

**REQUEST FOR QUALIFICATIONS FOR
SPECIAL DEPUTY RECEIVERS**

RFQ-SDR-2013-1

ISSUED JULY 9, 2013

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SECTION I: INTRODUCTION

1.1 Definitions

The definitions of the terms used in this Request for Qualifications are as follows:

“Applicant” refers to an individual or legal entity responding to this RFQ.

“Application” refers to a completed application submitted in response to this RFQ.

“Bid Proposal” refers to a response to a Request for Proposals for an SDR.

“Bidder” refers to an Eligible Applicant submitting a Bid Proposal.

“Chapter 443” refers to Chapter 443 of the Texas Insurance Code.

“Commissioner” refers to the Commissioner of Insurance for the State of Texas.

“Commissioner’s Staff” refers to the Commissioner’s designated TDI staff.

“Company” refers to an insurer or other entity placed in receivership, unless otherwise stated.

“Eligible Applicant” means an Applicant approved in accordance with this RFQ.

“HSP” refers to a HUB Subcontracting Plan described in Section 9.3 of this RFQ.

“HUB” refers to a historically underutilized business.

“Primary Responsible Person” or “PRP” refers to the designated person who is primarily responsible for administering an SDR’s duties, if the SDR is a legal entity.

“Receiver” refers to the Commissioner in his or her capacity as Receiver under Chapter 443. The term includes the terms “Rehabilitator” or “Liquidator”, as applicable.

“Receivership” refers to a receivership under Chapter 443.

“RFP” refers to a Request for Proposals for an SDR.

“RFQ” refers to this Request for Qualifications.

“SDR” refers to a Special Deputy Receiver appointed under Chapter 443.

“SDR Agreement” refers to an agreement to serve as an SDR.

“Subcontractor” refers to a person or entity described in Section 9.3 of this RFQ.

“TDI” refers to the Texas Department of Insurance.

1.2 Purpose of RFQ

The Texas Insurance Code provides that the Commissioner of Insurance (“Commissioner”) shall be appointed as Receiver of an entity placed in receivership under Chapter 443. As Receiver, the Commissioner is authorized to appoint a Special Deputy Receiver (“SDR”) to act carry out his or her duties.

The Commissioner issues this Request for Qualifications (“RFQ”) for Applications from individuals or legal entities (“Applicants”) interested in becoming eligible to serve as an SDR. An Applicant approved in accordance with this RFQ (an “Eligible Applicant”) may be eligible to receive a Request for Proposals (“RFP”) for an SDR as described in Section IX. If you were eligible under a previous RFQ, you must submit an Application and be approved in accordance with this RFQ to bid on any future RFP for an SDR.

Texas Insurance Code § 443.0135 (a) requires the Receiver to use a competitive bidding process for SDRs, except in the case of an emergency. The bid process must promote the participation of historically underutilized businesses (“HUBs”) certified by the Texas State Comptroller under § 2161.061 of the Government Code. Accordingly, HUBs that meet the qualifications of this RFQ are encouraged to respond to this RFQ. Please contact the Texas State Comptroller’s Office if you have any questions or need additional information regarding the HUB certification process. Information is also available on the web site of the Texas State Comptroller’s Office at:

<http://www.window.state.tx.us/procurement/prog/hub/hub-certification/>.

1.3 Duties of the Receiver

Chapter 443 governs receivership proceedings of entities engaged in the business of insurance. A receivership may be a rehabilitation or liquidation proceeding, in which the Receiver acts as Rehabilitator or Liquidator, respectively. An SDR appointed by the Receiver has all of the Receiver’s powers and responsibilities, unless limited by the Receiver. An SDR’s particular duties in a receivership will depend on the situation, including the nature of the proceeding, the entity placed in receivership, and other factors. These duties typically include, but are not limited to, the following:

- a) Securing control of the company’s operations, property, and records;
- b) Evaluating, managing, collecting, and liquidating assets;
- c) Evaluating the company’s work force to ensure proper staffing;
- d) Supervising litigation filed by and against the receivership estate;
- e) Operating information systems and extracting data;
- f) Investigating the liability of any parties to the company;
- g) Identifying any preferential transfers;
- h) Providing notice to policyholders, claimants and interested parties;
- i) Handling and paying claims;
- j) Coordinating with state insurance guaranty associations; and
- k) Creating and filing financial and management reports.

1.4 Term of RFQ

This RFQ will remain in effect for a period of time determined by the Commissioner. An Applicant's approval as an Eligible Applicant under this RFQ is valid during the term of this RFQ, unless the Applicant is disqualified under Section 7.4 of this RFQ. The Commissioner reserves the right to issue further RFQs for SDRs, or for any other services in connection with receiverships, at any time during the term of this RFQ.

1.5 Approval of Applicants

An Applicant may be an individual or a legal entity. If the Applicant is a legal entity, the Applicant must designate a Primary Responsible Person ("PRP") who would be primarily responsible for administering the SDR's duties if the Applicant is appointed as an SDR. A legal entity may designate more than one PRP in its RFQ application, but a person who is designated as a PRP cannot submit a separate application as an individual. Applicants are not required to identify employees in its response to this RFQ, with the exception of Applicant's officers, directors, managers and PRPs. This RFQ is not applicable to subcontractors. Subcontracting requirements are described in Section 8.3.

In order to become an Eligible Applicant, an Applicant must:

- a) meet the qualifications described in this RFQ,
- b) submit a completed Application on Attachment 1A or Attachment 1B, and
- c) be approved in accordance with the terms of this RFQ.

The Commissioner reserves the right to modify the qualification requirements and to reject any or all Applications. Neither the Commissioner nor TDI will pay any costs or expenses incurred by any Applicant in submitting an Application.

1.6 Issuance of RFPs

If the Commissioner determines that an SDR should be appointed during the term of this RFQ, the Commissioner's Staff will issue an RFP. Notice of the RFP will be provided to Eligible Applicants. Responses to the RFP submitted by Eligible Applicants ("Bid Proposals") will be reviewed and evaluated by the Commissioner's Staff.

SECTION II: QUALIFICATIONS

2.1 Minimum Qualifications of Applicant or Primary Responsible Person

An Eligible Applicant must have:

- (a) at least a bachelors degree;
- (b) at least 10 years work experience; and
- (c) experience serving in one or more of the following positions in the last ten (10) years:

- (i) a receiver, conservator, supervisor, trustee, independent fiduciary or similar appointee in a proceeding of an insurer or in a proceeding involving insurance;
- (ii) an employee or contractor of a person described in the preceding subsection with managerial or other professional involvement in a proceeding involving insurance;
- (iii) a former insurance regulator, or employed professional of such, with experience related to regulatory actions involving the solvency of insurers;
- (iv) a former executive in the insurance business with experience involving insurance regulation; or
- (v) a professional providing services to insurance companies or regulators related to the solvency of insurers.

2.2 Relevant Experience for Appointment as SDR

The requirements listed in Section 2.1 represent the minimum standards for an Applicant to be eligible under this RFQ. As described in Section IX, Eligible Applicants approved under this RFQ may submit a Bid Proposal in response to an RFP. An RFP will contain particular requirements, such as specific experience with certain types of insurers or other entities. The following are examples of *typical* requirements in an RFP; the requisite experience for any particular RFP will depend on the circumstances.

a) General RFP Requirements.

A Bidder will generally need persons with experience in the following areas:

- (i) Managing a receivership, or participating in the management of a receivership.
- (ii) Knowledge of the legal issues involved in insurance receiverships. A receivership is a judicial proceeding, and the SDR must be represented by an attorney licensed in Texas who has experience with insurer receiverships. One attorney must be designated as the lead counsel with responsibility for oversight of all legal matters. Any paralegals retained by an SDR must be supervised by an attorney.
- (ii) Comprehension of accounting principles, and experience with financial reporting requirements and tax issues involved with insurer receiverships.
- (iii) Claims experience relevant to the policies issued by the Company. A person responsible for making claim determinations must hold any applicable required license.
- (iv) Experience in managing assets typically held by insurers.
- (v) Expertise in handling electronic data processing operations.

b) Specific RFP Requirements.

In addition to the items described in Section 2.2 (a), a Bidder will need to demonstrate an understanding of the entity placed in receivership. A Bidder may need expertise in particular areas, including:

- (i) Experience with particular types of insurers or other entities, such as property & casualty insurers, life, accident & health insurers, HMOs, unauthorized insurers, title insurers, or title agents.
- (ii) An understanding of NAIC Uniform Data Standards.
- (iii) Experience with actuarial principles. An actuary must be a Member of the American Academy of Actuaries, have an ASA or ACAS designation, and membership in the American Academy of Actuaries.
- (iv) Experience with reinsurance, including collection, assumptions, commutations, arbitrations, and reinsurance accounting.
- (v) Experience with handling premium audits, billing and collection, and dealing with issues related to the cancellation of policies.
- (vi) Experience with handling investigations related to the cause of an entity's insolvency and investigations of fraudulent actions.
- (vii) Experience with restructuring a company in a conservation, rehabilitation proceeding, or bankruptcy proceeding, or handling a commercial reorganization.
- (viii) Experience with handling title insurance or escrow account issues.

2.3 Continuing Education Requirements

For the duration of the SDR's appointment, the SDR or PRP, as applicable, must attend any continuing education requirements as approved by the Commissioner's Staff.

SECTION III: GROUNDS FOR DISQUALIFICATION

3.1 Ineligible Entities and Individuals

The following are ineligible to serve as an SDR, or as a PRP:

- a) An insurance company, reinsurer, reinsurance intermediary, managing general agent, title agency or insurance broker.
- b) An affiliate of an entity described in this subsection (a).
- c) An individual who serves as an officer, director or employee of an entity described in this subsection (a).

3.2 Mandatory Grounds for Disqualification of Applications

Any of the following will disqualify an Application:

- a) Knowingly submitting an Application that contains false information, or contains a false certification. Any such submission may bar the Applicant from submitting any further applications to this or a subsequent RFQ.
- b) Failure to submit any information required by this RFQ; except as otherwise provided in Section 3.2 (a). Such failure will not bar an Applicant from submitting another Application.

3.3 Discretionary Grounds for Disqualification of Applications

The Commissioner may, in his or her discretion, disqualify an Application based on any of the following circumstances that apply to: the Applicant; the Applicant's proposed PRPs; or any of Applicant's officers, directors or managers who would be involved in a receivership in the event of Applicant's appointment as an SDR:

a) Criminal Proceedings

- (i) Any conviction of or plea of guilty to:
 - a felony;
 - a misdemeanor involving embezzlement, theft, conversion, larceny, fraud, violence, workplace misconduct or any similar crimes;
 - a violation of a securities or insurance law; or
 - any other crime of moral turpitude;
- (ii) Any indictment or information for any items listed in Section 3.3 (a) (i) above.

b) Civil Proceedings

- (i) Any finding of fraud, breach of fiduciary duty, bad faith, unfair business practices, deceptive trade practices, conversion, or any similar finding by a court or administrative law judge.
- (ii) Any disciplinary proceedings by any governmental or regulatory entity.
- (iii) Any action filed by a receiver, trustee or governmental entity for a breach, failure to perform, or assessment of penalties or liquidated damages in connection with a contract.
- (iv) Any entry of a civil judgment or imposition of administrative fines or penalties against the individual or a business in which such individual was an officer, director, or controlling stockholder.
- (v) Any denial, revocation or suspension of an occupational or vocational license or certification by any public or governmental licensing agency or regulatory authority, or other disciplinary actions by such a licensing entity.
- (vi) Any of the following actions with respect to an insurer, or other entity involved in the business of insurance, during the time that the person was an officer, director, or controlling stockholder of the company:

- suspension or revocation of a certificate of authority or license;
- administrative oversight;
- supervision;
- conservatorship;
- receivership; or
- any other finding of hazardous condition.

c) Conflicts and Potential Conflicts

For the purposes of this RFQ, an actual or potential conflict of interest includes any of the following situations, *whether prior or current*:

- (i) Any situation that could create any appearance of impropriety in the event that an Applicant is approved; or
- (ii) Any of the following situations involving the Applicant, its proposed PRPs, or any officers, directors or managers which may be involved in the receivership:
 - Making a claim or filing an action against TDI or the Commissioner;
 - Any action by TDI or the Commissioner against the person or entity, including but not limited to an action to revoke or suspend a license;
 - Representing or providing services to another party in connection with a claim or action by or against TDI or the Commissioner; or
 - Representing or providing services to another party, other than the Commissioner, the Receiver or an SDR, regarding any proceeding under Chapters 404, 441 or 443 of the Code.

d) Contractual Matters

Any termination of a contract with a receiver, trustee or governmental entity prior to the completion the contract.

The Commissioner may take any circumstances described above, and any further information provided by Applicant under Section 4.4, into consideration in determining whether an Application is subject to disqualification. The Commissioner may, in his or her sole discretion:

- a) waive the conflict or condition and accept the Application;
- b) accept the Application and exclude the person or entity having the conflict or condition from inclusion in any SDR Agreement; or
- c) disqualify the Application.

Please note that disclosure of the items described in Section 3.3 may be required regarding a Bidder's proposed employees or subcontractors in any Bid Proposal.

SECTION IV: REPRESENTATIONS AND DISCLOSURES

Applicant must provide all of the representations and disclosures required by this Section. Failure to provide any required information may be a cause for disqualification of an Application.

4.1 Representations of Minimum Qualifications

Applicant must represent that it meets all of the minimum qualifications described in Section II of this RFQ.

4.2 Disclosure of Ownership

Applicant must identify any persons with 10% or more ownership, except for passive investors.

4.3 Disclosure of Potential Grounds for Disqualification

Applicant must disclose any and all information regarding any potential grounds for disqualification described in Section 3.3 of this RFQ. Such disclosure must identify the particular matter, including any names, dates and cause numbers, as applicable.

4.4 Additional Information

With respect to any disclosures of matters under Section 4.3, Applicant may include an explanation of:

- a) any extenuating circumstances, expungment or pardon with respect to any criminal proceedings;
- b) any relevant factors with respect to any civil proceedings; or
- c) any measures Applicant will take to mitigate potential conflicts of interest.

The Commissioner reserves the right to request additional information from an Applicant as he or she deems necessary.

SECTION V: RFQ REQUIREMENTS

5.1 Required Information

An Application must include an original and four (4) copies of each of the following:

- a) A completed form attached to this RFQ. Attachment 1A should be used if the Applicant is an entity, and Attachment 1B should be used if the Applicant is an individual.
- b) A cover letter containing the name, title, phone number, fax number and e-mail address of an individual who will be the contact person for this RFQ and who has the authority to respond on behalf of Applicant.

5.2 Optional Information

Applicant may include an original and four (4) copies of any brochures or other publications regarding Applicant. Applicant may submit any information provided under Section 4.4 in a separate letter.

5.3 Duty to Update or Correct

It is the responsibility of the Applicant to promptly notify the Commissioner, in writing, of any material or potentially material changes in the information contained in an Application. Examples of such changes include, but are not limited to, discovery of an actual or potential conflict of interest, loss of a professional designation, change of organization's structure, e-mail addresses or contact information.

SECTION VI: SUBMISSION OF APPLICATION

6.1 Contact Person

All questions concerning this RFQ must be directed to Lewis Wright, SDR Contract Administration, Financial Division, Texas Department of Insurance, P. O. Box 149104, Austin, Texas 78714-9104; e-mail: sdrcontracting@tdi.texas.gov. The Commissioner's Staff will make every effort to respond to questions within a reasonable period of time and will post Questions & Answers on the TDI web site at:

<http://www.tdi.texas.gov/lorc/sdrcontractadmn.html>

6.2 Delivery of Application

Applications may be submitted by one of the following methods:

By e-mail sdrcontracting@tdi.texas.gov

By mail Texas Department of Insurance
Request for Qualifications - SDR
c/o Lewis Wright (MC 305-2A)
P.O. Box 149104
Austin, Texas 78714-9104

By hand delivery/courier Texas Department of Insurance
Request for Qualifications - SDR
c/o Lewis Wright (H3- 5th Floor, Rm. 540-D)
333 Guadalupe
Austin, Texas 78701

Applications may be submitted at any time during the term of the RFQ.

SECTION VII: APPLICATION APPROVAL PROCESS

7.1 Review of Applications

All Applications will be reviewed to determine if they are properly completed. Completed applications will be submitted to an evaluation committee of TDI employees appointed by the Commissioner. The evaluation committee will consider the experience, abilities, references and/or background checks of the Applicant and the PRP, if applicable, to determine Applicant's compliance with the requirements of the RFQ. Based on this information, the Commissioner may, in his or her sole discretion:

- a) approve the Application;
- b) accept the Application, subject to modifications; or
- c) disqualify the Application.

7.2 Incomplete Applications

If an Application is incomplete, the Applicant will be notified in writing, and will be permitted to submit a revised Application. However, if an Applicant knowingly submits an Application that omits information required under Section 5.2 of the RFQ the Applicant may be barred from submitting any further Applications to the RFQ or a subsequent RFQ. The Commissioner reserves the right, in his or her sole discretion, to waive any technical defects.

7.3 Notification to Applicants

Applicants will be notified in writing of the Commissioner's decision regarding an Application. It is anticipated that Applications will be processed within 60 days of submission. The Commissioner's decision to reject an Application is final, provided that an Applicant may submit another Application, except as prohibited by Section 4.2. An Applicant is eligible to submit a Bid Proposal on RFPs issued after an Application is approved.

7.4 Disqualification of Applications

The Commissioner, in his or her discretion, reserves the right to disqualify an Eligible Applicant under the following circumstances:

- a) If it is determined that the Eligible Applicant no longer complies with the requirements of this RFQ, or that information submitted in an Application is inaccurate or no longer accurate due to changes in circumstances.
- b) An Eligible Applicant fails to provide information as required by Sections 6.3 or 9.4 of this RFQ.
- c) An Eligible Applicant has been appointed as an SDR, and has failed to comply with the SDR Agreement.

SECTION VIII: BIDDING PROCESS

8.1 General Requirements

- a) If an RFP is issued for a Company, an Eligible Applicant will be advised of an opportunity to submit a Bid Proposal. An Eligible Applicant must agree to protect the confidentiality of confidential information contained in the RFP.
- b) If there are any known grounds for disqualification of an Eligible Applicant as described in Section 8.5, the Commissioner may, in his or her sole discretion, determine that the Eligible Applicant is ineligible to submit a Bid Proposal.
- c) An Eligible Applicant who receives an RFP may submit a bid proposal. If the Eligible Applicant is a legal entity, it may submit a bid proposal naming one PRP, regardless of how many PRPs are approved. No other individual or legal entity may be substituted for an Eligible Applicant in a Bid Proposal.

8.2 Employees

A Bidder may propose using employees to provide administrative and/or professional services, including accounting, legal and claim services, provided that such individuals have the requisite licenses and experience; can provide services as cost effectively as a subcontractor; and are covered by insurance as required by the SDR Agreement. The use of any employees is subject to the Receiver's approval.

8.3 Subcontracting

A Bid Proposal may include proposed subcontractors, which must be approved by the Receiver prior to the execution of the SDR Agreement. A Bidder is responsible for reviewing the qualifications of any proposed subcontractors submitted in a Bid Proposal. A subcontractor may be an affiliate or a subsidiary of the SDR, subject to the Receiver's approval. Subcontractors are paid from the assets of the estate or from other funding available, and are not paid from the SDR's personal or corporate funds.

Texas Insurance Code § 443.0135 (b) contains specific requirements regarding proposed subcontractors:

A proposal submitted in connection with a bid solicitation under [§443.0135] subsection (a) must describe the efforts that have been made to include Historically Underutilized Businesses as subcontractors and the plan for using the Historically Underutilized Businesses in the administration of the receivership estate. A special deputy appointed under Chapter 443 shall make a good faith effort to implement the plan and shall report to the Receiver the special deputy's efforts to identify and subcontract with Historically Underutilized Businesses.

To comply with this requirement, any Bid Proposal must include a HUB Subcontracting Plan ("HSP"). An HSP is not required as part of an Application in response to this RFQ. The following are examples of functions that *may* be considered for subcontracting in a receivership:

- a) Accounting (including tax and forensic accounting)
- b) Claims adjusting
- c) Reinsurance collection
- d) Legal services
- e) Records management
- f) Asset recovery
- g) Computer analyst / programmer and data entry / forensic data collection

These examples are included for illustration purposes only. The subcontracting of particular functions in a receivership will depend on the circumstances. Anticipated subcontracting opportunities will be identified in each RFP, and Bidders may identify other functions that may be subcontracted in a Bid Proposal.

8.4 Disclosures

In any Bid Proposal, a bidder must:

- a) Update the disclosures submitted in its RFQ Application in the event of any changes that have occurred since the submission of the Application.
- b) Disclose any actual or potential conflicts of interest in serving as an SDR of a Company, and any affiliation between the bidder and the proposed subcontractors.

8.5 Disqualification of Bid Responses to RFPs

The Commissioner may specify particular grounds for disqualification in an RFP. Any of the following that apply to a Bidder, its PRP, employees or proposed subcontractors may result in disqualification of a Bid Response:

- a) Representing the Company (or any of its affiliates) in connection with a matter involving or related to the Commissioner or TDI prior to receivership
- b) Serving as a board member, officer or director of the Company (or any of its affiliates) at any time prior to receivership
- c) Having any financial interest in the Company, including but not limited to being an owner, policyholder, claimant, or other creditor.
- d) Having any personal or business relationship with:
 - (i) the Company or its owners, affiliates, officers, directors, agents, reinsurers or underwriters;
 - (ii) a party in litigation with the Company; or
 - (iii) a party that has a financial interest in the Company.
- e) Any other situation, or personal or business relationship, that could create a conflict of interest or an appearance of impropriety in the event that Applicant is selected as an SDR.
- f) Any involvement with a matter or action that would result in representation prohibited by § 33.007, Texas Insurance Code

SECTION IX: CONTRACTING REQUIREMENTS

9.1 Contract Terms and Conditions

Following the selection of an SDR for the Company, the Receiver and the SDR will enter into an SDR Agreement with terms and conditions substantially similar to the terms and conditions below. The following is an example summary of the terms and conditions of the Agreement; each Agreement will also include standards of performance and other specific requirements.

- a) The Agreement remains in effect through the closure of the receivership, unless terminated earlier under its terms. The Agreement can be changed only with the written consent of both parties, except as otherwise provided.
- b) The SDR must perform its duties in accordance with Chapter 443, all other applicable laws, and the terms of the Agreement. The SDR must comply with the Receiver's policies and procedures.
- c) The SDR serves under the authority of and at the pleasure of the Receiver, and may be terminated at the Receiver's discretion.
- d) The SDR's obligations are fiduciary in nature and imbued with a public purpose.
- e) The SDR must notify the Receiver immediately upon the discovery of any potential or actual conflict of interest.
- f) The SDR shall report any information relating to possible fraudulent, deceptive, or unlawful conduct.
- g) The SDR must consult with the Receiver prior to taking any legal positions that have not previously been established by the Receiver.
- h) The SDR must file all reports required by Chapter 443 or otherwise required by the Receiver or the Receivership Court.
- i) The SDR must provide a monthly detailed billing of services and expenses, which are payable from the receivership subject to the Receiver's approval and Chapter 443. The rates provided the Agreement may only be changed with the written approval of the Receiver.
- j) The SDR must file a bond acceptable to the Receiver of at least \$120,000. The SDR must maintain the bond at an amount set by the Receiver for the term of the Agreement.
- k) The SDR must secure and maintain insurance as necessary to protect the assets of the receivership.
- l) The SDR must maintain professional liability insurance for the term of the Agreement, at its own cost.
- m) The SDR agrees to protect the confidentiality of any confidential information.
- n) The SDR agrees to indemnify and hold harmless the Receiver and his or her successors against any claims, proceedings, lawsuits, penalties, judgments, costs or expenses resulting from, arising out of or in connection with willful misconduct or negligent activity of the SDR, its employees, agents or subcontractors in performing or failing to perform any act.

- o) The SDR agrees to pay liquidated damages in the event of the SDR's default.
- p) The SDR may not assign any part of the Agreement without prior written approval by the Receiver. If there is a change of ownership of the SDR, or a change of its officers or directors, the SDR must inform the Receiver and must demonstrate to the Receiver's satisfaction that such change would not adversely impact the performance of the SDR's duties. If the Receiver determines otherwise, the Receiver may terminate the Agreement.

SECTION X: RIGHTS

10.1 Applicant's Acknowledgements

Applicant acknowledges that the Commissioner has the discretion to accept or reject any and all Applications, and that this RFQ does not provide any recourse to an Applicant who submits an Application that is rejected or otherwise not accepted. Submitting an Application does not generate any rights or privileges with respect to any RFP, including but not limited to RFPs issued in connection with this RFQ.

10.2 Release of Applications

All Applications become the property of TDI and may be subject to release to any requester under the provisions of the Texas Public Information Act, Chapter 552 of the Texas Government Code, and Attorney General Opinions issued under that statute. Further, all Applicants must authorize the release to the Commissioner of any and all records or information relevant to the matters disclosed in an Application. Additional information or documentation may be requested by the Commissioner, and a failure to provide such information or documentation may result in the rejection of an Application.

10.3 Waivers

TDI does not waive any privileges, rights, defenses, remedies, or immunities available to it as an agency of the State of Texas, or any other rights available to TDI, including but not limited to any privileges, rights, defenses, remedies, or immunities in connection with this RFQ or any RFP. TDI's waiver of any deviations in any Application will not constitute a modification of this RFQ, and will not preclude TDI from asserting an Applicant's failure to fully comply with all terms and conditions of this RFQ.

10.4 Releases

By submitting an Application an Applicant releases TDI, the Commissioner, his or her employees and agents from any and all liability, claims, and lawsuits with respect to the information submitted by Applicant or obtained by the Commissioner in connection with this RFQ.

ATTACHMENTS

Attachment 1A: Application Form for Legal Entities

Attachment 1B: Application Form for Individuals