

Gainesville.
Citizen centered
People empowered

Issue Date: May 23, 2018

**Non-Mandatory Pre-Bid Conference:
May 31 @ 10:00 a.m.
at 200 E University Avenue, Room 16
Gainesville, Florida**

The City is offering the option of remotely participating in the pre-bid conference. You can click the below link to attend via Webex or use the call-in number and access code to listen. The Webex presentation will be posted as an addendum after the presentation.

Link to Webex:

<https://projectconnectcog.my.webex.com/projectconnectcog.my/j.php?MTID=mc5bec14c661a61ad05e1ddb440c36bcd>

Call-in number 1-510-338-9438 Access Code: 623 438 139

Deadline for receiving questions: June 7, 2018 @ 3:00 p.m. local time. All questions should be submitted in writing to Melanie Sowers on or before the deadline indicated.

Bid Due Date: June 26, 2018 @ 3:00 p.m. local time

INVITATION TO NEGOTIATE

**ENTERPRISE RESOURCE PLANNING (ERP) PRODUCT
SOLUTION(S) AND IMPLEMENTATION SERVICES**

BID # CMGR-180083-MS

Procurement Representative:
Melanie Sowers, Senior Buyer
Phone: (352) 393-8779
Fax: (352) 334-3163
Email: SowersMA@CityofGainesville.org

**City of Gainesville
200 East University Avenue, Room 339
Gainesville, Florida 32601**

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Appendix 2 – Glossary

Exhibit 1 – Functional Requirements

Exhibit 2 – Department Diagrams

Exhibit 3 – Data Volume

Exhibit 4 – Infrastructure Technical Minimum Specifications

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Exhibit 6 – Draft Contract Terms and Conditions

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Exhibit 9 – Tabulation of Subcontractors

1 Introduction and Background

1.1 Background

The City has been using a Tier 1.5 Advantage CGI system to manage its financial, purchasing, human resources, benefits, pensions, and payroll processes for the last 20 years with 3.10 being the latest version. With the City's vision to move forward to the next level of technology, the goal is to reduce the need for customization, to expand capabilities, and to enhance operational efficiencies through increased system integration and access to innovative technologies.

1.2 Introduction

This Invitation to Negotiate (ITN) is intended to solicit Proposals to satisfy the City of Gainesville's (City) needs for software and professional services to implement an Enterprise Resource Planning (ERP) system. The City desires to solicit proposals for the subscription or license, implementation and continued support of an ERP solution(s). The new ERP application should reduce costs and improve efficiencies through reduced infrastructure and a more configurable design. The City requires **one** all-inclusive proposal including subscription/support of the product(s) as well as the implementation services (refer to Section 4, Project Scope).

The City has a population of 127,488 and Alachua County, of which Gainesville is the County Seat, has a population of 247,336. Gainesville is a university town located in the North Central region of Florida. Education, technology, medical centers and tourism are major components of Gainesville's economy. The City has 2063 employees with approximately 670 job classifications and an operating budget of \$122 million.

The City's vision is to become the New American City (as detailed in the City's Blue Ribbon Report (<http://www.cityofgainesville.org/Portals/0/clerk/CityComm/BlueRibbonReport.pdf>) by building a strong foundation through acquiring a sustainable, integrated, user-friendly intuitive solution(s) that incorporates the City's current processes, needed process improvements and new processes in the City's core service areas (HR, Finance, and Risk). The expected outcome from this proposal is to find a solution of product(s) which will accomplish the following:

- **Integrated environment of data and information.**

The progression towards becoming the New American City begins with an integrated approach for data and information. The City desires all systems share and utilize the same data cohesively to provide consistent, viable and reliable information across the organization.

- **Centralized source of data and information.**

Data throughout the City is dispersed into multiple systems therefore causing a complex, counterintuitive approach to capturing, identifying and utilizing key data and information. The City desires a centralized source for data and information to be retrieved. Proposals need to identify and address the solution(s) to this critical need.

- **Meet the City's current requirements and expectations for future functionalities.**

The City's vision to become the New American City is rapidly elevating with technology initiatives; such as Smart City Initiatives, that directly align with the City's desire for connectivity and seamlessness. The City expects to secure the latest technology platform, one which will continue to be leading edge technology and sustainable over the next 15-20 years and continuously provides project upgrades which supports the City's rapidly changing business environment including the current and future needs. The City's current requirements and scalability are outlined in Exhibit 1, Functional Requirements and Exhibit 3, Data Volume.

- **Acquire an integrated ‘off the shelf’ packet solution or ‘best of breed’ solution that will meet ALL of the City’s core requirements with minimal modifications and customizations.**

Every proposer providing a response to this ITN must provide a clear and concise response to each requirement in Exhibit 1, Functional Requirements. The proposer should provide their best response and include an explanation of how their current solution(s) will meet the needs which may include fully integrated modules from third-party software providers. If a third-party software provider is included in your overall package solution, you must act as the primary contractor and your price must be “all inclusive.” Proposals must outline complete solution(s) and approach.

- **Defined Project Key Success Factors (such as reduce time to fill, reduce process time, paperless processes, and reporting).**
- **Start implementation in January 2019, subject to environment readiness.**

2 Invitation to Negotiate Proposer Information

2.1 The Invitation to Negotiate (ITN) Process

The ITN process is a flexible procurement process that is used when highly specialized and/or variable services or products are required. Negotiations offer an opportunity for selected proposer(s) to discuss their responses with an evaluation Committee. The goal of this comprehensive process is for identification of the optimal outcome or the solution that best meets the needs of the City. Only representatives of the participating proposers who are authorized to negotiate and make agreements shall be involved in negotiations.

2.2 Schedule

Distribution of ITN	May 21, 2018
Non-Mandatory Pre-Proposal Discussion	May 31, 2018
Deadline for receipt of questions	June 7, 2018 – 3:00 pm local time
Deadline for receipt of proposals	June 26, 2018 – 3:00 pm local time
Evaluation of Written Proposal/Selection process	*July 9, 2018
Oral presentations/Evaluation, if conducted	*July 23-27, 2018
Product Demonstrations by Review Teams/Evaluation	*Aug 13-Sept 14, 2018
Negotiations Commence	*Sept 17, 2018
Recommendation to City Commission/Approval	*TBD
Projected award date	*TBD
Projected contract start date	*TBD

*The above dates are tentative and subject to change.

2.3 Invitation to Negotiate Solicitation Documents

This Invitation to Negotiate (ITN) and related documents are available through Demandstar.com (www.demandstar.com) in the number and format stated in the ITN.

2.4 Non-Mandatory Pre-Proposal Conference

A Pre-Proposal Conference will be held on May 31, at 10:00 am in Gainesville City Hall, 200 East University Avenue, Room 16, Gainesville, FL. The City is offering the option of remotely participating in the pre-bid conference. You can click the below link to attend via Webex or use the call-in number and access code to listen. The Webex presentation will be posted as an addendum after the presentation. Contact Purchasing immediately at 352-334-5021, if you have any issues connecting.

<https://projectconnectcog.my.webex.com/projectconnectcog.my/j.php?MTID=mc5bec14c661a61ad05e1ddb40c36bcd>

Call-In number is 1-510-338-9438; Access code: 623 438 139.

The purpose of the Pre-Proposal Conference is to afford prospective proposers the opportunity to ask questions about the City's vision, existing conditions, and the broader ITN process and gain a better understanding of the business issues and circumstances driving this project. This Pre-Proposal Conference will assist the prospective proposers in preparing a well-designed submittal.

2.5 Questions, Communications and Inquires between the City and Proposers

Proposer inquiries, questions and requests for clarification related to this ITN are to be directed, in writing, to:

Melanie Sowers, Senior Buyer
E-mail Address: SowersMA@CityofGainesville.org

2.6 Addenda and the City's Response to Communications from Proposer

All questions about the meaning or intent of the solicitation are to be directed to the Procurement Representative listed above. Interpretations or clarifications considered necessary in response to such questions will be issued as Addenda posted to DemandStar, (www.demandstar.com). Addenda may be issued to modify the solicitation as deemed advisable by the Procurement Representative.

2.7 Deadline for Questions

Questions received after the deadline for Questions, June 7, 2018 @ 3:00 pm local time, may not be answered. Email all questions to SowersMA@CityofGainesville.org. Only questions answered by formal written Addenda will be binding. Oral and other interpretations or clarifications that are not specifically acknowledged by formal written Addenda will be without legal effect.

Addenda issued by City prior to the solicitation due date/time are considered binding as if written into the original solicitation. Proposers are responsible for ensuring that all Addenda have been received prior to submitting their submittal.

2.8 Submittal Opening

Submittals must be delivered sealed to:

City of Gainesville
Procurement Division
200 E University Ave
Room 339
Gainesville, FL 32601
ATT: Melanie Sowers
on or prior to **June 26, 2018 3:00 PM** Local Time

Proposers shall ensure that the outer carton of the response display clearly and conspicuously the following identifying information:

Company Name and Contact Information
ITN# CMGR-180083-MS
ERP Product Solution(s) and Implementation Services
Opening date and time: June 26, 2018, 3:00 p.m. Local Time

ALL SUBMITTALS MUST BE RECORDED (CLOCKED-IN) IN THE CITY OFFICE OF THE PROCUREMENT DIVISION ON OR BEFORE THE TIME AND DATE INDICATED ON THE ITN DOCUMENT.

It is the proposer's responsibility to ensure that the submittal is delivered at the proper time and place of the ITN opening.

Deliveries can be made between the hours of 8:00 a.m. and 5:00 p.m., local time, Monday through Friday, excluding holidays observed by the City. Proposers are responsible for informing any commercial delivery service of all delivery requirements and for ensuring that the required address information appears on the outer wrapper of envelope used by such service. Submittals which for any reason are not so delivered may not be considered.

The City shall, at the specified closing date and time, open all submittals that are otherwise in order. The City will allow interested parties to attend such opening for purposes of identifying which proposers have submitted proposals. The City will make no immediate decision at such time. The City will conduct negotiations in accordance with Section 286.0113(2), Florida Statutes. All portions of any meeting at which a negotiation with a proposer is conducted or at which a proposer makes an oral presentation, or at which a proposer answers questions shall be exempt from the public meetings law (Section 286.011, F.S. and Section 24(b), Article 1 of the State Constitution) ("Sunshine Law"). Any portion of the Evaluation Committee Meeting at which negotiation strategies are discussed is also exempt from the Sunshine Law. The City will make a complete recording of the exempt meetings. The recordings of the exempt meetings, and any records submitted at the exempt meetings are exempt from the public records law (Section 119.07(1), Florida Statutes and Section 24(a), Article I of the Statue, and there will be no disclosure of any recording, or records submitted at exempt meetings until the earlier of (a) the time City provides notice of a decision or intended decision, or (b) 30 days after opening the bids, proposals, or final replies, whichever occurs earlier. When multiple solicitations have been scheduled to open at the same date and time, the City will open solicitations that have interested individuals present in sequential order by solicitation number. Any submittal received after the closing date and time will be clocked in, but not considered. All submittals must be in writing. The City will not accept submittals received by fax or email.

2.9 Proposer's Understanding of the ITN

Prior to responding to the solicitation, proposers are responsible for the following: (a) examining the solicitation thoroughly; (b) considering federal, state and local laws and regulations that may impact or affect cost, progress, performance or furnishing of the work; (c) studying and carefully correlating proposer's observations with the solicitation and; (d) notifying the Procurement Representative of all conflicts, errors or discrepancies in the solicitation.

Proposers are expected to become fully informed as to the requirements of the solicitation and failure to do so will be at their own risk. Proposers cannot expect to secure relief on the plea of error.

2.10 Applicable Laws

Proposer must be authorized to transact business in the State of Florida. All applicable laws and regulation of the State of Florida and ordinances and regulations of the City will apply to any resulting agreement.

2.11 Cone of Silence Period

Except as expressly set forth in Resolution 170116, during the Cone of Silence period as defined herein no person may lobby City Officials or employees in a particular procurement process. Violation of this provision shall result in disqualification of the party on whose behalf the lobbying occurred.

Cone of Silence period (a.k.a. Black-out period) means the period between the issue date which allows for immediate submittals to the City of Gainesville Procurement Division for an invitation for bid or the

request for proposal, or qualifications, or information, or the invitation to negotiate, as applicable, and the time the City Officials and Employee awards the contract.

Lobbying means when any natural person seeks to influence the governmental decision making, to encourage the passage, defeat, or modification of any proposal, recommendation or decision by City Officials and Employees, except as authorized by procurement documents.

2.12 Authority to Negotiate

The signer of the submittal must declare the submittal is in all respects fair and in good faith without collusion or fraud and that the signer of the submittal has the authority to bind the principal respondent.

Representatives of the proposer(s) selected to participate in oral negotiation(s) shall be first required to submit written authorization from the Contractor, CEO, CFO or Board of Directors attesting to the fact that the Contractor's lead negotiator is authorized to bind the Contractor to the terms and conditions agreed to during negotiations and as contained in the proposer's best and final offer. The provision of such authorization shall be a prerequisite to continuation in the ITN process. The City shall not enter into further contract negotiations with the selected proposer(s) after the negotiation process has been completed. If the City determines that a Contractor awarded a contract based on this ITN does not honor all aspects of the agreement reached during the negotiations in the best and final offer, the City reserves the right to immediately cancel the award, and to place the Contractor on the City's suspended proposer list.

Contractor negotiators must enter the negotiations prepared to speak on behalf of the proposer's Company. The City reserves the right to immediately terminate negotiations with any Contractor whose representatives are not empowered to, or who will not, make decisions during the negotiation session. Proposers are reminded that the City may elect not to solicit a best and final offer from any Contractor whose representative(s) have been unable or unwilling to commit to decisions reached during the verbal negotiation process.

2.13 Selection, Negotiation, Additional Information

Although the City reserves the right to negotiate with any proposer(s) to arrive at its final decision and/or to request additional information or clarification on any matter included in the proposal, it also reserves the right to select the most responsive Contractor(s) without further discussion, negotiation, or prior notice. The City may presume that *any proposal is a best-and-final offer*.

2.14 Right of Rejection

The City reserves the right to waive any informality in any Response, to reject any or all Responses in whole or in part, with or without cause, and/or to accept the Response that in its judgment will be in the best interest of the City and its citizens.

2.15 Disqualification Due to Non-Responsiveness

The City reserves the right to find that any submittal received which does not contain all of the required information, attachments, verification, forms or other information, may be considered non-responsive and therefore be disqualified for eligibility to proceed further in the ITN process.

2.16 Contract Award

- a) The City reserves the right to incorporate the successful proposer(s) response into a contract. Failure of a firm to accept this obligation may result in the cancellation of any award.
- b) The selected proposer will be required to assume responsibility for all offers made in the proposal. The City will consider the selected firm to be the sole point of contact with regard to contractual matters, including payment of any or all fees, charges, etc.
- c) Proposers will be notified as to which proposer(s) has been selected to enter into negotiations by the City Procurement Representative.
- d) This ITN may result in one or more contracts. Any award shall be contingent upon the execution of an appropriate contract.

- e) The City shall not be liable for any costs incurred prior to entering into a contract.

2.17 Term

The term of the contract will commence upon final execution and will terminate in five (5) years, with the option to extend for three (3) one year periods upon agreement of the parties.

2.18 Insurance

Contractor shall provide proof of insurance in an amount as noted below:

- A) Worker's Compensation Insurance providing coverage in compliance with Chapter 440, Florida Statutes.
- B) Public Liability Insurance (other than automobile) consisting of broad form comprehensive general liability insurance including contractual coverage \$1,000,000 per occurrence (combined single limit for bodily injury and property damage).
- C) Automobile Liability Insurance
- D) Cyber Liability \$10,000,000 per claim; Privacy Liability \$10,000,000 per claim; Multimedia/Advertising \$10,000,000 per claim; and Technology E&O \$1,000,000 aggregate including costs and expenses

The City shall be an additional insured on such Public Liability Insurance and Cyber Liability, Privacy Liability, Multimedia/Advertising, and Technology insurance, and the proposer shall provide copies of endorsements naming the City as additional insured. Proposer shall furnish the City a certificate of insurance in a form acceptable to the City for the insurance required. Such certificate or an endorsement must state that the City will be given thirty (30) days' written notice prior to cancellation or material change in coverage (but the City will accept 10 days' written notice of cancellation for non-payment). This insurance shall remain in effect throughout the term of the contract.

3 Qualifications

3.1 Minimum Qualifications

- A. Must be authorized to transact business in the State of Florida. Please submit registration from Florida Department of State, Division of Corporations.

3.1.1 Organization Minimum Qualifications

- A. Provide Company Financial Stability Report to include:
 - Bonding Capability up to \$250,000
 - Credit Rating or Financial Statements
- B. Bank Reference

3.1.2 ITN Specific Qualifications

To be considered responsible to perform the work, proposer must have the following qualifications. Please limit your responses to Yes, No, or N/A and provided ALL requested documentation.

- A. Must have no less than two (2) years' experience in providing ERP solution(s) for governmental entities and must have successfully implemented ERP solution(s) for no less than three (3) government municipalities. For details, please complete *Exhibit G*.
- B. Must be able to be supported on multiple operating systems and browsers
- C. Must be able to supply ERP products incorporating robust and verifiable security features
- D. Must provide and implement data migration services
- E. Must provide and implement interface and integration services

- F. Must provide and conduct training services
- G. The service implementer must be able to provide key implementation services on-site at the City through use of an on-site implementation team. Proposers must provide experienced and qualified professionals with in-depth knowledge of ERP product(s) and service implementation. Include profiles of the proposed implementation team(s) in Tab 3, Company Introduction.
- H. The service implementer must be a certified partner of the product manufacturer. Provide documentation in Tab 11, Certifications and Qualifications.
- I. Must support all the source codes for customization and enhancements.
- J. Must disclose any and all complaints or pending actions, legal or otherwise, against the Respondent within the last two (2) years

The City reserves the right to determine whether a Proposer has the ability, capacity, and resources necessary to perform in full any contract resulting from this ITN. The City may request from Proposers any information it deems necessary to evaluate such Proposer's qualifications and/or its capacity to deliver the products and/or services sought hereunder. The City may reject any Proposer's submittal for which such requested documentation has not been provided.

3.2 Preferences

- A. The City prefers proposers to have experience in implementing more than one product. If applicable, provide a list of implemented products and the associated entity in Tab 11, Certifications and Qualifications.
- B. The City prefers proposer to be a member of CSA (Cloud Security Alliance). Provide documentation in Tab 11, Certifications and Qualifications.
- C. The City will give preference to proposers who are able to offer 24 hours of product support, throughout all 365 days of the year.
- D. If applicable, the City prefers to have access to the source codes for customizations and enhancements.

4 Project Scope

This Scope of Work generally describes the work to be performed by the proposer. Proposer will perform all work in close coordination and cooperation with the City and with final approval from the City. The work will begin upon the direction of the City's ERP Project Manager based on a negotiated timeline and schedule included in the contract.

The proposed solution should consolidate information, link business processes and functions, and eliminate separate departmental systems in favor of a single "enterprise" solution that connects the City's financial and non-financial applications. The solution should include a user-friendly interface and embedded processes designed to tie functions together seamlessly. Proposers are encouraged to establish partnership relationships as necessary to fully provide all requirements defined in the ITN.

If a proposal that presents a partnership is selected, it is expected that the proposer will be the contracting party and a single point of contact with the City.

Responsive proposals must fully address all the requirements outlined in this section. The City encourages the proposers to submit their best solution package, as proposers will only be evaluated on the solution submitted. Proposers are encouraged to provide a simple, straightforward, and concise description of their ability to meet the City's requirements.

The scenarios listed below are acceptable by the City:

1. Product manufacturer can submit a proposal to provide their solution(s) and implementation services.
2. Product manufacturer can submit a proposal to provide their solution(s) and preferred service implementer partner.
3. Service implementer partner can submit a proposal representing themselves and respective product manufacturer.

Proposers may submit multiple proposals for evaluation; however, a separate submittal is required in order for the City to evaluate each proposal. Each submittal should be mailed separately and include all required documents.

The purpose is to accomplish the end-to-end business requirements for each of the core departments (HR, Finance, and Risk) as detailed in the exhibits referenced below:

4.1 Functional Requirements

Exhibit 1, Functional Requirements

Requirements have been gathered in the core areas and consolidated into a standard format delineating the needs for each functional area.

***Note:** the exhibit includes proposer response sheets (requirements proposer response sheet, third party information sheet). City desires to receive one package solution which may be best-of-breed with integration. If the best-of-breed solution(s) includes third party proposer, please describe that partnership, the partner organization, and how the solution(s) will be integrated in your proposal.

4.2 Technical Requirements

Proposers are requested to provide a high-level overview in response to the information requested below. If the proposal is selected to go to the next phase, the opportunity will be given to elaborate on the answers provided in the initial proposal.

Limit the response overviews to a maximum of 5 bullet points per statement (each bullet point should be limited to a maximum of 25 words)

4.2.1 Data & Security

1. Provide an overview of the data conversion/migration tools and methods.
2. Provide an overview of the data encryption provided by your proposed solution.
3. Provide an overview of the role-based security capabilities of the proposed solution.
4. Provide an overview of how the proposed solution avoids the duplication of data and maintains data quality.
5. Provide an overview of the Data Backup Strategy.

4.2.2 Compliance

1. Provide an overview of how the proposed solution complies with federal, state, and local laws and regulations.

4.2.3 User-Friendly Interface

1. Provide an overview of the user-interface in the proposed solution.
2. Provide an overview of the mobile platform in the proposed solution.
3. Provide an overview of the online help and tool capabilities in the proposed solution.
4. Provide an overview of how the solution's user interface can be personalized, specifically by end-users with limited technical knowledge.

4.2.4 Standardization

1. Provide an overview of managing forms and templates of the proposed solution.
2. Provide an overview of the workflow capabilities of the proposed solution.
3. Provide an overview of the reporting capabilities of the proposed solution.

4. Provide an overview of the time and attendance module of the proposed solution.
5. Provide an overview of the image capture and document management capabilities of the proposed solution.

4.2.5 Scalability & Performance

1. Provide an overview of any limitations meeting high availability (99.9%).
2. Provide an overview of the Disaster Recovery Plan for the proposed solution.

4.2.6 Flexibility & Extensibility

1. Provide an overview of any third-party Commercial Off-The-Shelf (COTS) package integration supported by the proposed solution.
2. Provide an overview of how the proposed solution integrates with the security of third-party applications (LDAP, Single Sign on Tools).
3. Provide an overview of the minimum hardware and software requirements for the proposed solution.
4. Provide an overview for the proposed solution roadmap for the next 5 years. Specifically addressing the following:
 - Functionality
 - Technology Platform
 - Mobility
 - Integration
 - Hosting Options

4.2.7 Solution Architecture

1. Provide an overview of the major function modules of the proposed solution and how they relate to each other.
2. Provide an overview on how internal and external integration are incorporated.
3. Provide an overview on how the proposed solution enables the upgrade of the specific modules.
4. Provide an overview of the proposed solution hosting methods.

4.2.8 Implementation

1. Provide a detailed Service Level Agreement (SLA) matrix or a sample that is applicable for this solicitation.
2. Provide an overview of the software components.
3. Provide an overview of the software deployment model; including a complete detailed timeline. .
4. Provide an approach to data mapping and data conversion.
5. Describe your methodology for documenting and developing integration between the solution and other systems (i.e., Application Program Interfaces, batch processes, etc.).
6. Describe your recommended testing methodology, approach and tools.
7. Describe your approach to training.
8. Provide an overview of resource hour estimate for both implementation team and City staff as well as estimated timeline for overall project.
9. Provide the description of the system and application architect (List all hardware/operating system/database platforms upon which the product is supported. List which industry standard benchmarks or guidelines measures are used to establish this recommendation)
10. Describe the ongoing maintenance and support level that is being proposed (refer to 3.2(C) Preferences).

4.3 Current City's Environment

4.3.1 Business Process Mapping

Business process mapping is in progress by the project functional leads and will be provided prior to award of bid.

4.3.2 Environment Assessment

Assessment of the current "as-is" environment (e.g., number of applications, infrastructure environment) is in progress by an IT Consulting firm and will be provided prior to award of bid.

4.3.3 Functional high-level Process Diagrams

Exhibit 2, Department Diagrams

Visual representation of the landscape for each core department (HR, Finance, and Risk) outlining current processes, systems, tools, and outputs.

4.3.4 High-level City's Data Volume

Exhibit 3, Data Volume

Quantified visual outlining the scalability for the core departments (HR, Finance, and Risk)

4.3.5 Infrastructure Technical Minimum Specifications

Exhibit 4, Infrastructure Technical Minimum Specification.

4.3.6 Budget

Budget planning for this initiative is ongoing, and a specific amount for the software and implementation services portion has not yet been determined.

5 Evaluation Process

The proposal will be evaluated in three (3) phases:

Phase I – The evaluation Committee will initially review and evaluate each proposal received to determine the proposer's ability to meet the requirements of the City. The evaluation criteria described below will be the basis for evaluation. The evaluation Committee will determine the proposers best suited to meet the needs of the City based on the scoring of the evaluation criteria. The top ranked proposers will receive an invitation for oral presentations.

Phase II – Oral presentations will allow proposers to elaborate more on what they originally proposed. Orals will then be evaluated and ranked. The evaluation Committee will determine which product/service implementers will be invited to give product demonstrations to City employees.

Phase III – The City, at its sole discretion, reserves the right to request system demonstrations with the top ranked proposers. The demonstrations will be helpful in determining which product(s) best meets the City's needs. The City will request demonstrations on specific scenarios which will accompany the invitation. City staff will have an opportunity to ask questions. City staff will provide informal feedback to the evaluation Committee. The Committee will then have a final discussion to help determine which proposers they would like negotiate with. The City reserves the right to conduct negotiations with one or more proposers.

5.1 Evaluation Criteria

The criteria to be used for the proposal evaluation (listed in order of importance) include but are not limited to:

- Functional Requirements (Section 4.1)
- Technical Qualifications/References (Section 4.2)

Price is a concern, but will not be an evaluating factor.

6 Proposal Format

6.1 Proposal Format

The original submittal and all copies should be on 8-½ x 11 paper, double-sided, bound, using tabs that will facilitate the distribution and evaluation of the proposals. Submittals should be printed when possible on paper containing a high level of post-consumer recycled content. Submittals should conform to the tabbed format below. Exhibit 1, Functional Requirements and Exhibit 5, Pricing Form may be printed on legal size paper.

6.2 Response Organization

- A) Submit one (1) original (as indicated on the cover of the original document) and nine (9) copies (indicated on the cover of the document) of the proposer’s submittal in hard copy form. Submit one (1) copy of the original submittal on PC compatible media (USB flash drive), preferably in .pdf and/or Excel®. The original submittal must contain the original manual signature of the authorized person signing the submittal, and must be included in the electronic copy of the submittal.
- B) The outer container of the sealed submittal must display clearly and conspicuously the following identifying information: ITN number, ITN name and due date, and Contractor Name and Contact Information.
- C) The submittal must include the information described, tabbed and numbered as shown below, with all information appearing in the Tab in which it was requested.
- D) Submittals must be signed by an officer of the proposer who is legally authorized to negotiate and to enter into a contractual relationship in the name of the proposer, and proposer(s) must affix their Company’s corporate seal to the proposal.
- E) If there is any information or required submittals which due to size or binding cannot be incorporated following the proper tab, the Respondent must provide information following the numbered tab, telling the evaluator where the information can be found in the submittal.
- F) Tabular/Paginated Format:

Tab No.	Section Name	ITN Reference Section
Tab 1	Cover Page	Appendix -1
Tab 2	Table of content	
Tab 3	Company Introduction	
Tab 4	Executive Summary – 2 pages	
Tab 5	Organizational Min Qualification	Section 3.1.1
Tab 6	Qualifications – ITN Specific Min Qualification	Section 3.1.2
Tab 7	Project Scope – Functional Requirements	Section 4.1 – Exhibit 1
Tab 8	Project Scope – Technical Requirements	Section 4.2
Tab 9	Project Scope – Pricing	Exhibit 5
Tab 10	Purchasing Forms	
Tab 11	Certifications and Qualifications	Section 3

Tab 1: Cover Page – see Appendix 1

- Tab 2: Table of Contents
- Tab 3: Company Introduction
- a) Provide a brief introduction to the Company, its history, and its areas of specialization.
 - b) Provide contact name(s), titles, resumes of the proposed team member(s). Include an organizational chart beginning with your Company's management team through CEO of your Company.
 - c) Provide information about experience with similar current or former projects, including but not limited to Florida. Provide current and former client reference names and key contact information. This list must include the name, address, telephone, and email address of the client contract administrator. Detail which specific area your strengths were with each listed reference. Disclose any conflicts of interest or limitations that may exist should the Company be selected to provide services to the City.
- Tab 4: Executive Summary
- Tab 5: Organizational Minimum Qualifications - see Section 3.1.1
- Tab 6: ITN Specific Minimum Qualifications – see Section 3.1.2
Provide any additional information that should be considered in this evaluation. The Respondent may present creative approaches that would be pertinent to this ITN.
- Tab 7: Functional Requirements – Please attach Exhibit 1. Please include this Excel document on your electronic format version (unlocked).
- Tab 8: Technical Requirements – see Section 4.2
- Tab 9: Pricing (Exhibit 5). Please include this Excel document on your electronic format version (unlocked).
- Tab 10: Purchasing Forms – attach all other completed purchasing forms
- Tab 11: Certifications and Qualifications – see section 3

6.3 Response Submission and Evaluation Process

A respondent who is aggrieved in connection with the specifications of this solicitation may protest in writing to the Procurement Representative within five (5) business days of the issuance of the solicitation.

6.4 Confidential and/or Exempt Information

6.41 Florida's Public Records Law

All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, formatting, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by the agency, are public records. (Section 119.011(12), Florida Statutes). Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records. (Section 119.07(1)(a), Florida Statutes). Accordingly, all responses to bids, and the documentation and materials attached to bids or provided to the City in connection with a

bid are considered to be available for public inspection and copying unless the public record is confidential and/or exempt.

6.42 How to Designate Information as Confidential and/or Exempt

If a proposer believes that its response contains information that is confidential and/or exempt (as defined by Florida or Federal law) and should be withheld from disclosure to the public, in such cases the proposer must:

1. Provide a **redacted** hard copy of its response which will be available for public inspection.
2. Provide an electronic copy of the **redacted** document in a pdf format (CD or flash drive).
3. Provide one (1) original and nine (9) **unredacted** copies of the proposal in a separate envelope, with the confidential and/or exempt information highlighted in yellow.
4. On the outside of the envelope containing the **unredacted** document, provide a general description of the information proposer has designated as confidential and/or exempt, and provide a reference to the appropriate Florida or Federal statute supporting the confidential and/or exempt classification.

6.43 How the City will Handle Material Identified as Confidential and/or Exempt

The City's evaluators will be provided with the complete proposal, including any confidential and/or exempt information. The City evaluators will maintain the confidentiality of the information through the evaluation process, including any recorded evaluation Committee meetings. In the event a public record request is made to view the information which proposer claims is confidential and/or exempt, the City will notify the proposer and give the proposer a reasonable opportunity (generally 2 business days) to institute appropriate legal action to prevent the disclosure of the information claimed as confidential and/or exempt.

All public records submitted to the City, including those claimed as confidential and/or exempt, will be retained by the City and will not be returned to a proposer at the conclusion of the bidding process.

6.44 City's Position Regarding Claims of Confidential and/or Exempt Information

The City offers no opinion as to whether a proposer's reference to any Florida or Federal statute is correct and/or accurate. The City does not warrant or guarantee that any information designated by a proposer as confidential and/or exempt from disclosure conforms to the requirements of Florida or Federal law.

6.45 Proposer to Defend, Indemnify, and Hold City Harmless in the Event of a Public Records Request

Proposer should be aware that the designation of information as confidential and/or exempt may be challenged in court by any person or entity. By designating information as confidential and/or exempt, the proposer agrees to defend the City, its employees, agents and elected and appointed officials ("Indemnified Parties") against all claims and actions (whether or not a lawsuit is commenced) related to a proposer's designation of information as confidential and/or exempt, and to hold harmless the Indemnified Parties for any award to a plaintiff for damages, costs and attorneys' fees, and for costs and attorneys' fees (including those of the City Attorney's office) incurred by the City by reason of any claim or action arising out of or related to a proposer's designation of information as confidential and/or exempt.

6.46 Waiver of Claim of Confidential and/or Exempt

Failure to comply with the requirements above shall be deemed a waiver by a proposer to claim that the information in its proposal is confidential and/or exempt.

7 Certifications and Forms

7.1 Certification of Proposal

Explanation: This certification attests to the proposer's awareness of, and agreement to the content of this ITN and all accompanying provisions contained herein.

Action: Proposer is to ensure that the following certificate is duly completed and correctly executed by an authorized officer of your Company.

This proposal is submitted in response to Invitation to Negotiate CMGR-180083-MS issued by the City of Gainesville. The undersigned, as a duly authorized officer, hereby certifies that

(Respondent Company Name-Legal and d/b/a Name of Responding Entity)

Respondent Company Address

Respondent's License Number (if applicable)

agrees to be bound by the content of this proposal and agrees to comply with the terms, conditions and provisions of the referenced Invitation to Negotiate (ITN) and any addenda thereto in the event of an award. Exceptions are to be noted as stated in the ITN. The proposal shall remain in effect for a period of one hundred sixty (160) calendar days as of the Due Date for responses to the ITN.

The undersigned certifies that to the best of his/her knowledge: (check one of the below and provide information if required)

There is no Commissioner or employee of the City of Gainesville who has, or whose Relative has, an Interest in the entity or entities making this proposal.

There are Commissioner(s) and/or employee(s) of the City of Gainesville who have, and/or whose Relative(s) have, an Interest in the entity or entities making this proposal. Describe the nature of the interest held by each trustee, employee, or Relative of the trustee or employee (for example, grandson of Employee X owns the Company or spouse of Employee Y is a director of the Company).

“Interest” for purposes of this disclosure includes the following: director, trustee, officer, or employee of an entity, any contract with an entity (including consulting), or any partner, proprietor, stock, equity, or other ownership interest in an entity.

“Relative” for the purpose of this disclosure is an individual who is related to the trustee or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the trustee or employee or who otherwise holds himself or herself out as or is generally known as the person whom the trustee or employee intends to marry or with whom the trustee or employee intends to form a household, or any other natural person having the same legal residence as the trustee or employee”

The undersigned further certifies that their firm (check one) **IS** or **IS NOT** currently debarred, suspended, or proposed for debarment by any federal entity. The undersigned agrees to notify the City of any change in this status, should one occur, until such time as an award has been made under this procurement action.

Person(s) authorized to negotiate in good faith on behalf of this firm for purposes of this Invitation to Negotiate are:

Name: _____ Title: _____

Signature: _____ Date: _____

Email: _____

Name: _____ Title: _____

Signature: _____ Date: _____

Date: _____

Signature of Authorized Officer

Email: _____

Printed Name

7.2 Addenda

The Bidder hereby acknowledges receipt of Addenda Nos. _____, _____, _____, _____, _____, to these Specifications.

7.3 Taxes

The Bidder agrees that any applicable Federal, State and Local sales and use taxes, which are to be paid by City of Gainesville, are included in the stated bid prices. Since the City of Gainesville is generally exempt from taxes for equipment, materials and services, it is the responsibility of the Contractor to determine whether sales taxes are applicable. The Contractor is liable for any applicable taxes which are not included in the stated bid prices.

Note: THE CITY RESERVES THE RIGHT TO ADD OR DELETE LOCATIONS, SERVICES, ITEMS, MATERIALS OR ANY OTHER ASPECTS OF CONSIDERATION FROM THIS CONTRACT SHOULD IT BE IN THE BEST INTEREST OF THE CITY. THE CONTRACT PRICE WILL BE ADJUSTED ACCORDINGLY UPON MUTUAL NEGOTIATION AND AGREEMENT OF THE CONTRACTOR AND THE CITY'S REPRESENTATIVE.

7.4 Local Preference (check one)

Local Preference requested: YES NO

A copy of your Business tax receipt and Zoning Compliance Permit should be submitted with your bid if a local preference is requested. (see Exhibit C)

7.5 Qualified Local Small and/or Disabled veteran Business Status (check one)

Is your business qualified as a Local Small Business in accordance with the City of Gainesville Small Business Procurement Program? (see attached Exhibit A) YES NO

Is your business qualified as a Local Service-Disabled Veteran Business in accordance with the City of Gainesville Small and Service-Disabled Veteran Business Procurement Program? (see attached Exhibit A) YES NO

SIGNATURE ACKNOWLEDGES THAT: (check one)

- Bid is in full compliance with the Specifications.
- Bid is in full compliance with specifications except as specifically stated and attached hereto.

Signature also acknowledges that Bidder has read the current City of Gainesville Debarment/Suspension/Termination Procedures and agrees that the provisions thereof shall apply to this bid.

(CORPORATE SEAL)

ATTEST:

BIDDER:

Signature

Signature

By: _____

By: _____

Title: _____

Title: _____

Exhibit A – LOCAL SMALL AND SERVICE-DISABLED VETERAN BUSINESS PROGRAM

It is the policy of the City of Gainesville that Local Small Businesses shall have the maximum opportunity to participate in the performance of all aspects of contracting and subcontracting opportunities for the City of Gainesville. In this regard, the City of Gainesville and its contractors will take all necessary and reasonable steps to ensure that Local Small Businesses have the maximum opportunity to compete for and perform such contracts/subcontracts and provide materials for such contracts/subcontracts.

Except as provided below, evaluation of a bid/proposal may result in bid/proposal being rejected for failure to comply with the following conditions. Upon contract award, failure of any Bidder/Respondent to comply with these conditions/requirements which seek to maximize the use of Local Small Businesses shall constitute a breach of a contract award. Upon such breach, the City of Gainesville may at its option, terminate the contract and/or pursue any and all other appropriate remedies available under the contract or otherwise under applicable law.

Contract Award Conditions:

Contract award will be conditioned on meeting the requirements of this section. The City of Gainesville requires the following:

1. Submission by the Bidder/Respondent of the completed “Tabulation of Subcontractors” form (Exhibit 9) with the bid/proposal;
2. The names and addresses of all Subcontractors. Clearly designate which Subcontractors are Local Small Businesses that will participate in the contract;
3. A description of the Work and/or Materials that each Local Small Businesses will perform or supply;
4. The dollar amount or percentage of the Work and/or Materials that each Local Small Business will provide on the project.
5. If the actual participation of Local Small Business in the apparently successful bid/proposal is not maximized, as determined by the Local Small Business Procurement Program Coordinator, such bidder/respondent shall submit documentation of all Good Faith Efforts (successful and unsuccessful) that were engaged in, prior to bid or proposal submission, to maximize the use of Local Small Businesses on this project. Efforts undertaken after proposal submissions are not relevant to the decision to award.

Good Faith Efforts:

A condition of contract award is that the contract award be made only to the Bidder/Respondent (including Local Small Business Bidders/Respondents) who maximize the utilization of Local Small Business subcontractors or who makes Good Faith Efforts to maximize the use of Local Small Business Subcontractors. The City of Gainesville will determine whether a Bidder/Respondent has made Good Faith Efforts if the Bidder/Respondent does the following:

If the Bidder/Respondent does not maximize the participation of Local Small Businesses on this project, the Bidder/Respondent must provide all documentation which by its scope, quality, quantity and intensity

of the different kinds of efforts the Bidder/Respondent made to maximize participation can be confirmed and be evaluated. The documentation should be provided both as to those efforts wherein the Bidder/Respondent was successful in obtaining participation and those where it was not. In the latter case, the documentation should further indicate the reason for lack of success, i.e. Subcontractor's bid too high, Subcontractor who bids is apparently not qualified to perform the particular services, no bids received, etc.

Mere pro forma efforts are not Good Faith Efforts to meet the Local Small Business requirements. The Bidder/Respondent will be required to submit written documentation of Good Faith Efforts when the participation on this project is not maximized, if they wish to be awarded the contract.

The City of Gainesville will consider the following list of types of actions as a part of the Bidder's/Respondent's Good Faith Efforts to obtain Local Small Business Subcontractor participation. It is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.

1. Soliciting through all reasonable and available means (e.g. attendance at pre-bid meetings, advertising and/or written notices) the interest of all Local Small Business who have the capability to perform the Work or provide Materials needed to complete the project. The Bidder/Respondent must solicit this interest within sufficient time to allow them to respond to the solicitation. The Bidder/Respondent must determine with certainty if they are interested by taking appropriate steps to follow-up the initial solicitations.
2. Selecting portions of the Work to be performed or portions of the Materials to be provided by Local Small Businesses in order to increase the likelihood that participation is maximized. This includes, where appropriate, breaking out contract Work items or Material items into economically feasible units to facilitate participation, even when the prime contractor might otherwise prefer to perform these Work items or provide these Material items with its own forces.
3. Providing interested Local Small Businesses with adequate information about the plans, specifications and requirements of the contract in a timely manner to assist them in responding to a solicitation.
4. (a) Negotiating in good faith with interested Local Small Businesses. It is the Bidder's/Respondent's responsibility to make a portion of the Work or Materials available to the Subcontractors and to select those portions of the Work or Material needed consistent with the available Local Small Business Subcontractors, so as to facilitate participation. Evidence of such negotiation includes the names, addresses and telephone numbers of Local Small Businesses that were considered; a description of the information provided regarding the plans and specifications for the Work or Materials selected for subcontracting; and evidence as to why additional agreements could not be reached to perform the Work or provide the Materials.

(b) A Bidder/Respondent using good business judgment would consider a number of factors in negotiating with Subcontractors, and would take a firm's price and capabilities into consideration. However, the fact that there may be some additional costs involved in finding and using Local Small Businesses is not in itself sufficient reason for a Bidder/Respondent's failure to seek to maximize the use of them as long as such costs are reasonable and/or may be offset by other less tangible benefits. Also, the availability or desire of a Bidder/Respondent, including a Local Small Business Bidder/Respondent to perform the Work or provide the Materials of a contract with its own organization does not relieve the Bidder/Respondent the responsibility to make Good Faith Efforts and

maximize utilization of other Local Small Businesses. Bidder/Respondents are not, however, required to accept higher quotes from Local Small Businesses if the price difference is excessive or unreasonable or they are not qualified to perform the Work. These decisions should, however, be supportable and documented as part of the required Good Faith Efforts.

5. Making efforts to assist interested Local Small Businesses in obtaining bonding, lines of credit, or insurance as required by the City of Gainesville or Bidder/Respondent.
6. Making efforts to assist interested Local Small Businesses in obtaining necessary equipment, supplies, Materials, or related assistance and services.
7. Effectively using the services of available small and minority business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of Local Small Businesses.

In determining whether a Bidder/Respondent has maximized participation, the City of Gainesville will take into account the performance of other Bidders/Respondents in meeting this requirement of the bid/proposal and historical participation by Local Small Businesses involving similar Work or Materials. For example, when the apparent successful Bidder/Respondent fails to obtain or fails to maximize Local Small Business participation, but others Bidders/Respondents obtained and/or maximized such participation, the City of Gainesville will reasonably raise questions whether, with additional reasonable efforts, the apparent successful Bidder/Respondent could have obtained and/or maximized participation. As indicated, a reasonable level of participation (maximization) may not be apparent until after bids/proposals are opened and participation of various bidders compared. Therefore, it is recommended that in all cases, all pre-submittal Good Faith Efforts be documented, and retained in the event that such are required to be submitted for review/verification.

Even if a Bidder/Respondent is a Local Small Business, maximizing the utilization of other Local Small Businesses is still required.

Local Small Businesses Terminations/Substitutions:

A Bidder/Respondent shall not terminate for convenience a Local Small Business Subcontractor and then perform the Work or provide the Materials of the terminated Subcontractor within its own forces or those of an affiliate without the prior consent of the City of Gainesville.

When a Local Small Business Subcontractor is terminated or fails to complete its Work or fails to provide the Materials on the contract for any reason, the prime contractor shall make Good Faith Efforts to find another Local Small Business subcontractor to substitute for the original Local Small Business. These Good Faith Efforts shall be directed at finding another Local Small Business to perform at least the same amount of Work or provide the same amount of Materials under the contract as the business that was terminated to the extent needed to meet the contract goal or commitment.

The City of Gainesville shall have the right to consider price, quality, past performance including meeting Small Business Procurement Program commitments, time required for performance and qualifications of the Bidder/Respondent in making the award.

Equal Opportunity Assurance:

The Respondent, sub recipient, or Subcontractor shall not discriminate on the basis of race, color, religion, gender, national origin, marital status, sexual orientation, age, disability, and gender identity in the performance of this contract. Failure by the Respondent to carry out these requirements is a material breach of his contract, which may result in termination of this contract or such other remedy as the recipient deems appropriate.

The Respondent shall include this assurance in each subcontract it signs with a Subcontractor or Material Supplier.

Protest of Rejected Bid/Proposal – Administrative Reconsideration

1. The Local Small Business Procurement Program Coordinator shall review bids and proposals to evaluate whether said bids or proposals comply with the above stated requirements. In the event that a bid or proposal is rejected for failure to comply with the stated requirements, the affected bidder or respondent may obtain reconsideration of such determination by filing a Protest/Request for Reconsideration.
2. In the reconsideration, the Bidder/Respondent has the opportunity to demonstrate how the Bid/Proposal met the requirements of the Program. The Request for Reconsideration shall be submitted to the Small Business Procurement Program Office within five (5) working days after receipt of notice of rejection. The Request for Reconsideration shall address the issues of whether the Bidder/Respondent maximized Local Small Business participation or made adequate good faith efforts to maximize the participation of local small business participation and shall include documentation associated with these factors.
3. The decision on reconsideration will be made by the Executive Chief of Staff.
4. The Bidder/Respondent may have the opportunity to meet in person with the Executive Chief of Staff to discuss the issue of whether it met the criteria outlined above (see Item 2).
5. The Bidder/Respondent will be sent a written decision on reconsideration, explaining the basis for finding that the Bidder/Respondent did or did not meet the criteria above. (see Item 2).
6. All the arguments, documentation, and evidence, which is relevant to the Request for Reconsideration must be submitted by the Bidder/Respondent to the Executive Chief of Staff at least three (3) working days prior to the meeting described in Item 4 above or, if no meeting is held, three (3) days prior to the anticipated date of the decision on reconsideration. Absent fraud or mistake not attributable to the Bidder/Respondent, evidence of efforts undertaken subsequent to submission of the bid/proposal will not be considered. If no additional evidence or documentation is submitted by the Bidder/Respondent in accordance with the above, only the documents currently on file with the Procurement Division will be reviewed at the meeting.

Exhibit B - QUALIFIED LOCAL SMALL BUSINESS UNAVAILABILITY FORM

This form will assist you in meeting your Good Faith Efforts requirements. *Please TYPE or PRINT legibly. Use additional sheets as necessary.*

***Note:** Keep all relevant documentation that verifies opportunities were provided to Qualified Local Small Businesses. If it is not evident that your firm made Good Faith Efforts to maximize the Qualified Local Small Businesses, you will be asked to submit documentation.

BUSINESS RESPONSES: **1** -Did not bid in response to the invitation; **2** -Submitted a bid which was not the low responsible bid; **3** - Please specify other.

Qualified Local Small Business Name	Business Phone Number	Description of Work/Material Sought	Response of Business (1, 2 or 3)	Notes:

The undersigned representative of the prime contractor confirms that the above Qualified Local Small Businesses were invited to participate as subcontractors and/or materials suppliers in the prime contractor's the bid/proposal for the City of Gainesville. Bidding/Proposing Company:

_____ Form Completed By: _____ Title:
 _____ Signature: _____ Date:

CITY OF GAINESVILLE

Exhibit C - ARTICLE X. LOCAL PREFERENCE POLICY*

***Editor's note:** Section 9 of Ord. No. 001261 states: "This ordinance shall become effective October 1, 2004, and shall be reviewed by the City Commission October 1, 2005, and unless extended by action of the City Commission, shall be deemed repealed effective March 31, 2006, provided that it shall remain applicable to new contracts solicited prior to repeal."

Sec. 2-620. Findings of fact.

The City annually spends significant amounts on purchasing personal property, materials, and contractual services and in constructing improvements to real property or to existing structures. The dollars used in making those purchases are derived, in large part, from taxes, fees, and utility revenues derived from local businesses in the corporate city limits of Gainesville, and the city commission has determined that funds generated in the community should, to the extent possible, be placed back into the local economy. Therefore, the city commission has determined that it is in the best interest of the City to give a preference to local businesses in the corporate city limits of Gainesville in making such purchases whenever the application of such a preference is reasonable in light of the dollar-value of proposals received in relation to such expenditures.

(Ord. No. 001261, § 1, 3-29-04)

Sec. 2-621. Definition.

"Local business" means the vendor has a valid business tax receipt, issued by the City of Gainesville at least six months prior to bid or proposal opening date, to do business in said locality that authorizes the business to provide the goods, services, or construction to be purchased, and a physical business address located within the limits of said locality, in an area zoned for the conduct of such business, from which the vendor operates or performs business on a day-to-day basis. Post office boxes are not verifiable and shall not be used for the purpose of establishing said physical address. In order to be eligible for local preference, the vendor must provide a copy of the business tax receipt.

(Ord. No. 001261, § 2, 3-29-04)

Sec. 2-622. Local preference in purchasing and contracting.

In bidding of, or letting contracts for procurement of, supplies, materials, equipment and services, as described in the Procurement policies, the city commission, or other purchasing authority, may give a preference to local businesses in making such purchase or awarding such contract in an amount not to exceed five percent of the local business' total bid price, as described below, and in any event the cost differential should not exceed \$25,000.00. Total bid price shall include not only the base bid price but also all alterations to that base bid price resulting from alternates which were both part of the bid and actually purchased or awarded by the city commission or other authority. In the case of requests for proposals, letters of interest, best evaluated bids, qualifications or other solicitations and competitive negotiation and selection in which objective factors are used to evaluate the responses, local businesses are assigned five percent of the total points of the total evaluation points.

(Ord. No. 001261, § 3, 3-29-04)

Sec. 2-623. Exceptions to local preference policy.

The preference set forth in this Article X shall not apply to any of the following purchases or contracts:

- (1) Good or services provided under a cooperative purchasing agreement;

- (2) Contracts for professional services procurement of which is subject to the Consultants' Competitive Negotiation Act (F.S. § 287.055) or subject to any competitive consultant selection policy or procedure adopted or utilized by the city commission or charter officer;
- (3) Purchases or contracts which are funded, in whole or in part, by a governmental entity and the laws, regulations, or policies governing such funding prohibit application of that preference; or
- (4) Purchases made or contracts let under emergency or noncompetitive situations, or for litigation related legal services, etc., as such are described in the City's Procurement policies;
- (5) Purchases with an estimated cost of \$50,000.00 or less;
- (6) Application of local preference to a particular purchase, contract, or category of contracts for which the city commission is the awarding authority may be waived upon written justification and recommendation of the charter officer and approval of the city commission. The preferences established herein in no way prohibit the right of the city commission or other purchasing authority to compare quality or fitness for use of supplies, materials, equipment and services proposed for purchase and compare qualifications, character, responsibility and fitness of all persons, firms, or corporations submitting bids or proposals. Further, the preferences established herein in no way prohibit the right of the city commission or other purchasing authority from giving any other preference permitted by law in addition to the preference authorized herein.

(Ord. No. 001261, § 4, 3-29-04)

Sec. 2-624. Application, enforcement.

The local preference shall apply to new contracts for supplies, materials, equipment and services first solicited after October 1, 2004. This article shall be implemented in a fashion consistent with otherwise applicable City Procurement policies and procedures.

(Ord. No. 001261, § 5, 3-29-04)

CITY OF GAINESVILLE

Exhibit D - DRUG FREE WORKPLACE FORM

The undersigned vendor in accordance with Florida Statute 287.087 hereby certifies that

_____ does:

(Name of Business)

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).
4. In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty of nolo contendere to, any violation of Chapter 893, Florida Statutes, or of any controlled substance law of the United State or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
5. Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify that this firm complies fully with the above requirements.

Respondent's Signature

Date

CITY OF GAINESVILLE

Exhibit E - AFFIDAVIT OF NON-COLLUSION

I hereby swear (or affirm) under the penalty of perjury:

- (1) That I am the respondent (if the respondent is an individual), a partner of the respondent (if the respondent is a partnership), or an officer or employee of the bidding corporation with authority to sign on its behalf (if the respondent is a corporation);
- (2) That the attached proposal or proposals have been arrived at by the respondent independently, and have been submitted without collusion with, and without any agreement, understanding, or planned common course of action with any other vendor of materials, supplies, equipment, or services described in the invitation to bid, designed to limit independent bidding or competition.
- (3) That the contents of the bid or bids have not been communicated by the respondent or its employees or agents to any person not an employee or agent of the respondent or its surety on any bond furnished with the bid or bids; and
- (4) That I have fully informed myself regarding the accuracy of the statements made in this affidavit.

Signed: _____

Firm Name: _____

Subscribed and sworn to before me this _____ day of _____ 20_____

Notary Public

My Commission expires _____, 20_____.

Respondent's E.I. Number: _____

(Number used on Employer's Quarterly Federal tax return)

Exhibit F - DEBARRED AND SUSPENDED RESPONDENTS

Breach of Contract

1. Scope.

This policy prescribes policies and procedures relating to:

- (a) the debarment of respondents for cause;
- (b) the suspension of respondents for cause under prescribed conditions;
and,
- (c) the rejection of bids, revocation of acceptance and termination of contracts for cause.

It is directly applicable to the advertised and negotiated purchases and contracts, for equipment and services of the City.

2. General.

Debarment and suspension are measures which may be invoked by the City either to exclude or to disqualify respondents and contractors from participation in City contracting or subcontracting. These measures should be used for the purpose of protecting the interests of the City and not for punishment. To assure the City the benefits to be derived from the full and free competition of interested respondents, these measures should not be instituted for any time longer than deemed necessary to protect the interests of the City, and should preclude awards only for the probably duration of the period of non-responsibility.

2.1 Definitions.

- (a) "Debarment" means, in general, an exclusion from City contracting and subcontracting for a reasonable, specified period of time commensurate with the seriousness of the offense, improper conduct or the inadequacy of performance.
- (b) "Suspension" means a disqualification from City contracting and subcontracting for a temporary period of time because a concern or individual is suspected upon adequate evidence (See Section 6) of engaging in criminal, fraudulent, improper conduct or inadequate performance.
- (c) A "debarment list" or "debarred bidders list" means a list of names of concerns or individuals against whom any or all of the measures referred to in this policy have been invoked.
- (d) "Bidders" means, wherever the term is used in this policy, an offerors bidding pursuant to an invitation for bids or a request for proposals.
- (e) "Affiliates" means business concerns which are affiliates of each other when either directly or indirectly one concern or individual controls or has the power to control another, or when a third party controls or has the power to control both.

(f) "Business operations" means commercial or industrial activity engaged in regularly and continuously over a period of time for the purpose of receiving pecuniary benefit or otherwise accomplishing an objective. "Business operations" constitute and are equivalent to "carrying on business", "engaged in business", "doing business".

3. Establishment and Maintenance of a List of Concerns or Individuals Debarred or Suspended.

(a) The Procurement Department shall establish and maintain on the basis contained in Sections 6 and 6.1, a consolidated list of concerns and individuals to whom contracts will not be awarded and from whom bids or proposals will not be solicited.

(b) The list shall show as a minimum the following information:

- (1) the names of those concerns or individuals debarred or suspended (in alphabetical order) with appropriate cross-reference where more than one name is involved in a single action;
- (2) the basis of authority for each action;
- (3) the extent of restrictions imposed; and,
- (4) the termination date for each debarred or suspended listing.

(c) The list shall be kept current by issuance of notices of additions and deletions.

4. Treatment to be Accorded Firms or Individuals Debarred or Suspended

Firms or individuals listed by the Purchasing Department as debarred or suspended shall be treated as follows.

(a) Total restrictions. A contract shall not be awarded to a concern or individual that is listed on the basis of a Section 5(a)(1), (2) or (3) felony "conviction", or to any concern, corporation, partnership, or association in which the listed concern or individual has actual control or a material interest; nor shall bids or proposals be solicited therefrom. However, when it is determined essential in the public interest by the City Commission, an exception may be made with respect to a particular procurement action where the individual or concern is effectively the sole source of supply or it is an emergency purchase.

(b) Restrictions on subcontracting. If a concern or individual listed on the debarred and suspended bidders list is proposed as a subcontractor, the Purchasing Department shall decline to approve subcontracting with that firm or individual in any instance in which consent is required of the City before the subcontract is made, unless it is determined by the City to grant approval City Commission essential to public interest and the individual or concern is effectively the sole source of supply or it is an emergency purchase.

5. Causes and Conditions Applicable to Determination of Debarment.

Subject to the following conditions, the Department of Management and Financial Services is authorized to debar a firm or individual in the public interest for any of the following causes occurring with ten (10) years of debarment.

(a) Causes

- (1) "Conviction" for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract, or subcontract thereunder, or in the performance of such contract or subcontract.
 - (2) "Convictions" of embezzlement, theft, forgery, issuance of worthless checks, bribery, falsification or destruction of records, perjury, or receiving stolen property where the conviction is based upon conduct which arose out of, or was related to, business operations of the respondent.
 - (3) "Conviction" for bid-rigging activities arising out of the submission of bids or proposals.
 - (4) Violation of contract provisions, as set forth below, of a character which is regarded by the City to be so serious as to justify debarment action:
 - (i) willful failure to perform in accordance with the specifications or within the time limit provided in the contract;
 - (ii) a record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts. Failure to perform or unsatisfactory performance caused by acts beyond the control of the firm or individual as a Vendor shall not be considered to be a basis for debarment.
 - (5) Debarment by any other governmental agency.
- (b) Conditions.
- (1) Debarment for any of the causes set forth in this section shall be made only upon approval of the Department of Management and Financial Services.
 - (2) The existence of any of the causes set forth in (a) of this section does not necessarily require that a firm or individual be debarred except as provided in 4(a). In each instance, whether the offense or failure, or inadequacy of performance, be of criminal, fraudulent, or serious nature, the decision to debar shall only be made if supported by a preponderance of the credible evidence available. Likewise, all mitigating factors may be considered in determining the seriousness of the offense, failure, or inadequacy of performance, in deciding whether debarment is warranted. The actual or apparent authority of an involved individual, the present relationship of involved individuals with the respondent, the past performance of the individual or concern, and the relationship of the violation to the services or materials involved shall be considered.
 - (3) The existence of a cause set forth in (a)(1), (2), and (3) of this section shall be established by criminal "conviction" by a court of competent jurisdiction. In the event that an appeal taken from such conviction results in reversal of the "conviction", the debarment shall be removed upon the request of the respondent (unless other causes for debarment exists). for the purposes of this policy, the following shall have the same effect as a "conviction": pleading guilty or nolo contendere, or being found guilty by a jury or court of, the offense in question, regardless of whether probation is imposed and adjudication withheld.

- (4) The existence of a cause set forth in (a)(4) and (5) of this section shall be established by a preponderance of credible evidence by the Department of Management and Financial Services.
- (5) Debarment for the cause set forth in (a)(5) of this section (debarment by another agency) shall be proper if one of the causes for debarment set forth in (a)(1) through (4) of this section was the basis for debarment by the original debarring agency. Such debarment may be based entirely on the record of facts obtained by the original debarring agency, or upon a combination of such facts and additional facts.

5.1 Period of Debarment.

- (a) Debarment of a firm or individual shall be for a reasonable, definitely stated period of time commensurate with the seriousness of the offense or the failure or inadequacy or performance. As a general rule, a period of debarment shall not exceed five (5) years. However, when partial or total debarment for an additional period is deemed necessary, notice of the proposed additional debarment shall be furnished to that concern or individual in accordance with Section 8.
- (b) A debarment may be removed or the period thereof may be reduced by the City Manager upon the submission of an application supported by documentary evidence, setting forth appropriate grounds for the granting of relief; such as newly discovered material evidence, reversal of a conviction, bona fide change of ownership or management, or the elimination of the causes for which the debarment was imposed. The City Manager may request additional information, shall consider all relevant facts, and shall render a decision within twenty (20) days of receipt of the application unless a longer period is warranted under the circumstances.

6. Suspension of Respondents.

- (a) Suspension is a drastic action and, as such, shall not be based upon an unsupported accusation. In assessing whether evidence exists for invoking a suspension, consideration should be given to the amount of credible evidence which is available, to the existence or absence of corroboration as to important allegations, as well as to the inferences which may properly be drawn from the existence or absence of affirmative facts. This assessment should include an examination of basic documents, such as contracts, inspection reports, and correspondence. In making a determination to suspend, the Department of Management and Financial Services shall consider the factors set forth in Section 5(b)(2). A suspension may be modified by the City Manager as described in Section 5.1(b).

6.1 Causes and Conditions Under Which the City May Suspend Contractors

- (a) The Department of Management and Financial Services may, in the interest of the City, suspend a firm or individual when the firm or individual is suspected, upon credible evidence, of having committed one or more the following act(s) within three (3) years of the date of suspension:
 - (1) Commission of fraud or a criminal offense as an incident to obtaining, attempting to obtain, or in the performance of a public contract;
 - (2) Violation of statutes concerning bid-rigging activities out of the submission of bids and proposals; and,

- (3) Commission of embezzlement, theft, forgery, issuance of worthless checks, bribery, falsification, or destruction of records, perjury, receiving stolen property. Commission of any other offense indicating a lack of business integrity or business honesty which seriously and directly affects the question of present responsibility as a City contractor.

6.2 Period of Suspension.

- (a) All suspension shall be for temporary period pending the completion of an investigation and such legal proceedings as may ensue. In the event that prosecution has not been initiated within twelve (12) months from the date of the suspension, the suspension shall be terminated. Upon removal of suspension, consideration may be given to debarment in accordance with Section 5 of this policy.

7. Scope of Debarment or Suspension.

- (a) A debarment or suspension may include all known affiliates of a concern or individual.
- (b) Each decision to include a known affiliate within the scope of a proposed debarment or suspension is to be made on a case-by-case basis, after giving due regard to actual or apparent authority of the controlling concern or individual and similarity of the services provided by the affiliate to those provided by the debarred individual or concern.
- (c) The criminal, fraudulent, or seriously improper conduct of an individual may be imputed to the business concern with which he is connected, where such impropriety was accomplished within the course of his official duty or apparent authority, or was effected by him with the knowledge and approval of that concern. When the individual was an officer of the concern, knowledge and approval may be presumed. Likewise, where a concern is involved in criminal, fraudulent, or seriously improper conduct, any individual who was involved in the commission of the impropriety may be debarred or suspended.

8. Notice of Debarment of Suspension.

When the Department of Management and Financial Services seeks to debar or suspend a concern or individual (or any affiliate thereof) for cause, it shall furnish that party with a written notice:

- (1) stating that debarment or suspension is being considered;
- (2) setting forth the reasons for the proposed action;
- (3) indicating that such party will be afforded an opportunity for a hearing if he so requests one within ten (10) days; and,
- (4) indicating that such party may make a written response in accordance with Section 9 (a).

9. Response to Notice of Debarment or Suspension.

- (a) In lieu of requesting a hearing within the prescribed ten (10) day period, the party may, within said ten (10) day period, notify the City of its intent to provide a written reply and submit written evidence to contest the debarment or suspension. Such written evidence must be submitted within twenty (20) days after receipt of the notice of proposed debarment or suspension in order for it to be considered.

- (b) Whatever response is received to the notice of intent to debar or suspend, such will be considered in determining whether debarment or suspension action will be made. Where a reply is received to the notice of intent to debar or to suspend, and evidence to refute such action is furnished but no hearing is requested, the information furnished will be considered in determining the action to be taken.
- (c) If a hearing is requested, it shall be conducted by the City Manager. The hearing will be held at a location convenient to the City as determined by the City Manager and on a date and at a time stated. An opportunity shall be afforded to the firm or individual to appear with witnesses and counsel, to present facts or circumstances showing cause why such firm or individual should not be debarred or suspended. The proceeding shall be of an informal nature as determined by the City Manager. After consideration of the facts, the City Manager shall notify the firm or individual of the final decision.
- (d) If no response is made to the notice of debarment or suspension within the first ten (10) day period, the decision of the Department of Management and Financial Services shall be deemed final and the party so notified.

10. Rejection of Bids, Breach of Contract.

- (a) Previously solicited and/or accepted bids may be rejected or acceptance revoked prior to beginning of performance upon discovery by the City that the respondent or its affiliates have committed any act which would have been cause for debarment.
- (b) If after a contract is awarded and performance has been begun the City discovers that the respondent or its affiliates have committed any act prior to award or acceptance which would have been cause for debarment had it been discovered prior to solicitation or acceptance, the City may consider such to be a material breach of the contract and such shall constitute cause for termination of the contract.
- (c) If after bids have been solicited and/or accepted or after a contract is awarded and performance begun, the City discovers that the respondent or its affiliates committed any act prior to award or acceptance which would have been cause for debarment or suspension had it been discovered prior to solicitation or acceptance, the City may require additional satisfactory assurances that such act(s) have not occurred and that the contract can and will be faithfully performed. If additional assurances are requested and are not satisfactory or if the respondent or its affiliates fail to immediately cooperate with all reasonable requests, including requests for information reasonably calculated to lead to the discovery of relevant evidence, then such may be considered a material breach of the contract and such shall constitute cause for termination of the contract.

CITY OF GAINESVILLE

**CERTIFICATION OF PRIMARY PARTICIPANT REGARDING DEBARMENT, SUSPENSION,
AND OTHER RESPONSIBILITY MATTERS**

The Primary Participant (potential contractor for a major third-party contract),
_____ certifies to the best of its knowledge and
belief that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
2. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission or any of the offenses enumerated in paragraph (2) of this certification; and
4. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

(If the primary participant (potentially third-party contractor) is unable to certify to any of the statements in this certification, the participant shall attach an explanation to this certification).

THE PRIMARY PARTICIPANT (POTENTIAL CONTRACTOR FOR A MAJOR THIRD-PARTY CONTRACT), _____, CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF THE CONTENTS OF THE STATEMENTS SUBMITTED ON OR WITH THIS CERTIFICATION AND UNDERSTANDS THAT THE PROVISIONS OF 31 U.S.C. SECTION 3801 ET. SEQ. ARE APPLICABLE THERETO.

Signature and Title of Authorized Official

Exhibit G - BUSINESS REFERENCES

PROPOSER: _____

PROJECT: ERP Product Solution(s) and Implementation Services

BID#: CMGR-180083-MS

BID DUE DATE: June 26, 2018

Provide the following business reference information for three clients that a same or similar project has been provided within the past five years. You may include photos or other pertinent information.

The City reserves the right to check references with current customers as provided by the Proposer and with any customers the City identifies as necessary to understand prior performance at any time throughout the process.

#1 Service dates (i.e. 6/2009 to 9/2009):Project _____ Amount \$ _____

Project Client Name: _____

Project Location: _____

City, State Zip: _____

Client Contact Name: _____

Phone Number: _____ Fax Number: _____

Email Address (if available): _____

#2 Service dates (i.e. 6/2009 to 9/2009): _____ Project Amount \$ _____

Project Client Name: _____

Project Location: _____

City, State Zip: _____

Client Contact Name: _____

Phone Number: _____ Fax Number: _____

Email Address (if available): _____

#3 Service dates (i.e. 6/2009 to 9/2009): Project _____ Amount \$ _____

Project Client Name: _____

Project Location: _____

City, State Zip: _____

Client Contact Name: _____

Phone Number: _____ Fax Number: _____

Email Address (if available): _____

Exhibit H- BID INFORMATION SURVEY

**CITY OF GAINESVILLE
GENERAL GOVERNMENT
PURCHASING DIVISION SURVEY
BID INFORMATION**

BID #: CMGR-180083-MS

DUE DATE: June 26, 2018

SEALED BID ON: ENTERPRISE RESOURCE PLANNING (ERP) SOLUTION(S) AND IMPLEMENTATION SERVICES

IF YOU DO NOT BID

Please check the appropriate or explain:

- _____ 1. Not enough bid response time.
- _____ 2. Specifications not clear.
- _____ 3. Do not submit bids to Municipalities.
- _____ 4. Current workload does not permit time to bid.
- _____ 5. Delay in payment from Governmental agencies.
- _____ 6. Do not handle this item.
- _____ 7. Other:

Company: _____

Address: _____

Are you a Local Small Business? yes _____ no _____