



## SOLICITATION ADDENDUM

Solicitation Number: IFB 23-FMD-016 (KP) Addendum #1 Page 1 of 5

Solicitation Due Date: Wednesday, May 25, 2022 11:00 a.m. Local Time

**CITY OF PHOENIX**  
Procurement Division  
200 W. Washington Street  
7th Floor  
Phoenix, AZ 85003  
Phone: (602) 256-5634

### HVAC MAINTENANCE, REPAIR, AND REPLACEMENT SERVICES

#### **QUESTIONS:**

##### **Question 1:**

IFB page 66 "Parts and Material Description" markup states not to exceed 15%. Industry standard definition of "parts & material" are accessories outside of equipment or components of equipment. Can you provide a clear definition or list of what is considered parts and material?

Response 1:

"Parts and Material" in this solicitation refers to all equipment, parts, materials, components, accessories that are necessary to completed requested and approved work on this contract.

##### **Question 2:**

In 2019 the markup was a maximum of 30%. Can you provide a reason why this was cut in half to 15%?

Response 2:

The City of Phoenix reserves the right to set the terms on our contracts. The Submittal has been adjusted to a 30% maximum markup on Parts and Materials. See SECTION VI – REVISED SUBMITTALS.

##### **Question 3:**

You verbally stated we are not allowed to markup subcontractors. Can you provide documentation to back up that statement?

Response 3:

A markup percentage has been added. See SECTION VI – REVISED SUBMITTAL.

##### **Question 4:**

Is the maximum markup of 15% negotiable?

Response 4:

The City of Phoenix reserves the right to set the terms on our contracts. The Submittal has been adjusted to a 30% maximum markup on Parts and Materials. See SECTION VI – REVISED SUBMITTALS.

##### **Question 5:**

Can handling fees be added to the cost of parts, materials, and equipment?

Response 5:



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Handling fees and other miscellaneous fees and charges are not allowed on this contract and will not be accepted or paid.

### **Question 6:**

Can you provide the results, labor rates, and IFB from the previously awarded contract?

### **Response 6:**

A public records request must be submitted to obtain this information. You can submit a request through the City Clerk's office at <https://www.phoenix.gov/pio/public-records-request>.

### **Question 7:**

Section V, paragraph 19, Equipment rental

Requesting a minimum markup of 15%, Business overhead costs going up (insurance etc.), contractor assumes risk and responsibility while renting equipment, time managing?

### **Response 7:**

A markup percentage has been added. See SECTION VI – REVISED SUBMITTAL.

### **Question 8:**

Section V, paragraph 23, Subcontractors

Requesting a minimum markup of 15%. Business overhead costs going up (insurance etc.), contractor assumes risk and responsibility while hiring subcontractor, time managing?

### **Response 8:**

A markup percentage has been added. See SECTION VI – REVISED SUBMITTAL.

### **Question 9:**

Section VI, paragraph 3 (last line), Part and Materials, "Markup may not exceed 15%".

- Equipment is not listed, just parts and materials. What is the NTE for equipment?
- For this type of contract/work, 15% is very low based on the expectations of this contract. Business overhead costs going up, warranty expectations, time lines required for expediency, no markup on rental equipment, removal and disposal of items... this percentage is low. Last contract bid was NTE 30%

### **Response 9:**

The City of Phoenix reserves the right to set the terms on our contracts. The Submittal has been adjusted to a 30% maximum markup on Parts and Materials. See SECTION VI – REVISED SUBMITTALS.

### **Question 10:**

In the event we need to use outside services like cranes to replace equipment etc. are we allowed a markup on Sub-contractors? If we are not allowed to markup, can we request a change to include markups? Admin time and project coordination with the subs will be required. This is an additional cost to the contractor performing the work.



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Response 10:

A markup percentage has been added. See SECTION VI – REVISED SUBMITTAL.

### **Question 11:**

Current labor rates the city of phoenix is paying for the following services?

Response 11:

A public records request must be submitted to obtain this information. You can submit a request through the City Clerk's office at <https://www.phoenix.gov/pio/public-records-request>.

### **Question 12:**

Annual repair, maintenance and replacement cost spent last year.

Response 12:

An average of \$2,425,312 has been spent annually on the current contracts for these services. The City makes no guarantee to the amount of future spending for these services.

### **Question 13:**

For any of the locations listed will the contractor be required to pay for special badging and parking fees?

Response 13:

Badging is required for all staff who will be working on City facilities. The Water Services and Aviation Departments have separate badging requirements. Also, Luke Air Force Base has specific requirements for badging and base access. Parking fees may be required for some locations, such as the downtown 305 parking garage. All costs associated with badging and parking will be borne by the Contractor.

### **Question 14:**

Quotes 22.11, 22.12 and 22.18

- 22.11 If the final cost is less than the quoted cost, only the final cost will be billed to the City.
- 22.12 Cost overruns will be absorbed by the Contractor unless pre-approved in writing by CDCR before any work begins that is beyond the original scope of work and purchase order amount.
- 22.18 Quotes shall be priced as "Not to Exceed" amounts.

We feel this may be a process deficiency for business partnerships. We're hopeful this process can be reviewed, with the intent of being beneficial and reciprocal for both entities. We agree quoted projects may cost more us or requires additional labor to complete than originally planned, the contractor should absorb those costs. Considering all being inclusive of the original scope of work outlined in the proposal. If a more efficient process completes the project, the contractor should benefit from those funds as the quote was approved at the proposed value and would be fair business practice with partnering companies. The current format appears to be risk-risk for the contractor; any overages of cost are absorbed by contractor while any unused costs are unbilled to the client, regardless of cause. Considering proposals will apparently be awarded to the lowest bidder for each project, this process



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may cause significant challenges for contractors.

Response 14:

These items will remain unchanged.

### **Question 15:**

Pg 66 of 96, Parts and Material (markup may not exceed 15%)

Would this be a specific item for pricing review, considering a generous labor rate being proposed?

Response 15:

The City of Phoenix reserves the right to set the terms on our contracts. The Submittal has been adjusted to a 30% maximum markup on Parts and Materials. See SECTION VI – REVISED SUBMITTALS. This revision is not the result of or being impacted by any considerations to potential labor rates that will be offered.

### **Question 16:**

Pre-Offer Conference Meeting, Subcontractor Rate (markup may not exceed 0%)

During the pre-offer meeting it was mentioned that all subcontractors are to have zero percent mark-up on subcontracted work to the city. We have reviewed the contract several times and cannot find anything that defines an acceptable subcontractor mark-up percentage. Considering the evaluation, selection, coordination, follow-up and administration involved with subcontracted work, we will be challenged to provide subcontracted work scope at 0% markup. Would this be a specific item for pricing review, considering a generous labor rate being proposed?

Response 16:

A markup percentage has been added. See SECTION VI – REVISED SUBMITTAL.

### **DELETE AND REPLACE:**

Delete Section V – Scope of Work, Item 19 – Equipment Rental, in its entirety, and replace with the following:

Contractor will be responsible for providing all equipment and vehicles typical to the trade necessary to complete the project at no additional cost to the City. Contractor may be required to service unique building structures that may require utilizing specialty equipment. Contractor will identify all special equipment necessary (that will result in additional charges) during the site visit so that it may be included in the Contractor's quote. Upon approval from the CDCR, the charges and fees agreed upon will be reimbursed to the Contractor with a markup not to exceed the percentage Contractor listed in Section VI - Revised Submittals. Original invoice(s) of supplier's materials and special equipment must be provided at the time of billing. The City will not accept any invoice that has been altered in any manner.

Delete and Replace, in its entirety and any reference to:

SECTION VI – SUBMITTALS to be replaced with SECTION VI – REVISED SUBMITTALS.



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Revisions are attached to this addendum and can also be found on the solicitation webpage at <https://solicitations.phoenix.gov/>.

The balance of the specifications and instructions remain the same. Interested parties must acknowledge receipt and acceptance of this addendum by returning the entire addendum with the inquiry.

Name of Company: \_\_\_\_\_

Address: \_\_\_\_\_

Authorized Signature: \_\_\_\_\_

Print Name and Title: \_\_\_\_\_



SECTION VI – SUBMITTALS

1. COPIES:

1.1 For In-Person and Carrier Delivery

If submitting a hardcopy offer to the City, please submit one original, one copy, and one electronic copy (portable thumb drive) of the Submittal Section and addenda(s). Please include updated W-9, a sample invoice and all other required documentation.

1.2 For Electronic Submittal via email

If submitting an electronic offer to the City via email, please submit one copy of the Submittal Section and addenda(s). Please include an updated W-9, a sample invoice and all other required documentation.

1.3 Please submit only the Submittal Section, do not submit a copy of the entire solicitation document. This offer will remain in effect for a period of 180 calendar days from the opening date and is irrevocable unless it is in the City’s best interest to release offer(s).

1.3.1 Please **DO NOT** submit links to Google Docs, Dropbox Paper, or similar services. Your offer may be deemed non-responsive if your offer is supplied utilizing these services.

1.4 Required documentation to be included with submittal:

- Current Universal EPA Certification for all service technicians.

2. COSTS AND PAYMENTS:

2.1 PAYMENT TERMS & OPTIONS: Vendors must choose an option, if a box is not checked, the City will default to 0% - net 45 days:

Contractor offers a prompt payment discount of either \_\_\_\_\_% - 30 days or 0% – 45 days - to apply after receipt of invoice or final acceptance of the products (invoice approval), whichever date is later, starts the 30 days. If no prompt payment discount is offered, the default is 0%, net 45 days; effective after receipt of invoice or final acceptance of the products, whichever is later. Payment terms offering a discount will not be considered in the price evaluation of your offer.

Contractor may be paid immediately upon invoice approval, if enrollment is made to the Single Use Account (SUA) Program, administered by the City’s servicing bank (“Bank”). By checking this box, the vendor accepts transaction costs charged by their merchant bank and agrees not to transfer to the City those extra charges. The City will not pay an increase in our services for the SUA charges; if an audit uncovers an upcharge for the SUA charges the vendor will owe the City all costs. The vendor may



SECTION VI – REVISED SUBMITTALS

CITY OF PHOENIX

opt-out of the SUA program once, but then may not rejoin during the same contract term. For more information about the SUA program or to enroll, send email to mailbox.sua@phoenix.gov.

3. BID PRICE SCHEDULE:

ALL OR NONE BID BY GROUP

Note: Prices offered shall not include applicable state and local taxes. The city will pay all applicable taxes. For the purposes of determining the lowest cost, the city will not take tax into consideration. Taxes must be listed as a separate item on all invoices.

GROUP I – COMMERCIAL (PUBLIC WORKS/PHOENIX CONVENTION CENTER)

Table with 5 columns: Item No., Description, Labor Price (Per Hour), Estimated Hours, Extended Price (Labor price x estimated hours). Rows include Regular Labor Rate, Premium Labor Rate, and Group I Grand Total.

1Estimate Hours are for evaluation purposes only.

\*Grand total will be used to determine low bid.

GROUP II – RESIDENTIAL (PUBLIC WORKS/PHOENIX CONVENTION CENTER)

Table with 5 columns: Item No., Description, Labor Price (Per Hour), Estimated Hours, Extended Price (Labor price x estimated hours). Rows include Regular Labor Rate, Premium Labor Rate, and Group II Grand Total.



**SECTION VI – REVISED SUBMITTALS**

**CITY OF PHOENIX**

<sup>1</sup>Estimate Hours are for evaluation purposes only.

\*Grand total will be used to determine low bid.

**GROUP III – DUCT DESIGN, INSTALLATION, AND FABRICATION (PUBLIC WORKS/PHOENIX CONVENTION CENTER)**

<b>Item No.</b>	<b>Description</b>	<b>Labor Price (Per Hour)</b>	<b>Estimated Hours<sup>1</sup></b>	<b>Extended Price (Labor price x estimated hours)</b>
<b>1</b>	<b>REGULAR LABOR RATE</b> (7:00 a.m. to 5:00 p.m. Monday through Friday, City holidays excluded)	\$	100	\$
<b>2</b>	<b>PREMIUM LABOR RATE</b> (All other hours, Saturday and Sunday, City Holidays)	\$	10	\$
<b>GROUP III GRAND TOTAL *</b>				\$

<sup>1</sup>Estimate Hours are for evaluation purposes only.

\*Grand total will be used to determine low bid.

**GROUP IV – LOW TEMPERATURE COOLERS/FREEZERS (PUBLIC WORKS/PHOENIX CONVENTION CENTER)**

<b>Item No.</b>	<b>Description</b>	<b>Labor Price (Per Hour)</b>	<b>Estimated Hours<sup>1</sup></b>	<b>Extended Price (Labor price x estimated hours)</b>
<b>1</b>	<b>REGULAR LABOR RATE</b> (7:00 a.m. to 5:00 p.m. Monday through Friday, City holidays excluded)	\$	100	\$
<b>2</b>	<b>PREMIUM LABOR RATE</b> (All other hours, Saturday and Sunday, City Holidays)	\$	10	\$
<b>GROUP IV GRAND TOTAL *</b>				\$

<sup>1</sup>Estimate Hours are for evaluation purposes only.

\*Grand total will be used to determine low bid.





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GROUP V - COMMERCIAL (AVIATION)

Item No.	Description	Labor Price (Per Hour)	Estimated Hours <sup>1</sup>	Extended Price (Labor price x estimated hours)
1	<b>REGULAR LABOR RATE</b> (7:00 a.m. to 5:00 p.m. Monday through Friday, City holidays excluded)	\$	100	\$
2	<b>PREMIUM LABOR RATE</b> (All other hours, Saturday and Sunday, City Holidays)	\$	10	\$
<b>GROUP V GRAND TOTAL *</b>				\$

<sup>1</sup>Estimate Hours are for evaluation purposes only.

\*Grand total will be used to determine low bid.

GROUP VI – RESIDENTIAL UP TO 5 TONS (AVIATION)

Item No.	Description	Labor Price (Per Hour)	Estimated Hours <sup>1</sup>	Extended Price (Labor price x estimated hours)
1	<b>REGULAR LABOR RATE</b> (7:00 a.m. to 5:00 p.m. Monday through Friday, City holidays excluded)	\$	100	\$
2	<b>PREMIUM LABOR RATE</b> (All other hours, Saturday and Sunday, City Holidays)	\$	10	\$
<b>GROUP VI GRAND TOTAL *</b>				\$

<sup>1</sup>Estimate Hours are for evaluation purposes only.

\*Grand total will be used to determine low bid.



SECTION VI – REVISED SUBMITTALS

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GROUP VII – DUCT DESIGN, INSTALLATION, AND FABRICATION (AVIATION)

Item No.	Description	Labor Price (Per Hour)	Estimated Hours <sup>1</sup>	Extended Price (Labor price x estimated hours)
1	<b>REGULAR LABOR RATE</b> (7:00 a.m. to 5:00 p.m. Monday through Friday, City holidays excluded)	\$	100	\$
2	<b>PREMIUM LABOR RATE</b> (All other hours, Saturday and Sunday, City Holidays)	\$	10	\$
<b>GROUP VII GRAND TOTAL *</b>				\$

<sup>1</sup>Estimate Hours are for evaluation purposes only.

\*Grand total will be used to determine low bid.

PARTS AND MATERIALS:

DESCRIPTION	MARKUP PERCENTAGE
Parts and Materials (markup may not exceed 30%)	Markup _____ %
Equipment Rental (markup may not exceed 10%)	Markup _____ %
Subcontractor (markup may not exceed 15%)	Markup _____ %

4. EMERGENCY 24-HOUR SERVICE CONTACT:

Name \_\_\_\_\_

Telephone Number \_\_\_\_\_

Alternate Contact \_\_\_\_\_

Telephone Number \_\_\_\_\_



5. **CONTRACTOR LICENSING REQUIREMENTS:**

Offeror shall comply with all statutes and rules of the State of Arizona and the Registrar of Contractors. In accordance with A.R.S. §. 32-1151, and unless otherwise exempted by A.R.S. § 32-1121, Offeror shall have the correct class of license as required by the Registrar of Contractors for the work specified, at the time of offer submission. Offeror certifies possession of the following license:

Licensed Contractor's Name \_\_\_\_\_

Class \_\_\_\_\_

License Number \_\_\_\_\_

Expiration Date \_\_\_\_\_

6. **YEARS IN BUSINESS AND REFERENCES:** Contractor certifies that they have provided complete HVAC maintenance, repair, and replacement services for a period of \_\_\_\_\_ years.

Contractor shall furnish the names, addresses, and telephone numbers of a minimum of three firms or government organizations for which the Contractor is currently furnishing or has furnished, completed service for HVAC maintenance, repair, and replacement services.

**Company Name** \_\_\_\_\_

Address \_\_\_\_\_

Reference \_\_\_\_\_

Telephone Number \_\_\_\_\_

Email address \_\_\_\_\_

**Company Name** \_\_\_\_\_

Address \_\_\_\_\_

Reference \_\_\_\_\_

Telephone Number \_\_\_\_\_

Email address \_\_\_\_\_



**SECTION VI – REVISED SUBMITTALS**

**CITY OF PHOENIX**

**Company Name** \_\_\_\_\_

Address \_\_\_\_\_

Reference \_\_\_\_\_

Telephone Number \_\_\_\_\_

Email address \_\_\_\_\_

Company Name \_\_\_\_\_



SECTION VI – REVISED SUBMITTALS

CITY OF PHOENIX

**OFFER**

**TO THE CITY OF PHOENIX** - The Undersigned hereby offers and agrees to furnish the material and or service(s) in compliance with all terms, conditions, specifications, and addenda issued as a result of a solicitation.

Arizona Sales Tax No. \_\_\_\_\_  
Use Tax No. for Out-of State Suppliers \_\_\_\_\_  
City of Phoenix Sales Tax No. \_\_\_\_\_  
Arizona Corporation Commission File No. \_\_\_\_\_

Taxpayer’s Federal Identification No.: If recommended for contract award, Bidder agrees to provide its federal taxpayer identification number or as applicable its social security number to the City of Phoenix for the purposes of reporting to appropriate taxing authorities, monies paid by the City of Phoenix under the awarded contract. If the Bidder provides its social security number, the City will only share this number with appropriate state and federal officials. This submission is mandatory under 26 U.S.C. § 6041A.

Enter City’s Registration System ID Number Located at City’s eProcurement website (see SECTION I – INSTRUCTIONS - CITY’S REGISTRATION)	
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Offeror has read, understands, and will fully and faithfully comply with this solicitation, its attachments and any referenced documents. Offeror certifies that the prices offered were independently developed without consultation with any other Offeror or potential Offerors.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Verify Name and Type of Company  
(LLC, Inc., Sole Proprietor)

\_\_\_\_\_  
Printed Name and Title  
(Member, Manager, President)

Address \_\_\_\_\_  
City, State and Zip Code \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
Company’s Fax Number \_\_\_\_\_  
Company’s Toll Free # \_\_\_\_\_  
Email Address \_\_\_\_\_



**SECTION VI – REVISED SUBMITTALS**

**CITY OF PHOENIX**

**ACCEPTANCE OF OFFER**

The Offer is hereby accepted.

The Contractor is now bound to sell the material(s) or service(s) listed by the attached contract and based upon the solicitation, including all terms, conditions, specifications, amendments, etc. and the Contractor’s Offer as accepted by the City.

This contract shall henceforth be referred to as Contract No.\_\_\_\_\_. The Contractor has been cautioned not to commence any billable work or provide any material or service under this contract until Contractor receives purchase order, or contract documentation.

**CITY OF PHOENIX**

A Municipal Corporation  
Jeffrey Barton, City Manager

\_\_\_\_\_  
Joe Giudice  
Public Works Director

Attest:

\_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_ 2022  
City Clerk

Approved as to form this 19<sup>th</sup> day of January 2017. This document has been approved as to form by the City Attorney and is on file with the City Clerk. It need not be submitted to the City Attorney for approval unless the form document is altered.



SECTION VI – REVISED SUBMITTALS

CITY OF PHOENIX

This form must be signed and submitted to the City and all questions must be answered (or N/A) or your Offer may be considered non-responsive.

1. Name of person submitting this disclosure form.

First	MI	Last	Suffix
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2. Contract Information

Solicitation # or Name:

3. Name of individual(s) or entity(ies) seeking a contract with the City (i.e. parties to the Contract)

4. List any individuals(s) or entity(ies) that are owners, partners, parent, sublessees, joint venture, or subsidiaries of the individual or entity listed in Question 3. Please include all Board members, executive committee members and officers for each entry. If not applicable, indicate N/A.

5. List any individuals or entities that will be subcontractors on this contract or indicate N/A.

- Subcontractors may be retained, but not known as of the time of this submission.
- List of subcontracts, including the name of the owner(s) and business name:

6. List any attorney, lobbyist, or consultant retained by any individuals listed in Questions 3, 4, or 5 to assist in the proposal or seeking the resulting contract. If none, indicate N/A.

Company Name \_\_\_\_\_



**7. Disclosure of Conflict of Interest:**

**A. City Code Section 43-34**

Are you aware of any fact(s) with regard to this solicitation or resulting contract that would raise a “conflict of interest” issue under City Code Section 43-34?

“An elected City official or a City employee shall not represent any person or business for compensation before the City regarding any part of a procurement, including any resulting contract, if during the time the elected official is or was in office or the employee is or was employed by the City such elected official or employee played a material or significant role in the development of the solicitation, any other part of the procurement, or the contract award.”

- I am not aware of any conflict(s) of interest under City Code Section 43-34.
- I am aware of the following potential or actual conflict(s) of interest:

**B. ARS Sections 38-501 et. Seq. & City Charter Chapter 11**

State law and the Phoenix City Charter and Code prohibit public officers or employees, their close relatives, and any businesses they, or their relatives, own from (1) representing before the City any person or business for compensation, (2) doing business with the City by any means other than through a formal procurement, and (3) doing business with the City without disclosing that the person has an interest in the contract. This prohibition extends to subcontracts on City contracts and also applies to parent, subsidiary, or partner businesses owned by a public officer or employee. See A.R.S. Sections 38-501 through 38-511, for more information (City Charter, Chapter 11, applies the state conflict-of-interest law to City employees).

Please note that any contract in place at the time a person becomes a public officer or employee may remain in effect. But the contract may not be amended, extended, modified, or changed in any manner during the officer’s or employee’s city service without following city administrative regulations.





Are you aware of any fact(s) with regard to this contract that would raise a “conflict of interest” issue under A.R.S. Sections 38-501 through 38-511 (See Arizona Revised Statutes regarding conflict of interest at [www.azleg.gov](http://www.azleg.gov)).

- I am not aware of any conflict(s) of interest under Arizona Revised Statutes Sections 38-501 through 38-511.
- I am aware of the following conflict(s) of interest:

**8. Acknowledgements**

**A.Solicitation Transparency Policy – No Contact with City Officials or Staff During Evaluation**

- I understand that a person or entity who seeks or applies for a city contract, or any other person acting on behalf of that person or entity, is prohibited from contacting city officials and employees regarding the contract after a solicitation has been posted.
- This “no-contact” provision only concludes when the contract is awarded at a City Council meeting. If contact is required with City official or employees, the contact will take place in accordance with procedures by the City. Violation of this prohibited contacts provision, set out in City Code Sections 2-190.4 and 43-36, by respondents, or their agents, will lead to **disqualification**.

**B.Fraud Prevention and Reporting Policy**

Company Name \_\_\_\_\_



**SECTION VI – REVISED SUBMITTALS**

**CITY OF PHOENIX**

- I acknowledge that the City has a fraud prevention and reporting policy and takes fraud seriously. I will report fraud, suspicion of fraud, or any other inappropriate action to: telephone no. 602-261-8999 or 602-534-5500 (TDD); or [aud.integrity.line@phoenix.gov](mailto:aud.integrity.line@phoenix.gov).

The purpose of the fraud policy is to maintain the City's high ethical standards. The policy includes a way for our business partners to report wrongdoing or bad behavior. Suspected fraud should be reported immediately to the Phoenix Integrity Line. The City has adopted a zero-tolerance policy regarding fraud.

**OATH**

I affirm that the statements contained in this form, including any attachments, to the best of my knowledge and belief are true, correct, and complete. Should any of the answers to the above questions change during the course of the contract, particularly as it relates to any changes in ownership, applicant agrees to update this form with the new information within 30 days of such changes. Failure to do so may be deemed a breach of contract.

PRINT NAME

TITLE

SIGNATURE

DATE

COMPANY (CORPORATION, LLC, ETC.) NAME and DBA

Company Name \_\_\_\_\_