photocopying, travel, lodging, etc), if any, for each of the potential five (5) years of the engagement. It is important to remember that while price is a primary consideration, it will not be the sole factor in determining which firm will be awarded this audit contract. For out of scope and other services, provide on the pricing sheets a listing of hourly rates for partners, specialists, supervisors and staff levels.

4. Local & Women/Minority-Owned Business Enterprises/Employees

The ECIDA's current procurement policy indicates the following:

"It is the preference of the Agency to provide opportunities for the purchase of goods and services from (i) business enterprises located in Erie County and (ii) certified minority and/or women-owned business enterprises ("MWBEs"). To that end, the Agency will utilize available lists of MWBE firms

certified by Erie County and/or the State of New York and will solicit bids and proposals from such businesses by notifying them of opportunities to submit proposals and/or bids for goods or services.

The Agency shall, from time to time, also establish reasonable and attainable MWBE goals when procuring certain professional services, as more particularly described within the Agency's "Professional Services RFP Process and Policy", as amended from time to time. In instances where the Agency solicits professional services through a scored RFP or RFQ process the Agency shall, as part of the scoring index, consider a respondent's MWBE status, utilization, and/or the respondent's policies, practices and institutional commitments to advance and promote diversity and inclusion."

Pursuant to the Single Audit Act, the Federal Office of Management and Budget has issued guidance concerning procurement of services from small and minority firms as part of Title 2 U.S. Code of Federal Regulations Part 200. Specifically, non-Federal entities must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. The ECIDA group has long maintained its commitment to help socially and economically disadvantaged persons by procuring goods and services from them whenever possible.

Firms should describe any programs or actions they undertake to attract, recruit, train, retain and promote minority and female employees. As applicable, indicate the firm's minority or women ownership, leadership and/or employees. Firms should also describe any programs or arrangements they sponsor or support that further the development of MWBEs in Erie County and the region.

5. Compliance with local, state or federal statutes and regulations:

Firms should indicate whether they comply with independence requirements as required by the U.S. Government Accountability Office's Government Auditing Standards and the Public Authorities Law, adhere to the AICPA's Code of Professional Conduct and are licensed to practice public accounting/auditing in New York State.

6. Identification of Anticipated Potential Audit Problems (if any):

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

7. Submission of Proposal:

Four (4) copies of the proposal must be received at the following address by August 26, 2022 at 4PM (EDT) in order to be considered:

Erie County Industrial Development Agency
Attn: Audit and Finance Committee c/o: Mollie Profic, CFO
95 Perry Street, Suite 403, Buffalo, New York 14203

An electronic copy should also be emailed to Mollie Profic at: mprofic@ecidany.com

During the evaluation process, the selection committee reserves the right, where it may serve the ECIDA's best interest, to request additional information or clarifications from proposers, or to allow corrections of errors or omissions.

The ECIDA reserves the right to retain all proposals submitted and use any idea in a proposal regardless of whether that proposal is selected.

Proposals submitted under this request for proposal are subject to public disclosure under the New York State Freedom of Information Law. If the respondent does not want certain data disclosed for any purpose other than evaluating the response, the respondent must prominently identify the sections or pages of the response which they wish to have restricted, if allowed by law.

VI. EVALUATION PROCEDURES

A. Initial Review of Responses

A Selection Committee comprised of ECIDA staff members will initially evaluate each firm's response.

Minimum Requirements:

1. Submission of complete response by due date/time.
2. Completion of Attachments A - C.

The Selection Committee will then select the responses which are most advantageous to the ECIDA Group and WRC, based on the following scoring criteria:

- 1) Qualifications and experience of the audit firm. (25%)
- 2) Qualifications and experience of the partners and staff. (25%)
- 3) All-inclusive cost for each year of the potential five year engagement. (40%)
- 4) Minority & women ownership, employee development and/or programs (10%)
- 5) Compliance with local, state or federal statutes and regulations.
- 6) Anticipated potential audit problems (if any).

The Selection Committee reserves the right to award the contract to the lowest responsible bidder it deems best suited and qualified to meet the needs of the ECIDA group. The Selection Committee assumes responsibility for determining if a specific bidder is responsible.

B. Oral Presentations

During the evaluation process, the Selection Committee, at their discretion, may request any one or all firms to make oral presentations. Such presentations will provide firms with an opportunity to answer any questions that these parties may have on a firm's proposal. Not all firms will be asked to make such oral presentations.

C. Final Selection

The Selection Committee will make a recommendation to the respective Audit and Finance Committees upon final review of the proposals. The ECIDA & WRC Boards of Directors will select a firm based upon the recommendation of the Audit and Finance Committees.

It is expected that a firm will be selected and notified by September 28, 2022. Following the notification of the selected firm it is expected that an engagement letter will be executed between both parties shortly thereafter.

D. Right to Reject Proposals

The ECIDA reserves the right without prejudice to reject any or all proposals.

Exhibit A

**Erie County Industrial Development Agency & Affiliates
Western Region Corporation
Format for Schedule of Professional Fees and Expenses**

Company/Fund	Audit & Tax Services Required	2022 Fee	2023 Fee	2024 Fee	2025 Fee	2026 Fee
1) ECIDA	a) Audit of Financial Statements (including internal controls and compliance with Investment Guidelines) b) Audit of Financial Statements including Supplemental Project Information (covering ECIDA Bond, Leases and Indebtedness) c) Single Audit of Federal award expenditures (if required)	\$ -	\$ -	\$ -	\$ -	\$ -
2) RDC	a) Audit of Financial Statements (including internal controls and compliance with Investment Guidelines) & preparation of not-for-profit returns b) Single Audit of Economic Adjustment Assistance - CARES Act program (all years)	-	-	-	-	-
3) ILDC	a) Audit of Financial Statements (including internal controls and compliance with Investment Guidelines) & preparation of not-for-profit returns b) Single Audit of Federal award expenditures (if required)	-	-	-	-	-
4) WRC	Audit of Financial Statements & preparation of not-for-profit returns	-	-	-	-	-
Total		\$ -	\$ -	\$ -	\$ -	\$ -
Add: Out-of-Pocket Costs (if any) / Other						
Grand Total		\$ -	\$ -	\$ -	\$ -	\$ -

* An electronic copy of this schedule can be found on ECIDA's website (www.ecidany.com) under 'Requests for Proposals'.

NEW YORK STATE FINANCE LAW REQUIREMENTS

Permissible Contacts

Pursuant to State Finance Law §§139-j and 139-k, this Solicitation/Request for Proposal includes and imposes certain restrictions on communications between the ECIDA and an Offerer/bidder during the procurement process. An Offerer/bidder is restricted from making contacts from the earliest notice of intent to solicit Request for Proposals through the final award and approval of the Procurement Contract by the ECIDA and, if applicable, Office of the State Comptroller (“restricted period”) to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law §139-j(3)(a). Designated staff, as of the date hereof, is identified on page 1 of this solicitation. ECIDA employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the Offerer/bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4 year period, the Offerer/bidder is barred from obtaining governmental Procurement Contracts. Further information about these requirements can be found at <http://www.ogs.state.ny.us/aboutOgs/regulations/defaultAdvisoryCouncil.html>.

Offerer/Bidder’s Affirmation of Understanding of and Agreement pursuant to State Finance Law §139-j (3) and §139-j (6) (b)

State Finance Law §139-j(6)(b) requires that the ECIDA seek written affirmations from all Offerers/Bidders as to the Offerer’s/Bidder’s understanding of and agreement to comply with the ECIDA’s procedures relating to permissible contacts (described above) during a Governmental Procurement pursuant to subdivision three of this section. It is recommended that this affirmation be provided to the ECIDA as early as possible in the procurement process, such as when the Offerer/bidder submits its proposal or bid. Attachment A may be used to satisfy this requirement.

Offerer’s/Bidder’s Certification of Compliance with State Finance Law §139-k(5)

New York State Finance Law §139-k(5) requires that every Procurement Contract award subject to the provisions of State Finance Law §§139-k or 139-j shall contain a certification by the Offerer/Bidder that all information provided to the ECIDA with respect to State Finance Law §139-k is complete, true and accurate. It is recommended that the certification be provided to the ECIDA as early as possible in the process, such as when an Offerer/Bidder submits its proposal, bid or other form of offer. Attachment B may be used to satisfy this requirement.

Offerer/Bidder Disclosure of Prior Non-Responsibility Determinations

New York State Finance Law §139-k(2) obligates the ECIDA to obtain specific information regarding prior non-responsibility determinations with respect to State Finance Law §139-j. This information must be collected in addition to the information that is separately obtained pursuant to State Finance Law §163(9). In accordance with State Finance Law §139-k, an Offerer/bidder must disclose whether there has been a finding of non-responsibility made within the previous four (4) years by any Governmental Entity due to: (a) a violation of State Finance Law §139-j or (b) the intentional provision of false or incomplete information to a Governmental Entity. The terms “Offerer” and “Governmental Entity” are defined in State Finance Law § 139-k(1). State Finance Law §139-j sets forth detailed requirements about the restrictions on Contacts during the procurement process. A violation of State Finance Law §139-j includes, but is not limited to, an impermissible Contact during

the restricted period (for example, contacting a person or entity other than the designated contact person, when such Contact does not fall within one of the exemptions).

NEW YORK STATE FINANCE LAW REQUIREMENTS

As part of its responsibility determination, State Finance Law §139-k(3) mandates consideration of whether an Offerer/bidder fails to timely disclose accurate or complete information regarding the above non-responsibility determination. In accordance with the law, no Procurement Contract shall be awarded to any Offerer/bidder that fails to timely disclose accurate or complete information under this section, unless a finding is made that the award of the Procurement Contract to the Offerer/bidder is necessary to protect public property or public health safety, and that the Offerer/bidder is the only source capable of supplying the required Article of Procurement within the necessary timeframe. See State Finance Law §139-j (10)(b) and §139-k(3).

The ECIDA must include a disclosure request regarding prior non-responsibility determinations in accordance with State Finance Law §139-k in its solicitation of proposals or bid documents or specifications or contract documents, as applicable, for procurement contracts. Attachment C entitled “Offerer Disclosure of Prior Non-Responsibility Determinations” must be completed by the Offerer/Bidder and submitted to the ECIDA.

Public Disclosure

Responses submitted under this Request for Proposals are subject to public disclosure under the New York State Freedom of Information Law. If the respondent does not want certain data disclosed for any purpose other than for the evaluation of the submitted proposal, the respondent must prominently identify sections or pages of the response which they wish to have restricted. Such sections shall be restricted from disclosure, if allowed by law.

Contract Termination Provision

New York State Finance Law §139-k (5) provides that every procurement contract award subject to the provisions of State Finance Law §139-k and §139-j contain a provision authorizing the ECIDA to terminate the contract in the event that the certification is found to be intentionally false or intentionally incomplete. This statutory contract language authorizes, but does not mandate, termination. “Governmental Entity” and “procurement contract” are defined in State Finance Law §139-k(1). If a contract is terminated in accordance with State Finance Law §139-k (5), the ECIDA is required to include a statement in the procurement record describing the basis for any action taken under the termination provision.

ECIDA Termination Provision

Pursuant to New York State Finance Law §139-k(5), the ECIDA reserves the right to terminate any contract in the event it is found that the certification filed by the Offerer in accordance with New York State Finance Law §139k was intentionally false or intentionally incomplete. Upon such finding, the ECIDA may exercise its termination rights by providing written notification to the Offerer/bidder in accordance with the written notification terms of this contract.

NEW YORK STATE FINANCE LAW REQUIREMENTS

ATTACHMENT A

Affirmation of Understanding & Agreement pursuant to State Finance Law §139-j (3) and §139-j (6) (b)

I affirm that I understand and agree to comply with the procedures of the ECIDA relative to permissible contacts as required by State Finance Law §139-j (3) and §139-j (6) (b).

By: _____ Date: _____

Name: _____ Title: _____

Contractor Name: _____

Contractor Address: _____

NEW YORK STATE FINANCE LAW REQUIREMENTS

ATTACHMENT B

Offerer/Bidder Certification:

I certify that all information provided to the ECIDA with respect to State Finance Law §139-k is complete, true and accurate.

By: _____ Date: _____

Name: _____ Title: _____

Contractor Name: _____

Contractor Address: _____

NEW YORK STATE FINANCE LAW REQUIREMENTS

ATTACHMENT C

Offerer Disclosure of Prior Non-Responsibility Determinations

Name of Individual or Entity Seeking to Enter into the Procurement Contract:

Address:

Name and Title of Person Submitting this Form:

Contract Procurement Number:

Date:

1. Has any Governmental Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract in the previous four years? (Please circle):

No Yes

If yes, please answer the next questions:

2. Was the basis for the finding of non-responsibility due to a violation of State Finance Law §139-j (Please circle):

No Yes

3. Was the basis for the finding of non-responsibility due to the intentional provision of false or incomplete information to a Governmental Entity? (Please circle):

No Yes

4. If you answered yes to any of the above questions, please provide details regarding the finding of non-responsibility below.

Governmental Entity:

Date of Finding of Non-responsibility:

Basis of Finding of Non-Responsibility:

(Add additional pages as necessary)

5. Has any Governmental Entity or other governmental agency terminated or withheld a Procurement Contract with the above-named individual or entity due to the intentional provision of false or incomplete information? (Please circle):

No

Yes

6. If yes, please provide details below.

Governmental Entity: _____

Date of Termination or Withholding of Contract: _____

Basis of Termination or Withholding: _____

(Add additional pages as necessary)

Offerer certifies that all information provided to the ECIDA with respect to State Finance Law §139-k is complete, true and accurate.

By: _____ Date: _____

Signature

Name: _____ Title: _____