

RFP-OCPPA-020

REQUEST FOR PROPOSALS

FOR

OKLAHOMA CITY Public Property Authority

Financing Construction of a New NBA Arena



REQUEST FOR PROPOSALS
FOR
FINANCING CONSTRUCTION OF A NEW NBA ARENA
FOR
OKLAHOMA CITY PUBLIC PROPERTY AUTHORITY (OCPPA)
OKLAHOMA CITY, OKLAHOMA

**OKLAHOMA CITY PUBLIC
PROPERTY AUTHORITY**

ATTEST:

Amy K. Simpson
Secretary



David Holt
General Manager

Date Approved by OCPPA: 11/19/2024

REVIEWED for form and legality.

[Signature]
Assistant Municipal Counselor

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(Published in the Journal Record November 20, 2024, and November 27, 2024.)

NOTICE TO PROPOSERS

Notice is hereby given that the Oklahoma City Public Property Authority will receive electronic proposals at the Office of PFM Financial Advisors LLC, until 4:00:00 p.m. CST on the 14th day of January 2025, for the following:

RFP-OCPPA-020 REQUEST FOR PROPOSALS FOR FINANCING THE CONSTRUCTION OF A NEW NBA ARENA IN OKLAHOMA CITY, OKLAHOMA.

The Oklahoma City Public Property Authority, the Contracting Entity, has partnered with their Municipal Advisor, PFM Financial Advisors LLC, to accept electronic proposals on their behalf for financing the construction of the new arena. Upon expiration of the proposal deadline, only those proposals timely received electronically through PFM Financial Advisors LLC shall be forwarded to the Contracting Entity for the Selection Committee to open and review. PFM Financial Advisors will not allow proposals to be submitted after the above-stated date and time. There will be no exceptions to this policy.

The Contracting Entity recommends that potential proposers become familiar with PFM Financial Advisors LLC's electronic proposal submission process in advance of submitting a proposal. There is no charge to the proposer for submitting an electronic proposal to the Contracting Entity through PFM Financial Advisors LLC. Instructions concerning response submission, addenda, and point of contact through PFM Financial Advisors LLC can be found in Section III. B. Questions and Additional Information. Proposals shall be made in accordance with the Notice to Proposers, Proposal Documents, Oklahoma Open Records Act and Confidential Information, and the proposal packet, which are a part of the electronic proposal packet. By submitting a proposal for services, the Proposer certifies that they, and any proposed subcontractors, are in compliance with 25 O.S. §1313 and participate in the Status Verification System. The Status Verification System is defined in 25 O.S. §1312 and includes but is not limited to the free Employment Verification Program (E-Verify) through the Department of Homeland Security and available at www.dhs.gov/E-Verify.

The Contracting Entity reserves the right to waive formalities, irregularities, and defects in any or all proposals except as otherwise required by law. The Contracting Entity reserves the right to reject any or all proposals; to reject a portion of any or all proposals; to negotiate and execute or to not negotiate or execute an Agreement with any Proposer; and to solicit new or different proposals.

All interested parties who submit proposals will be required to comply with all applicable Equal Employment Opportunity Regulations. The Trust will affirmatively ensure that Disadvantaged Business Enterprises will be afforded full opportunity to submit a proposal in response to this solicitation.

Title VI Solicitation Notice: The Trust, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all proposers that it will affirmatively ensure that [in] any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit proposals in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

Proposals timely received electronically through PFM Financial Advisors electronic proposal process shall be forwarded to the Requesting Department/Public Trust for review. PFM Financial Advisors will not allow proposals to be submitted after the above-stated date and time. **There will be no exceptions to this policy.**

**REQUEST FOR PROPOSALS
OKLAHOMA CITY PUBLIC PROPERTY AUTHORITY**

Sales Tax Revenue Financing

I. INTRODUCTION

The Oklahoma City Public Property Authority (the “OCPPA” or the “Issuer”) is issuing this Request For Proposals (“RFP”) to solicit responses/proposals, hereinafter referred to as a “Proposal,” from banks and investment banks regarding financing a New NBA Arena to be constructed in The City of Oklahoma City, Oklahoma (the “City”).

The OCPPA is a Trust of the City of Oklahoma City, Oklahoma (the “City”) established on August 15, 1961, with the City named as the beneficiary. The purpose of the OCPPA is generally to finance various municipal recreation improvements and services. The OCPPA consists of the Mayor and eight City Councilors. The City Manager serves as the General Manager, and the City Clerk as the secretary.

On December 12, 2023, the voters of the City approved a (1%) dedicated sales tax to fund the construction of the New NBA Arena, to be collected over a six-year period. Tax collections will begin on April 1, 2028, and end on March 31, 2034. The expectation is to fully pay off any outstanding debt by the end of the dedicated arena sales tax, which expires on March 31, 2034.

The financing process is expected to commence in Q2 of FY 2026.

Additional background information regarding the new arena may be found in the Request for Information, Oklahoma City New NBA Arena Financing Opportunities, dated August 15, 2024, attached as (Exhibit A)

II. PURPOSE OF REQUEST FOR PROPOSAL

The purpose of this RFP is to solicit financing proposals from commercial banks and investment banks ("Banks") to provide funding for the construction of a New NBA Arena located in Oklahoma City, Oklahoma. Responses will be evaluated, and a commercial bank(s) and/or investment bank(s) will be selected to assist with financing the New NBA Arena. If necessary, a syndicate of investment banks will be constructed from those responding to the RFP and/or the City's prequalified underwriting pool.

III. PROPOSAL SUBMITTAL INSTRUCTIONS

A. Electronic Proposals

The “Issuer” has partnered with their Municipal Advisor, PFM Financial Advisors LLC

("PFM"), to accept the electronic proposals on the Issuer's behalf to finance the construction of a new arena in The City of Oklahoma City. All proposals must be received through PFM's electronic proposal submittal process described in this document.

The deadline for proposal submission is **4:00:00 p.m. CST, January 14, 2025**, through PFM Financial Advisors LLC's electronic proposal submittal process. Any proposal received after **4:00:00 p.m. CST, January 14, 2025**, will be rejected and returned to the sender. The OCPPA reserves the right to issue addenda to extend beyond the original due date should it be determined to be in the best interest of the OCPPA. **Proposals received by PFM through their electronic proposal submittal process shall be the official proposal.**

B. Questions and Additional Information

Any inquiries, suggestions, or requests concerning clarification or solicitation for additional information shall be submitted through PFM's electronic proposal system no later than **December 5, 2024, at 12:00:00 p.m. CST.**

Answers to all questions not already addressed in the RFP will be provided in the form of an addenda.

If a prospective proposer did not receive the initial circulation of the RFP, please email waleyd@pfm.com and provide contact information to receive any addenda.

It is the Proposer's responsibility to submit a response to PFM electronically by sending an email to Dennis Waley at waleyd@pfm.com. You should include RFP-OCPPA-020 in the subject line of the email. Please state the name of your organization and the principal contact for this RFP Proposal in the body of the email. The email address utilized to circulate the RFP will be the email address used to inform your organization of any addenda to the RFP that may be issued during the process. If another email address should be used for addenda purposes, please notify PFM at waleyd@pfm.com. No other statements or representations will be binding on the Issuer except those in this RFP and any written addenda issued by the Issuer.

If you have questions regarding this RFP, contact any of the individuals listed below.

Dennis Waley
Managing Director
PFM Financial Advisors LLC
waleyd@pfm.com
(512) 614-5323

Blake Roberts
Managing Director
PFM Financial Advisors LLC
robertsb@pfm.com
(512) 614-5324

Karlos Allen
Director
PFM Financial Advisors LLC
allenka@pfm.com
(713) 848-6420

Please refrain from contacting the City of Oklahoma City elected officials and/or City of Oklahoma City staff.

C. Tentative Schedule

The Trust will attempt to adhere to the following schedule:

Major Activity	Date
OCPPA Authorizes Issuance of RFP	November 19, 2024
RFP available to Proposers From PFM Financial Advisors LLC	November 20, 2024
Last Date for Questions on this RFP	December 5, 2024
Anticipated Final Addendum	December 17, 2024
Proposals Due to PFM Financial Advisors LLC by 4:00:00 p.m. CST	January 14, 2025

The Trust reserves the right to alter scheduled dates if necessary.

IV. Financing Related Information

A. Security of Financing

The Debt will be a special, limited obligation of the Issuer payable solely from the Trust Estate pledged therefor under the Indenture securing the OCPPA's Sales Tax Revenue Debt by and between the Issuer and BOKF, NA as trustee (the "Trustee"), secured by a (1%) dedicated sales tax to fund the construction of the New NBA Arena, approved by the voters on December 12, 2023, to be collected over a six-year period. Tax collections will begin on April 1, 2028, and end on March 31, 2034. In addition, the revenues from an accompanying (1%) Use Tax will be collected over the same six-year period as the dedicated sales tax and will be pledged as security for the OCPPA's Sales Tax Revenue Debt. Although the accompanying Use Tax is pledged to repay the debt, the Dedicated Sales Tax Collections are expected to repay the debt.

No other City or Trust funds are pledged to the Oklahoma City Public Property Sales Tax Revenue Debt.

B. Private Placement / Bank Loan Status

If a proposal includes a Bank Note to be issued as a Private Placement obligation to be purchased by a financial institution, the purchaser of the Bank Note will be required to execute an Investment Letter, representing itself as an "accredited investor" pursuant to Rule 501 of Regulation D promulgated by the Securities and Exchange Commission. As such, the Bank Note will have limited assignability or transferability other than to another accredited investor. In essence, the purchaser is purchasing the Bank Note for his or her own account with the intent to hold the Bank Note to final maturity or early redemption.

The winning purchaser will be required to certify that they have a present intent to hold the Bank Note to maturity, earlier redemption, mandatory tender, or for its loan portfolio and has no present intention of reselling or otherwise disposing of all or a part of such Bank Note. The winning purchaser acknowledges that PFM Financial Advisors LLC

("Municipal Advisor") is relying on the foregoing representation, and based on this representation, this transaction meets the requirements for being a qualifying exception for purposes of MSRB Rule G-34, and Municipal Advisor is excepted and released from the requirement to request a CUSIP assignment on behalf of the Issuer pursuant to MSRB Rule G-34 for the Note.

C. Structure of Financing

Proposers may submit multiple options with differing structures. The guidelines are as follows:

- Overall plan of finance,
- Borrowing rates,
- Fees and expenses,
- Coverage requirements.
- Reserve fund requirements,
- Rating expectations, and
- Marketability of the proposed financing methodology

D. Finance Model

The City has prepared Preliminary Finance Assumptions (Exhibit B) to assist with your response. The outstanding debt is expected to be serviced exclusively through the collection of the (1%) dedicated sales tax. However, the associated use tax can be pledged for additional coverage.

E. Oklahoma Energy Discrimination Act of 2022

On May 7, 2024, Oklahoma County, Oklahoma District Court Judge Sheila D Stinson granted a temporary injunction against the enforcement of the Oklahoma Energy Discrimination Act of 2022 (the "Act"). On September 20, 2024, Judge Stinson subsequently issued an order permanently enjoining enforcement of the Act. The judgment of the Court is expected to be appealed. Based upon the duration of the injunction and/or a subsequent court action reinstating the Act, those submitting a response to the RFP may be required, pursuant to Title 74, Oklahoma Statutes Section 12005, to complete the Certification contained in (Exhibit C) prior to the award of the agreement.

The issuer reserves the right to make an agreement with a listed financial company if permitted under the Act. Therefore, all banking institutions are encouraged to respond to the RFP.

F. Required Forms

The following forms are attached; these forms are for informational purposes only and should not be submitted with your proposal.

- Non-Collusion Affidavit (Exhibit D)
- Non-Discrimination Statement (Exhibit E)
- Vendor Registration Form (If Required) (Exhibit F)

The selected proposer(s) will be instructed to complete these forms prior to the execution of the agreement.

V. Proposal Submission Requirements

- A. Proposals should be prepared in at least size 12 font with a 15-page limit excluding any cover letter.
- B. The cover letter should not exceed two pages.
- C. State the legal name of the financial institution or firm, current principal business address, contact person, telephone, and email address.
- D. Each proposal should address all pertinent areas and be specific. Any conditions should be clearly stated. Refer to Section IV. C. Structure of Financing.
- E. The failure to disclose substantive terms, conditions, and covenants may be considered cause for the proposer's proposal to be rejected by the Trust.
- F. The proposer shall examine all proposal documents and shall judge all matters relating to the adequacy of such documents.
- G. Proposals must be submitted in an electronic PDF document containing searchable text and emailed to waleyd@pfm.com no later than 4:00 p.m. CST on January 14, 2025. Any responses to this RFP received after the stated deadline will not be considered.
- H. Proposals must contain a statement acknowledging that all addenda to the RFP were considered before submitting their proposal. **The Proposal will not be accepted if the consideration of all addenda is not acknowledged in the proposal.**
- I. Please refer to the Request For Information, Oklahoma City New NBA Arena Financing Opportunities, dated August 15, 2024, for additional background information regarding the New Arena. (Exhibit A).
- J. Upon advertising this solicitation, no officer, employee, agent, or representative of the Proposer shall have any contact or discussion, verbal or written, with any representative of the OCPPA or City either directly or indirectly in which the Proposer seeks to influence any representative of the Issuer or the City regarding any matters pertaining to this solicitation.
- K. General Instructions and Requirements for Proposers:

These instructions, requirements, and any special instructions contained in the Request For Proposal (RFP) document are a part of the terms and conditions of the proposer's proposal

1. **EXAMINATION BY PROPOSERS:** All Proposers must fully examine the specifications, drawings, schedules, special instructions, and these general instructions and requirements before electronically submitting any proposal. Failure to examine is at the Proposer's own risk as the Proposer will be held to the terms, conditions, and requirements therein.
2. **EXCEPTIONS:** Any exceptions to these instructions, requirements, or the RFP packet, must be specified and submitted, as a separate document, with the Proposer's Proposal. Failure to indicate any exceptions will be regarded as full acceptance of the requirements, instructions and RFP packet, and any other proposal documents related to this RFP.
3. **COMPLIANCE WITH APPLICABLE LAWS:** All Proposers must comply with all applicable federal, state, or local laws and regulations, including Title VI and all provisions of the Civil Rights Act of 1964 42 U.S.C. §§ 2000d, et seq.
4. **SELF-INSURED:** The Contracting Entity is self-insured for its own negligence. The liability of the Contracting Entity for acts of negligence is limited and subject to the Governmental Tort Claims Act, 51 O.S. §§ 151, et seq.
5. **RIGHT TO AUDIT:** The Contracting Entity shall at all times have the right to examine books, papers, and records of the successful Proposer relative to all aspects of the Proposer's proposal and the agreements/contracts awarded as a result of this RFP to assess and confirm proposal and Agreement/Contract compliance. Failure to provide the requested information may result in termination of the Agreement/Contract. This right to audit does not apply to Proposer's other contracts or records not affecting the proposal and Agreement/Contract.
6. **OKLAHOMA OPEN RECORDS ACT AND CONFIDENTIAL INFORMATION:** All materials submitted to the Issuer pursuant to this Bid or Proposal potentially become subject to the mandates of the Oklahoma Open Records Act, 51 O.S. § 24A.1. et seq. The purpose of this Act is to ensure and facilitate the public's right to access and review government records so they may efficiently and intelligently exercise their inherent political power. Almost all "records," as that term is defined in the Act, may be disclosed to the public upon request. Except where specific state or federal statutes create a specific and express exemption or confidential privilege, persons who submit information to public bodies have no right to keep this information from public access nor have a reasonable expectation that this information will be kept from public access.

If you believe that any of the information you have submitted to the Issuer pursuant to this Bid or Proposal is exempt or confidential under a specific state or federal statute and, therefore, not subject to public access under the Oklahoma Open Records Act, you must comply with the following:

- a) Place said documents/records in a separate electronic file attachment marked "Confidential." DO NOT label your entire Bid or Proposal as "Confidential" – label only those portions of the Bid or Proposal that you

feel are exempt or are made confidential by state or federal law as “Confidential.”

- b) For each such document for which you are claiming an exemption or a confidential privilege, identify the federal and/or state law that creates said privilege, e.g., for trade secrets, see 21 O.S. § 1732 (Larceny of Trade Secrets) and the Uniform Trade Secrets Act, 78 O.S. § 85 et seq.

Should an Open Records request be presented to the Contracting Entity requesting information you have identified as “Confidential,” you will be responsible for defending your position in the District Court, if needed. If you fail to identify any records submitted as part of your Bid or Proposal as “Confidential,” you agree that said records are not exempt or confidential and are subject to public access. Upon receipt of a request by a third party to review or copy records properly identified as “Confidential,” you will be notified of the request and thereby given an opportunity to immediately enforce and protect your rights by initiating an action in a court of competent jurisdiction.

Should you fail to timely bring an action to enforce your rights, then the requested records will be released by the Contracting Entity based upon its determination regarding the application of the Oklahoma Open Records Act.

VI. EVALUATION OF PROPOSALS – CRITERIA

Proposals will be evaluated based on cost and compliance with the proposed structure and terms as outlined in this RFP. **Banks may submit non-conforming structures, which may be considered if they are advantageous to the Trust.**

The Selection Committee will recommend the proposal(s) that best meets the overall goals and objectives and provides the best economic benefit to the Issuer. Aside from the overall lowest borrowing cost and the requirements listed below, additional criteria for selection will include the following:

- Borrowing Cost
- Fees and Expenses
- Legal security provisions
- Call provisions
- Reporting requirements
- Other criteria as determined by the City

VII. EXHIBITS

Exhibit A – Oklahoma City New NBA Arena Financing Opportunities dated August 15, 2024 Requirements for Proposers

CITY OF OKLAHOMA CITY, OKLAHOMA OKLAHOMA CITY NEW NBA ARENA FINANCING OPPORTUNITIES REQUEST FOR INFORMATION (RFI)

Overview

PFM Financial Advisors LLC (PFM) is requesting information from banks and investment banks regarding financing opportunities for the construction of a New NBA Arena in Oklahoma City. (The City). The information received from respondents will be evaluated to determine the best path forward for financing the construction of the New Arena.

On December 12, 2023, the voters of Oklahoma City approved a (1%) dedicated sales tax to fund the construction of the New Arena, to be collected over a six-year period. Tax collections will begin on April 1, 2028, and end on March 31, 2034.

Respondents are welcome to provide unlimited financing ideas; however, the expectation is to fully pay off any outstanding debt by the end of the dedicated arena sales tax which expires on March 31, 2034. Responses are not limited, but they should include an explanation of coverage requirements, reserve fund requirements, rating expectations, and marketability.

The selection of a bank(s) and/or investment bank(s) will NOT be determined through this RFI process. A separate Request for Proposals (RFP) will be issued at a later date to select a proposal.

Background

Beginning with the 2008-2009 NBA season, the Oklahoma City Thunder (the “Thunder”) of the National Basketball Association has called the City home due to a use license agreement signed by both parties in 2008. In 2023, the initial term of the 2008 use license agreement expired. The Thunder exercised an option to extend the agreement for three years. The City and Thunder leadership have been engaged in discussions concerning the concepts that would allow Thunder and the City to agree to a new long-term use license agreement. In September 2023, representatives of the parties preliminarily agreed to a letter of intent that established a mutual agreement for a new use license agreement that will keep the Thunder in the City beyond 2050. A new state-of-the-art arena is required to receive this long-term commitment from the Thunder. On September 26, 2023, the Oklahoma City Council adopted Ordinance No. 27,420 to levy a temporary dedicated sales tax of one percent (1%) for the special purpose of funding all expenses related in any manner to constructing, establishing, providing, or maintaining an arena facility to be owned by the City, if approved by a majority of the voters. On December 12, 2023, a special election was held regarding the tax levy and passed with 71% approval.

The City and Thunder have set forth material terms and conditions in a Letter of Intent. The following material terms are included:

- **Term:** Thunder commits to playing its home games in the New Arena for 25 years, commencing upon occupancy of the New Arena. The Thunder further commits to continue playing all its home games at the Paycom Center until the New Arena is completed and prepared for occupancy. The parties intend for the New Arena to be prepared for occupancy no later than the commencement of the 2029-2030 National Basketball Association season.
- **Arena:** The New Arena will be designed and constructed as a first-class, state-of-the-art facility with at least 750,000 square feet.
- **Arena Sales Tax:** The city will construct a new arena, to be owned by the City, with the (1%) dedicated sales tax that was approved by the voters on December 12, 2023. This 72-month dedicated sales tax will begin on April 1, 2028, and end on March 31, 2034.
- **Budget:** The budget and funds available for the New Arena are estimated to be at least \$900,000,000. Said sum consists of projected revenue from the 72-month sales tax, \$78,000,000 of MAPS 4 funds already earmarked for the City's downtown arena, and a \$50,000,000 contribution from the Thunder.
- **Agreements:** The parties agree to negotiate and execute a use license agreement, food and beverage agreement, and development agreement as soon as practicable.
- **Other Terms:** The parties agree to address office space, license fees, maintenance terms, facility fees, parking, and other reasonable and necessary ancillary terms in the Agreements listed above.

Finance Model

The City has prepared a preliminary finance model (Exhibit A) to assist with your response. The outstanding debt is expected to be serviced exclusively through the collection of the (1%) dedicated sales tax. However, the associated use tax can be pledged for additional coverage.

Submission Requirements

Responses should be prepared in at least size 12 font with a 10-page limit excluding any cover letter not exceeding 2-pages. Responses must be submitted in electronic form (as a PDF) and emailed to the following addresses **no later than 4:00 p.m. CST on Thursday, August 15, 2024:**

If you have questions regarding this RFI, contact any of the individuals below. Please refrain from contacting the City of Oklahoma City elected officials and/or City of Oklahoma City staff.

Dennis Waley Managing Director PFM Financial Advisors LLC waleyd@pfm.com (512) 614-5323	Blake Roberts Managing Director PFM Financial Advisors LLC robertsb@pfm.com (512) 614-5324	Karlos Allen Director PFM Financial Advisors LLC allenka@pfm.com (281) 788-3875
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Any responses to this request for information received after the stated deadline will not be considered.

Exhibit B – Preliminary Finance Assumptions

Projected Arena Sales Tax Revenue							
FY	Growth						
2024	Actual	\$143,066,954		Preliminary est was	\$145,775,659	or 1.47	
2025	1.30%	\$144,926,824					
2026	1.79%	\$147,521,015					
2027	1.79%	\$150,161,641		Historical Sales Tax Growth Rates thru FY 2024			
2028	1.79%	\$152,849,534		3 months vs. Prior Year 3 months		0.66%	
2029	1.79%	\$155,585,541	Yr 1	6 months vs. Prior Year 6 months		0.79%	
2030	1.79%	\$158,370,522	Yr 2	12 month (Trend vs. Actuals)		1.39%	
2031	1.79%	\$161,205,354	Yr 3	3 Years (FY 20-21 to FY 22-23)		8.45%	
2032	1.79%	\$164,090,930	Yr 4	5 Years (FY 18-19 to FY 22-23)		8.55%	
2033	1.79%	\$167,028,158	Yr 5	8 Years (FY 15-16 to FY 22-23)		3.57%	
2034	1.79%	\$170,017,962	Yr 6	10 Years (FY 10-11 to FY 22-23)		3.42%	
6 Year Total		\$976,298,467					
Original Est		\$976,138,460	Based on 1.47% average growth through 2034				
Delta		\$160,007					
Start Date - April 1, 2028							
1st Full Check - July 1, 2028							

Other Revenue Sources							
Arena Sales Tax	\$976,298,467						
City MAPS4 Funds	\$78,000,000	In escrow					
Team Contribution	\$50,000,000	Available upon exhaustion of City's \$78 Million of MAPS 4 Funds					
Total Estimate Funds	\$1,104,298,467						

FY 24 Use Tax Collections: \$31,397,794

The annual Arena Use Tax collected, in addition to the Dedicated Arena Sales Tax, will be pledged to the repayment of the debt. It is anticipated that the sales tax will be sufficient to repay the debt, therefore the use tax will not be needed for debt service purposes.

Exhibit C – Sample OEDA of 2022 Certification (Do not Submit with Proposal)

Oklahoma Energy Discrimination Act of 2022

Certification

By submitting a response to this RFP, your company certifies that it agrees, if or when it is applicable, to the following required by Oklahoma law effective as of November 1, 2022: If (a) a company has ten (10) or more full-time employees; and (b) this contract has a value of \$100,000 or more that is to be paid wholly or partly from public funds, the following certification shall apply; otherwise, this certification is not required. Pursuant to Title 74, Oklahoma Statutes Section 12005, the company hereby certifies and verifies that the company does not boycott energy companies and will not boycott energy companies during the term of the contract.

For purposes of this contract, the term “company” shall mean a for-profit sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations, that exists to make a profit. The term “boycott energy company” shall mean “without an ordinary business purpose, refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations with a company because the company (a) engages in the exploration, production, utilization, transportation, sale, or manufacturing of fossil-fuel-based energy and does not commit or pledge to meet environmental standards beyond applicable federal and state law, or (b) does business with a company described by subparagraph a of this paragraph.” See Title 74, Oklahoma Statutes Section 12002(A).

- ☐ I hereby certify and verify that pursuant to the requirements of Title 74 Oklahoma Statutes §12001 *et seq.*, we do not boycott energy companies and will not boycott energy companies during the term of the contract.
- ☐ I hereby certify and verify that this certification is not required, Pursuant to Title 74, Oklahoma Statutes Section 12005.

In addition to the above certification, I hereby certify and verify that I am authorized by my company to execute this “Energy Company Discrimination Certification” on behalf of my company. I also understand and agree that this certification may be included in other documents, such as the Bond Purchase Agreement or Official Statement, related to the Oklahoma City Public Property Authority Sales Tax Revenue Bonds (or Notes), as may be required in accordance with the provisions of the Energy Discrimination Elimination Act.

Signature

Printed Name / Title

Address

City, State, Zip

Email / Telephone

Subscribed and sworn to before me this ____ day of _____, 20__.

(SEAL)

Notary Public

My commission expires _____

My commission number _____

Exhibit D – Sample Non-Collusion Affidavit (Do not Submit with Proposal)

NON-COLLUSION AFFIDAVIT

The undersigned, of lawful age, being duly sworn, upon oath, deposes and says: That the undersigned has the lawful authority to execute the within and foregoing proposal/bid for, and on behalf of, the Proposer/Bidder; that the Proposer/Bidder has not, directly or indirectly, entered into any agreement, express or implied, with any Proposer/Bidder, having for its object the controlling of the price or amount of such proposal/bid, the limiting of the proposals/bids or the Proposers/Bidders, the parceling or farming out to any Proposer/Bidder or other persons, of any part of the Agreement or any part of the subject matter of the proposal/bid, or of the profits thereof, and that Proposer/Bidder has not and will not divulge the sealed proposal/bid to any person whomsoever, except those having a partnership or other financial interest with the Proposer/Bidder in the said proposal/bid, until after the said sealed proposals/bids are opened.

The undersigned further states that the Proposer/Bidder has not been a party to any collusion: among Proposer/Bidders in restraint of freedom of competition, by any agreement to bid at a fixed price or to refrain from proposing; or with any City/Trust official, City/Trust employee or City/Trust agent as to the quantity, quality, or price in the prospective Agreement, or any other terms of the said prospective Agreement; or in any discussions between the Proposers/Bidders or City/Trust official, City/Trust employee or City/Trust agent concerning the exchange of money or other thing of value for special consideration in the letting of Agreement. The Proposer/Bidder states that it has not paid, given or donated or agreed to pay, give or donate to any City/Trust official, officer or employee of the City or awarding agency, any money or other thing of value, either directly or indirectly, in the procuring of the award of Agreement pursuant to this Proposal/Bid.

Witness the hands of the parties hereto:

The undersigned states that the Proposer/Bidder will be bound by its proposal/bid, the specification, the terms and conditions of the Agreement, and the Requirements for Proposer/Bidders.

→ THIS FORM TO BE COMPLETED BY THE PROPOSER/BIDDER PRIOR TO AGREEMENT APPROVAL ←

Type Name of Authorized Agent/Representative

Title

Signature

Company Name

Address

Zip Code

Telephone Number and Fax Number, if any

TO BE COMPLETED BY THE NOTARY:

State of * _____)

County of * _____)

SS.

[*State and County where notarized must be written in for bid/proposal to be considered.]

Signed and sworn to before me on this _____ day of _____ by _____
[Day] [Month] [Year] [Print the name of the agent/representative who signed above.]

My Commission Number: _____
[Oklahoma]

Type Name of Notary Public

My Commission Expires: _____
[Date/Year]

Signature of Notary Public

[49 Okla. Stat. 2011 §119]

September 2020

Exhibit E – Sample Non-Discrimination Statement (Do not Submit with Proposal)

NON-DISCRIMINATION STATEMENT

The Proposer agrees, in connection with the performance of work under this Agreement/Contract:

- a. That the Proposer will not discriminate against any employee or applicant for employment, because of race, creed, color, sex, age, national origin, ancestry or disability. The Proposer shall take affirmative action to insure that employees are treated without regard to their race, creed, color, age, national origin, sex, ancestry or disability. Such actions shall include, but not be limited to, the following: employment, promotion, demotion or transfer, recruitment, advertising, lay-off, termination, rates of pay or other forms of compensation and selection for training, including apprenticeship. The Proposer agrees to post, in a conspicuous place available to employees and applicants for employment, notices to be provided by the City Clerk/Secretary of the Contracting Entity setting forth the provisions of this section, and;
- b. That the Proposer agrees to include this non-discrimination clause in any subcontracts connected with the performance of this Agreement/Contract.
- c. In the event of the Proposer's non-compliance with the above non-discrimination clause, this Agreement/Contract may be canceled or terminated by the Contracting Entity. The Proposer may be declared by the Contracting Entity ineligible for further Agreement[s]/Contract[s] with the Contracting Entity until satisfactory proof of intent to comply is made by the Proposer.

THIS FORM MUST BE COMPLETED BY THE PROPOSER PRIOR TO AGREEMENT/CONTRACT AWARD

Sign Here **X**

Signature of Individual

Title

Printed Name of Individual

Company Name and Address

Zip Code

Telephone Number and Fax Number if any

Updated February 2017

Exhibit F – Sample Vendor Registration Form (Do not Submit with Proposal)



The City of
OKLAHOMA CITY

Updated 2024

(Internal use only)	
Oracle Supplier ID: _____	Entered by: _____
Helpdesk Ticket #: _____	Date: _____

VENDOR REGISTRATION FORM

Please print legibly or type this information. Form must be completed and signed by authorized individual.

If you are a single member LLC classified as a Disregarded Entity on your W-9, you MUST provide the owner's SSN or EIN, not the LLC's EIN (see IRS pub 3402).

- ☐ **NEW DOMESTIC VENDOR** - Attach the most current IRS W-9 form, along with this form; both MUST be filled out in their entirety.
- ☐ **NEW FOREIGN ENTITY** - Attach the most current, appropriate, IRS W-8 form, along with this form; both MUST be filled out in their entirety.
- Please provide the City Department or Employee you are working with:

City Department

City Employee

- ☐ **UPDATE EXISTING VENDOR** - Attach the most current IRS W-9/W-8 form, along with this form; both MUST be filled out in their entirety.

Select all types of applicable update(s):

☐ Address ☐ Name ☐ Tax ID ☐ Contact Information ☐ ACH/EFT Other: _____

SDBE Program: Please select all applicable vendor characteristics:

- ☐ Disadvantaged Business Enterprise ☐ UEI Number - _____
- ☐ Small Business - as defined by the U.S. Small Business Administration
- ☐ Women-Owned Business - % women owned / controlled _____%
- ☐ Minority-Owned Business - % Minority owned / controlled _____%
- Ethnicity(ies) _____

If you checked any of the above boxes, please provide a brief description of your business: _____

If you checked any of the above boxes, do you wish to receive notifications of upcoming contract opportunities? ☐

Do you consent to receive Forms 1099 by email? ☐

Do you wish to receive payments by electronic funds transfer? ☐

Check here if same as PO address ☐

PURCHASE ORDER ADDRESS

BUSINESS NAME _____

ADDRESS 1 _____

ADDRESS 2 _____

CITY _____ STATE _____ ZIP CODE _____

CONTACT PERSON _____

EMAIL ADDRESS _____

TELEPHONE NUMBER _____

PAYMENT REMITTANCE ADDRESS

BUSINESS NAME _____

ADDRESS 1 _____

ADDRESS 2 _____

CITY _____ STATE _____ ZIP CODE _____

CONTACT PERSON _____

EMAIL ADDRESS _____

TELEPHONE NUMBER _____

Any vendor who accepts payment confirms the following: the invoice is true and correct; the work, service or materials as shown by the invoice or claim have been completed or supplied in accordance with the plans, specifications, orders or requests furnished the vendor; and the vendor has made no payment, directly or indirectly, to any elected official, officer or employee of this City, of money or any other thing of value to obtain payment See [62 O.S. § 310.9](#).

I certify that the information supplied herein is correct and that neither the applicant nor any person (or concern) in any connection with the applicant as a principal or officer is now debarred or otherwise declared ineligible by a public agency for bidding or furnishing materials, supplies or services, to any other public agency thereof. NOTE: Article IV, Section 11 of the City Charter prohibits employees of the City from having a proprietary interest in City Contracts See [11 O.S. § 8-113](#).

Return to Procurement Services:
vendorregistration@okc.gov

100 N. Walker, Suite #200
Oklahoma City, OK 73102
(405) 297-2741 Fax (405) 297-2142

Signature of Person Authorized to Sign

Date Signed

Print Name

Title