



Harris County, Texas

1001 Preston St., Suite 934
Houston, Texas 77002

Commissioners Court

Request for Court Action

File #: 21-6310

Agenda Date: 11/30/2021

Agenda #: 201.

Department: Purchasing

Department Head/Elected Official: DeWight Dopslauf

Regular or Supplemental RCA: Regular RCA

Type of Request: Contract - Amendment

Project ID (if applicable):

Vendor/Entity Legal Name (if applicable): Whitley Penn, LLP

MWDBE Participation (if applicable):

	YES	NO	ABSTAIN
Judge Lina Hidalgo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Rodney Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Adrian Garcia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Tom S. Ramsey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. R. Jack Cagle	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Request Summary (Agenda Caption):

Request that the County Judge execute an amendment to an agreement with Whitley Penn, LLP in the amount of \$154,500 to modify the audit periods due to the County's fiscal year change for audit services for state seized and forfeited assets for Harris County for the period of January 26, 2022 - January 25, 2023 (200254).

Background and Discussion:

Harris County is required to have an independent annual audit of all state seized and forfeited assets held by the County. These services are to maintain the County's compliance with Tex. Crim. Proc. Code Ann. 59.06(g). This is the first renewal of a five-year agreement with Whitley Penn LLC for these external audit services.

Expected Impact:

None

Alternative Options:

This is a renewal of a vendor that was selected via an RFP with the Purchasing Department. If not renewed, the Purchasing Department would need to go through a new RFP process.

Alignment with Goal(s):

- ☐ Justice and Safety
- ☐ Economic Opportunity
- ☐ Housing
- ☐ Public Health
- ☐ Transportation
- ☐ Flooding
- ☐ Environment
- ☒ Governance and Customer Service

Presented to Commissioners Court

November 30, 2021

Approve: G/R

Prior Court Action (if any):

Date	Agenda Item #	Action Taken
1/26/2021		Approved

Location:

Address (if applicable):

Precinct(s): Choose an item.

Fiscal and Personnel Summary				
Service Name	Ch. 59 external audit services	FY 21-22	Estimates	
			FY 22	Next 3 FYs
Incremental Expenditures				
Labor Expenditures		-	-	-
Non-Labor Expenditures		151.5K	154.5K	482.4K
Total Incremental Expenditures		\$151.5K	\$154.5K	\$482.4K
Funding Sources (General Fund, PIC Fund, Debt or CP, Grants, or Other - Please Specify)				
Existing Budget	General Fund	151.5K	-	-
	-	-	-	-
	-	-	-	-
Total Current Budget		\$151.5K	-	-
Additional Budget Requested	-	-	3K	-
	-	-	-	-
	-	-	-	-
Total Additional Budget Requested		-	\$3K	-
Total Funding Sources		\$151.5K	\$3K	-
Personnel (Fill out section only if requesting new PCNs)				
Current Position Count for Service		-	-	-
Additional Positions Requested		-	-	-
Total Personnel		-	-	-

Anticipated Implementation Date: N/A**Emergency/Disaster Recovery Note:** Not an emergency, disaster, or COVID-19 related item**Contact(s) name, title, department:** Amy Perez, Director, Financial Management, Office of Management and Budget**Attachments (if applicable):** Agreement and fee schedule



DeWight Dopslauf, C.P.M., CPPO
Harris County Purchasing Agent

November 11, 2021

Commissioners Court
Harris County, Texas

RE: Job No. 200254

Members of Commissioners Court:

Please approve the attached Order authorizing the County Judge to execute the attached First Amendment to the Agreement and the first of four (4) renewal options for the following:

Description: Audit Services for State Seized and Forfeited Assets for Harris County

Vendor: Whitley Penn, LLP

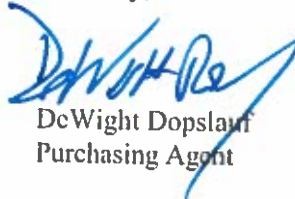
Term: January 26, 2022 through January 25, 2023

Amount: \$154,500

Reviewed by: X Office of Management and Budget X Harris County Purchasing

The First Amendment modifies the audit periods due to the County's fiscal year change. A purchase order will be issued upon Commissioners Court approval.

Sincerely,


DeWight Dopslauf
Purchasing Agent

CAK
Attachment
cc: Vendor

FOR INCLUSION ON COMMISSIONERS COURT AGENDA NOVEMBER 30, 2021

**FIRST AMENDMENT TO THE AGREEMENT BETWEEN HARRIS COUNTY
AND WHITLEY PENN LLP**

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This Amendment to the Agreement is made and entered into by and between Harris County (the "County"), a body corporate and politic under the laws of the State of Texas, acting by and through its Budget Management Department, and Whitley Penn LLP ("Contractor"). The County and Contractor are referred to herein collectively as the "Parties" and individually as a "Party."

Recitals

On January 26, 2021, the County entered into an agreement (the "Agreement") with Contractor to perform auditing services for state seized and forfeited assets, as detailed in the Request for Qualifications for Purchasing Job No. 20/0254 (the "Services").

The Parties now desire to amend the Agreement for the purpose of modifying the audit periods due to the County's fiscal year change.

Terms

I.

This Amendment shall be governed by the Agreement, incorporated herein by reference as Exhibit A.

II.

Due to the upcoming change in Harris County's fiscal year effective January 1, 2022, Section 1(D) of the Agreement is hereby amended as follows:

"Contractor shall provide audits for the following audit periods for fiscal year 2022:
March 1, 2021 through September 30, 2022
September 1, 2021 through August 31, 2022 (District Attorney's Office)

Contractor shall provide audits for the following audit periods for subsequent fiscal years:
October 1 through September 30
September 1 through August 31 (District Attorney's Office)"

III.

The term of this Amendment shall be for a period beginning on Commissioners Court approval and running coterminous with the Initial Term and any Renewal Terms of the existing Agreement, unless terminated sooner.

IV.

LIMIT OF APPROPRIATION: Contractor understands and agrees, said understanding and agreement being of absolute essence to this Amendment that the County has not appropriated additional funds to pay for Services performed under this amendment. Contractor shall be paid for these Services from previously appropriated funds.

If the Services and charges to be provided for will equal or exceed the amount certified available, Contractor will notify the County immediately. If the amount certified is depleted prior to the end of the term of this Amendment, Contractor may terminate all Services hereunder upon the total depletion of the certified funds unless the County, at its sole option, certifies additional funds, as evidenced by a written amendment to this Agreement and the Purchase Order, in which event Contractor shall continue to provide the Services herein specified to the extent funds are available.

All other terms and provisions of the Agreement shall remain in full force and effect as originally written.

V.


It is expressly understood and agreed that the Agreement is incorporated herein by reference. In the event of any conflict between the terms and provisions of this Amendment, or any portion thereof, and the terms and provisions of any other part or portion of the Agreement, this Amendment shall control.

VI.


Multiple Counterparts: This Amendment may be executed in several counterparts. Each counterpart is deemed an original. All counterparts together constitute one and the same instrument. Each Party warrants that the undersigned is a duly authorized representative with the power to execute this Amendment.

[SIGNATURE PAGE FOLLOWS]

WHITLEY PENN LLP

By: 
Name: Celina Cereceres
Title: Partner
Date: 10/12/2021

HARRIS COUNTY

By: 
LINA HIDALGO
COUNTY JUDGE

APPROVED AS TO FORM:
CHRISTIAN D. MENELEE
COUNTY ATTORNEY

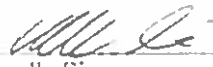
By: 
Cherelle Sims
Assistant County Attorney
C.A. File 21GEN2561

EXHIBIT A

Agreement resulting from Request for Qualifications for Purchasing Job No. 20/0254

(incorporated herein by reference)

ORDER OF COMMISSIONERS COURT
Authorizing execution of an Amendment to an Agreement

The Commissioners Court of Harris County, Texas, convened at a meeting of said Court at the Harris County Administration Building in the City of Houston, Texas, on the 30th day of November, 2021 with all members present except none.

A quorum was present. Among other business, the following was transacted:

**ORDER AUTHORIZING EXECUTION OF AN AMENDMENT TO AN AGREEMENT
BETWEEN HARRIS COUNTY AND WHITLEY PENN LLP**

Commissioner Garcia introduced an order and moved that Commissioners Court adopt the order. Commissioner Ramsey seconded the motion for adoption of the order. The motion, carrying with it the adoption of the order, prevailed by the following vote:

Vote of the Court	<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Judge Hidalgo	✓	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Ellis	✓	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Garcia	✓	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Ramsey, P.E.	✓	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Cagle	✓	<input type="checkbox"/>	<input type="checkbox"/>

The County Judge thereupon announced that the motion had duly and lawfully carried and that the order had been duly and lawfully adopted. The order adopted follows:

IT IS ORDERED that County Judge Lina Hidalgo be, and she is hereby authorized to execute, for and on behalf of Harris County, an Amendment to an Agreement with Whitley Penn LLP for the purpose of modifying the audit schedule due to the County's fiscal year change, at no additional cost to the County. The Amendment and Agreement are incorporated as though fully set forth herein word for word.

All Harris County officials and employees are authorized to do any and all things necessary or convenient to accomplish the purposes of this order.

Presented to Commissioners Court

November 30, 2021

Approve: G/R