

## Contracting with a Person Indebted to the County

### NOTICE

Pursuant to Texas Local Government Code § 262.0276, Fort Bend County Commissioners Court has adopted rules permitting the County to refuse to enter into a contract or other transaction with a person who owes a debt to the County. Debts include delinquent taxes, fines, fees, and delinquencies arising from written agreements with the County. Absent a waiver by Commissioners Court, a contract will not be awarded to a person who owes a debt to Fort Bend County. This policy is effective for all designated purchases on or after \_\_\_\_\_, 2012.

Whether or not a vendor's taxes are delinquent will be determined by an independent review of the Fort Bend County Tax Office's (FBCTO) records. Tax records are available online at [www.FortBendCounty.gov](http://www.FortBendCounty.gov). Prior to submitting an offer, vendors are encouraged to visit the County website and make their own initial determination regarding the status of their tax accounts. Vendors who believe a delinquency is reflected in error must contact the FBCTO to correct any error or discrepancy prior to submitting their offer in order to ensure that their offer will be considered. All vendors must complete the Tax Form provided in the bid/RFP package.

### Procedure for Implementation of §262.0276 -- Contracting With A Person Indebted to County

1. Place notice (as written above) in "General Terms and Conditions" of all Requests for Proposals (RFP) and bid solicitations. Based upon the Purchasing Department's internal guidelines, these procedures shall also be applied in a similar manner to the granting and periodic verification of personal and professional service contracts and other agreements approved by Commissioners Court.
2. All vendors will be required to complete a "Tax Form" that is included in the bid/RFP package. This form will ask the vendor to identify all real and business personal property located in Fort Bend County, including property carried under an assumed name (d/b/a) with corresponding Fort Bend County tax account numbers. The form will also ask the vendor to identify any other form of debt owed to the County.
3. During the evaluation process and in a timely manner to meet deadlines, the Purchasing Department (PD) or any other County Department that sends a contract to Commissioners Court for consideration or approval shall either (1) verify by utilizing the FBCTO property tax system (ACT) the vendor's tax payment status as per information provided, or (2) verify by sending to the FBCTO the Tax Form or a list of the vendor's name, d/b/a names, and account numbers provided from the Tax Form. The FBCTO will then, within 3 business days unless otherwise agreed upon, verify the accounts to determine the vendor tax payment status of those vendors most likely to receive an award. The vendor will have certified on the Tax Form provided in the bid package that the vendor has provided all account numbers for all of the vendor's Fort Bend County Tax accounts. The FBCTO will return to the PD or other County Department, as appropriate, the list of accounts indicating the tax payment status of each vendor.

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4. Unless the PD or other County Department has independently verified a vendor's tax status, the FBCTO will verify the tax payment status of all renewing vendors as provided by the PD or other County Department and notify the requesting department of any vendors currently owing delinquent taxes. This review may be conducted at bid or proposal renewal time or upon specific request of the PD or other County Department. Those vendors with delinquent taxes may be requested to enter into a written payment plan in accordance with FBCTO policies and procedures.
  
5. Exceptions:  
At the discretion of Commissioners Court, the policy and procedures set forth in this policy shall not apply in the following circumstances:
  - A. emergency or calamity situations
  - B. goods and services available only from a sole source
  - C. items necessary to protect the health and safety of the residents of the County
  - D. personal property sold at a public auction or at a public going out of business sale
  - E. vendors when all delinquent accounts are under a written payment plan and in good standing with the County
  - F. vendors who have received a deferral on their tax account(s)
  - G. vendors when Commissioners Court deems a waiver to be in the best interest of the County. The Commissioners Court remains free to grant such a waiver whether or not recommended by the Purchasing Department, but any recommendation from the Purchasing Department for such a waiver should be in accordance with the following procedure:
    - (i) The Purchasing Department shall present a recommendation of a waiver to Commissioners Court with the following information:
      - (A) Recommended low bidder:
        1. The name of the low bidder.
        2. The amount of the bid.
        3. Whether all debts have been paid in full by the low bidder by the date and time that the award is made by Commissioners Court.
      - (B) Next Low Bidder:
        1. The name of the next lowest bidder.
        2. The amount of the bid.
        3. Whether all debts have been paid in full by the next lowest bidder by the date and time that the award is made by Commissioners Court.
    - (ii) Prior to the Commissioners Court meeting, the Purchasing Department will send a notice to the lowest bidder and the next lowest bidder advising them that they may appear at such meeting and present evidence as to their responsibility.

6. Notwithstanding any other provision of these rules, a contract awarded and entered into without strictly following these rules shall remain enforceable, and no vendor, contractor, or person may raise a violation of these rules so as to make a contract void or otherwise unenforceable by the County.

