

(_____) Published in The Wichita Eagle, Wednesday, June 15, 2016

REQUEST FOR PROPOSAL NO. – FP640027

Sealed Request for Proposal will be received in the office of the City Purchasing Manager, 12th Floor, City Hall, 455 North Main, Wichita, Kansas, prior to **4:00 O'CLOCK P. M., TUESDAY, JULY 5, 2016.** **One (1) original, ten (10) copies and one (1) electronic copy of the proposal are required.** Envelopes must be marked "**Request for Proposal FP640027**" and show **Due Date and Time** to identify contents. "Request For Proposal" submittal letter must be signed and dated to submit a proposal for:

IT/IS / PRINT SHOP

Outsourcing Utility Billing Print Services

AS PER SPECIFICATIONS

F.O.B.: Wichita, KS

Specifications for the sealed proposals are on file in the office of the City Purchasing Manager, 12th Floor, City Hall, 455 North Main, Wichita, Kansas, (316) 268-4636. This information is also available on the City of Wichita Web Site at <https://ep.wichita.gov>.

A **PRE-PROPOSAL CONFERENCE** will be held in the Board Room, on the First Floor of City Hall, 455 N. Main Street, Wichita, Kansas on **Monday, June 27, 2016, at 10:00 A.M.** The purpose of the meeting will be to answer questions from vendors regarding the specifications and proposal procedure.

Sealed proposals shall be received in the office of the City Purchasing Manager prior to 4:00 o'clock p.m., Tuesday, June 27, 2016.

The review and evaluation of the submitted Proposals will take estimated 60 to 90 days before notification from the City of Wichita that a contract has been approved by City Council. If the Purchasing Division may be of further assistance, please contact us at (316)268-4636.

Dated at Wichita, Kansas, on the 6th day of June, 2016.

Melinda A. Walker
Purchasing Manager

A T T E N T I O N

A PRE-PROPOSAL CONFERENCE WILL BE HELD IN

THE BOARD ROOM

FIRST FLOOR, CITY HALL

455 NORTH MAIN STREET

AT 10:00 A. M.

ON

MONDAY, JUNE 27, 2016

THE PURPOSE OF THE MEETING WILL BE TO REVIEW

REQUIREMENTS AND SPECIFICATIONS

CONTAINED IN THIS PROPOSAL PACKAGE AND TO CORRECT

ANY ERRORS OR TO MAKE ANY NECESSARY CHANGES.

ATTENDANCE AT THIS PRE-PROPOSAL IS **RECOMMENDED**

FOR THOSE FIRMS SUBMITTING PROPOSAL

AS A PRIME CONTRACTOR.

NOTICE...NOTICE...NOTICE

NON-DISCRIMINATION/EQUAL EMPLOYMENT OPPORTUNITY

AFFIRMATIVE ACTION PROGRAM REQUIREMENTS

1. It is the policy of the City of Wichita to require that all contracts of the City and its agencies include provisions to ensure that applicants for employment with its contractors, subcontractors, vendors and suppliers are selected and employees are treated during employment, without regard to race, color, sex, religion, national origin, ancestry, disability, or age except where age is a bona fide occupational qualification.

2. The Kansas Act Against Discrimination (Kansas Statutes Annotated 44-1001 et. seq., as amended) requires every person who enters into a contract with the City of Wichita for construction, alteration or repair of any public building or public work or for the acquisition of materials, equipment, supplies or services to:

- a. Observe the provisions of the Kansas Act Against Discrimination and not to discriminate against any person in the performance of work under the present contract because of race, religion, color, sex, disability, or age unrelated to such person's ability to engage in the particular work.
- b. In all solicitations or advertisement for employees, the contractor shall include the phrase "EQUAL OPPORTUNITY EMPLOYER" or a similar phrase to be approved by the Kansas Human Rights Commission.
- c. Upon request, inform the Kansas Human Rights Commission and/or the City Of Wichita Finance Department in writing the manner in which such person will recruit and screen personnel to be used in performing the contract.
- d. Contractor shall include the provisions of Paragraphs (a), (b), (c), and (d) of this Paragraph 2, in every subcontract or purchase order so that such provisions will be binding upon such subcontractor or vendor.
- e. EXEMPTED from these requirements are:
 - (1) Any contractor who has already complied with the provisions set forth in these sections by reason of holding a contract with the federal government or a contract involving federal funds. (Proof of compliance is required).
 - (2) Contracts entered into by any contractor who employs fewer than four (4) employees during the term of such contract.
 - (3) Contractors who hold contracts with the City of Wichita with a cumulative total value of five thousand dollars (\$5,000.00) or less during the City fiscal year.
- f. Reports requested by the Kansas Human Rights Commission shall be made on forms prepared by the Commission, copies of which are available from the Kansas Human Rights Commission, Contract Auditor, 900 S.W. Jackson Street, Suite 851 S., Topeka, Kansas, 66612.

3. During the performance of any City contract or agreement, the contractor, subcontractor, vendor or supplier of the City shall comply with all the provisions of the Civil Rights Act of 1964, as amended; The Equal Employment Act of 1972, Executive Orders 11246, 11375, 11141, Part 60 Title 41 of the Code of Federal Regulations; the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, The Americans with Disabilities Act and/or any law, regulation or amendments as may be promulgated thereunder.

4. Failure of any contractor, subcontractor, vendor or supplier to report to the Kansas Human Rights Commission as required by K.S.A. 1976 Supp. 44-1031 as amended or State statutes, Federal statutes or regulations pertaining to discrimination, which finding or decision or order has become final, shall be a breach of contract and any such contract may be canceled, terminated or suspended in whole or in part by the City or its contracting agency.

5. Compliance with the Equal Employment Opportunity requirements of the City of Wichita does not relieve the contractor, subcontractor, vendor or supplier of the necessity of also complying with the Kansas Act Against Discrimination.

Exemptions Claimed: Four (4) Employees or less; Federal Contract, Contract less than \$5,000.00.

NOTE: You will be contacted if you are the successful vendor and do not have a current EEO/AA submittal on file with the Purchasing Office and/or have not REGISTERED VIA THE CITY'S WEB SITE: <https://ep.wichita.gov> . Questions about the City of Wichita's EEO/AA submittal requirements should be directed to (316) 268-4417.

**CITY OF WICHITA, KANSAS
IT/IS AND FINANCE DEPARTMENT
REQUEST FOR PROPOSAL
For
OUTSOURCING
UTILITY BILLING PRINT SERVICES**

INTRODUCTION

The City of Wichita is soliciting proposals from qualified vendors to provide **offsite** printing and mail services for utility bill printing services.

To be considered, one (1) original and ten (10) copies of the proposal must be submitted to the Purchasing Manager by **4:00 PM Tuesday, July 5, 2016**. The proposal cover must be officially signed by a person with the authority to obligate the firm. Additionally, vendors must list their company name, an official contact person, telephone number and mailing address in the proposal. The City of Wichita reserves the right to make an award on the basis of the greatest benefit to the City and not necessarily on the lowest price.

The City of Wichita is producing approximately 5,000 utility bills daily. Bill print volume routinely varies throughout the month between 200 and 20,000 bills per day. These water bills are then folded, put into envelopes and have postage applied. In addition to utility bills, approximately 800 notices are printed daily. Notice and letter prints varies throughout the month between 300 and 2,700 per day. In the current budget environment the City of Wichita would like to consider other bill printing options and mailing services.

This proposal is intended to outsource utility billing processing making it non-labor intensive for the City of Wichita.

INSTRUCTIONS

The tentative schedule for the RFP process is as follows:

| ANTICIPATED TIMELINE | |
|--|-------------------------------------|
| Issue RFP | Friday, June 10, 2016 |
| Pre-Proposal Telephone Conference | Monday, June 27, 2016 at 10:00 a.m. |
| Proposals Due | Monday, July 5, 2016 |
| Anticipated Short List Meeting | Tuesday, July 12, 2016 |
| Anticipated Interviews | Wednesday, July 20, 2016 |
| Anticipated Council Date | Tuesday, August 23, 2016 |

A Pre-Proposal conference for all firms interested in submitting a proposal will be held at **10:00 AM on Monday, June 27, 2016** in the Board Room on the First Floor of City Hall, 455 N. Main, Wichita, KS 67202. After this pre-proposal conference, all inquiries concerning the Request for Proposal should be directed to LaShonda Garnes in writing at 455 N Main St 8th Fl Wichita, KS 67202 or e-mailed to lgarnes@wichita.gov.

The City reserves the right to accept or reject any or all proposals submitted. During the evaluation process, the City of Wichita reserves the right, where it may serve the City's best interests, to request additional information or clarifications from proposers, or allow corrections of errors or omissions. At the discretion of the City or the selection committee, firms submitting proposals may be requested to make oral presentations as part of the evaluation process.

The City reserves the right to retain all proposals submitted and to retain any idea in a proposal regardless of whether a proposal is selected. Submission of a proposal indicates acceptance by the vendor of the conditions contained in the Request for Proposal and agrees to enter into a contract.

Each vendor shall submit, with their proposal, an indication of their qualifications towards the implementation of the desired print and mailing services. The listing shall include the individuals past experiences and a descriptive example of their work.

All respondents shall deliver an overview of services to be provided within the scope of implementing printing and mailing services. The overview shall include timelines and other materials that the vendor may deem appropriate.

The vendor shall also provide a single point of contact (Project Manager) to work directly with the City's listed point of contact.

In the event that it becomes necessary to revise any part of this RFP, if additional information is necessary to enable the Proposer to make an additional interpretation of the provisions of this RFP, then necessary supplements to the RFP will be provided to each prospective Proposer. Receipt of all addenda must be acknowledged by each prospective Proposer.

No reimbursement will be made by the City of Wichita for any costs incurred prior to the award of the Proposer's contract.

Unless otherwise indicated, the prices set forth in the proposal shall not include taxes of any kind.

The Proposer agrees to notify the City of Wichita immediately of any change in conditions (i.e. legal, financial or technical capacity), or any other event that may significantly affect the Proposer's ability to perform this project in accordance with the terms of this document. If any provision or compliance with any provision of this document violates Local, State or Federal law, or would require the Proposer to violate Local, State or Federal law, the Proposer agrees to notify the City immediately in writing. The City of Wichita shall be held harmless and free from any and all liability, claims or expenses whatsoever incurred by, or on behalf of any person or entity responding to this RFP.

The Proposer shall not assign, transfer, convert, sublet or otherwise dispose of the contract or its right, title or interest in any part thereof without written consent from the City of Wichita.

The Proposer shall not discriminate against any employee or applicant for employment due to race, color, religion, sex, national origin, age, marital status, or disability, except where religion, sex or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the Proposer.

The Proposer agrees to comply with all Federal, State and Local laws that may apply to this project.

The Proposer agrees to use any project real property, equipment and supplies for appropriate purposes associated with the project.

The Proposer agrees to comply with the insurance requirements normally imposed by the City of Wichita. The Proposer will require that all subcontractors will also comply with these insurance requirements. The Proposer shall provide and keep in force at its own expense the required insurance for itself, its employees and subcontractors in connection with their work under this RFP. Certificates evidencing such coverage shall be furnished to the City prior to commencing any work under any contract resulting from this RFP and any supplement or addenda thereto. Each certificate must contain a provision that coverage afforded under such policies will not be cancelled or permitted to lapse unless at least thirty (30) days prior written notice has been given to the City. Self-insured liability coverage will not be permitted.

All proposals shall be firm for a period of ninety (90) days commencing with the submittal of the proposal to the City of Wichita.

By submission of its proposal, the Proposer represents and warrants that it has sufficiently informed itself in all matters affecting the performance of the work or the furnishing of the labor, services, supplies, materials or equipment called for in this RFP. The Proposer also verifies that it has checked its proposal for errors and omissions, that the prices stated in its proposal are correct, as intended by them, and are a complete and correct statement of its prices for performing the labor, services, supplies, materials or equipment required by any contract resulting from this RFP and any supplements or addenda thereto.

TERM OF CONTRACT

The contractual period shall begin approximately **Monday, August 23, 2016**. The initial term of the agreement shall be for one (1) year, with an option to renew for four (4) additional one- (1) year terms. Pricing for any additional term may be increased by the 90 days prior to the beginning of the additional term. The City must agree to the price increases and the price increases must be documented by increases in the manufacturer's list price for those items.

PROPOSAL REQUIREMENTS

The purpose of the proposal is for the vendor to demonstrate their qualifications, competence and capacity to provide the most advantageous Utility bill print solution for the City of Wichita, in conformity with the requirements of this Request for Proposal.

Please note that proposals will not be returned and once submitted are the property of the City of Wichita.

Each submission should have the following information listed in the order below:

Original and ten copies of the proposal, plus one electronic copy on CD (Word or PDF format), which is to include:

1. Cover Letter;
2. Name of Company or individual, including a single contact for clarification;
3. Brief description of the vendor's firm/organization, experience, depth of staff, quality control, and the demonstration of the vendor's ability, both logistically and fiscally, to provide services to the City of Wichita;
4. Brief description of the manufacturer's firm/organization (if different), experience, depth of staff, quality control, and the demonstration of the manufacturer's ability, both physically and fiscally, to provide services to the City of Wichita;
5. Three (3) references of organizations of comparable size to the City of Wichita in which a similar solution has been implemented with similar equipment, uses, and volumes that would accept calls as a part of a reference check. Please include the organization's name, contact names and titles, mailing address, e-mail address and telephone number;
6. Proposal for services and methodology for delivery of services.
7. Affirmative action program or policy in the firm.
8. Proposed lump sum fee for professional services.

Proposals that do not include all of the information listed above will not be considered.

Evaluation Process and Criteria

A Screening and Selection Committee consisting of staff from various City departments will evaluate proposals. At the discretion of the Selection Committee, respondents may be asked to be interviewed and make an oral presentation to clarify information in their submittal. The Selection Committee will make recommendations regarding the selection to the City Council and request authorization to enter into a contract with the approved firm. If the respondent is a joint venture or consortium, the qualifications of each firm comprising the joint venture or consortium should be separately identified. Proposals and firms will be evaluated based on the following criteria which includes but is not limited to:

A. Mandatory Elements

1. The proposal identifies the firm fully, its name, telephone, address and locations, identifies the location from which the services will be provided, and identifies the principal of the firm that will be responsible for the services.

2. The firm or any officer of the firm does not have a conflict of interest with the City of Wichita, the City's current Council members or senior staff members.
3. The firm maintains a verifiable record of professionalism and quality and has demonstrated accessibility and responsiveness to the client.
4. Cost proposal from the firm with its fee structure, hourly rates, and other expense items.
5. Demonstrated and proven experience in bill, letter, and notice printing.
6. Demonstrated and proven experience with address optimization and bill/notice updates directly on a pdf file. With the ability to submit a report to the City of Wichita with any address updates.
7. Demonstrated and proven experience with maximizing cost savings for postage.
8. Experience, qualifications, proven performance, use of modern technology, staff resources, quality, innovation, and responsiveness.
9. Has at least two years of experience in managing bill print services for government organization, utility billing for a customer base of 150,000 or greater.
10. Demonstrated and proven experience with mail inserts.

B. Project Understanding and Presentation

1. Responsiveness and comprehensiveness of the proposal to the RFP.
2. Adherence to the intent of the RFP.
3. Provided three references for similar bill print services. Information obtained from references.
4. Interview evaluation.

C. Technical Qualifications

1. The firm has demonstrated experience and expertise in the industry and experience with similar projects.
2. The quality of professional staff assigned and adequacy of resources.
3. Provides examples of work product similar to that, which is being requested.
4. Demonstrated and proven experience with multiple bill page options and consolidation of bills for mailing.
5. Must own, have access to bill print equipment and demonstrate the ability to produce high quality, professionally printed materials that meet the City of Wichita print specifications.
6. EBE/DBE Participation and/or Subcontracting/Joint Ventures.

D. Approach

1. The ability of the firm to provide services within the required timeframes.
2. The ability to handle batch processing, as well as, exception processing (i.e. single bill request).
3. The ability to complete same day processing for bill, letter, and notice files.
4. The efficacy and comprehensiveness of services offered are relevant to the project.
5. The ability of the firm to provide services, in the event of a disaster. Demonstrated approach to disaster recovery and contingency contact information.
6. Proposed fees.

Cost will not be the sole criteria for selection of a firm.

SCOPE OF SERVICES

The City of Wichita is producing approximately 5,000 utility bills daily. Bill print volume routinely varies throughout the month between 200 and 20,000 bills per day. These water bills

are then folded, put into envelopes and have postage applied. In addition to utility bills, approximately 800 notices are printed daily. Notice and letter prints varies throughout the month between 300 and 2,700 per day. In the current budget environment the City of Wichita would like to consider other bill printing options and mailing services.

The Public Works & Utilities Department of the City of Wichita uses CIS Infinity application to produce water bills. The Bill Print process in CIS Infinity creates a pdf file that is used to produce bills.

The Public Works & Utilities Department's bills are double sided with a standard backer, printed in black & white only using an 8.5 X 11 24lb white paper. The first page of each bill is printed on a perforated page. Bills are then folded and stuffed using a 9 x 12, No. 10 envelope, with a No. 9 return envelope included in the mailing for those customers who need to remit payment. Letters are printed using an 8.5 X 11 24lb white paper. Double secured postcards are printed two per page on an 8.5 X 11 65lb Accent Opaque digital white stock, requiring a cut to finish the product.

City of Wichita requirements are listed below.

A. Data Transmission

The City of Wichita desires the capability to send bill files through FTP or the Web 24 hours a day 365 days a year. Also, it must be possible to send files through the mail if for some reason it is not possible to send files electronically. Further the vendor must have a method in place to verify receipt of all files.

B. Processing

The City of Wichita desires the capability to send multiple data files and merge them into a single transaction or document to consolidate information. The vendor should also permit this capability to incorporate multiple types of documents in a single transaction to maximize postage savings.

The City of Wichita requires the capability to send data input as a PDF file, with the ability for the vendor to be able to run address verification and do the update directly on the bill.

The City of Wichita requires output in Postscript, Metacode, and PDF.

The City of Wichita requires vendor to be able to handle single and multi-page bill printing.

C. Print, Finish and Insert

The City of Wichita requires a description of all equipment that will be used in the print, finish and insert process. Also, a complete description of your Quality Control processes is required.

D. CASS Certification, Address Correction and Mailing

The City of Wichita requires the use of CASS Certification software for address verification, correction, postal sorting and reporting. Also, the City of Wichita desires to have a report of "bad addresses" returned to them upon request. Further, the use of the USPS National

Change of Address System (NCOA) is required to forward mail. A report of all forwarded bills should be sent back to the City of Wichita.

The City of Wichita requires that return envelopes are only sent where payment is required. (i.e. if they are autopay or have a credit balance, no return envelope)

E. Job Tracking

The City of Wichita requires the ability to track bill print jobs at the vendor so as to know whether or not a bill has been sent. It is not a requirement that this be done in real-time, but it is desirable.

F. Inventory Management

The City of Wichita requires the vendor to purchase and manage all types of paper consumable supplies, including paper and envelopes. It would also be desirable for the vendor to purchase any insert materials requested by the City of Wichita.

G. Security and Disaster Recovery

The City of Wichita requires the vendor to have disaster recovery capability such that the City will experience no disruption in service and see no loss of functionality. As part of this RFP a complete Disaster Recovery Plan needs to be submitted.

H. Materials on which Bills can be printed

The City of Wichita requires a description of the types of paper, including post cards and letters, that the vendor is capable of printing on. This description should be accompanied by a complete pricing schedule for the different types of paper. Vendor must accommodate existing bill output, bill stock and envelopes.

I. Types of Envelopes

The City of Wichita requires a description of the types of envelope, including "Send and Return", that the vendor is capable of doing mailings with. This description should be accompanied by a complete pricing schedule for the different types of envelope.

J. Additional Inserts with Bills

The City of Wichita requires a description of the types of inserts, such as promotional inserts, that the vendor is capable of printing and inserting into envelopes with the bills. This description should be accompanied by a complete pricing schedule for the different types of inserts. For any questions concerning the information above please call Michael Lamar, Information Support Coordinator for the Water Department at (316) 268-4439.

Challenges and Protests

Challenges

A challenge is defined as a written objection by any party interested in responding to either a bid or proposal (collectively referred to as solicitations), when that party wishes to have the City consider an addition, substitution or modification to the specifications stated in the outstanding solicitation.

The written challenge of the solicitation specifications must be filed with the Purchasing Manager located on the 12th Floor, Finance Department at City Hall, 455 N Main, Wichita, KS 67202, telephone number (316)268-4636, at least five (5) business days before the solicitation opening due date and time as listed on the solicitation documents. Any challenge to solicitation specifications received after the five (5) business days deadline will not be considered by the City. The Purchasing Manager will acknowledge receipt of the challenge. The written challenge is to include the name, address, email address and telephone number of the interested party, identification of the solicitation number and project title, a detailed statement of the reasons for the challenge, supporting evidence or documentation to substantiate any arguments, and the form of relief requested, e.g. the proposed addition, substitution or modification to the specifications. The Purchasing Manager will investigate the written challenge and any evidence or documentation submitted with the challenge.

In the event of a timely challenge of the solicitation specifications to the Purchasing Manager, the affected pending solicitation shall not proceed further until the challenge is resolved by Purchasing Manager decision. The Purchasing Manager will issue a written decision, which will be posted on the City's e-procurement website, <https://ep.wichita.gov>, for viewing by all interested parties. The decision rendered by the Purchasing Manager will be final.

Protests

A protest is defined as a written objection to a proposed award, or the award of a contract, with the intention of receiving a remedial result. In order to be considered valid, a protest must 1) come from an actual bidder or proposer for the contract, 2) who claims to be the rightful award recipient, 3) whose economic interest may be affected substantially and directly by the award of a contract or by the failure to award a contract. Suppliers or subcontractors to a bidder or proposer cannot file a valid protest. A valid protest can only be filed by a bidder or proposer which can show that it would be awarded the contract if the protest were successful. Therefore, all conditions numbered 1 through 3 listed above in this paragraph must be met.

The written protest for bids must be filed with the Contract Compliance Officer located on the 12th Floor, Finance Department, City Hall, 455 N Main, Wichita, KS prior to 9:00 a.m. of the Tuesday immediately following the posting of the notice of intent to award on the City's e-procurement website at <https://ep.wichita.gov> under the bid results tab. Failure of a protestor to file a written protest related to the award of a contract prior to the 9:00 a.m., Tuesday deadline will invalidate that protest and cause it not to be considered.

The written protest for proposals must be filed with the Contract Compliance Officer located on the 12th Floor, Finance Department, City Hall, 455 N Main, Wichita, KS prior to 5:00 p.m. on the third business day following the day of issuing an email or written notification of award. Failure of a protestor to file a written protest related to the award of a contract prior to 5:00 p.m. on the third business day deadline will invalidate that protest and cause it not to be considered.

The Contract Compliance Officer will acknowledge receipt of the written protest. The written protest is to include the name, address, email address and telephone number of the protestor, identification of the

solicitation number or contract number and project title, a detailed statement of the reasons for the protest which justify the relief sought, supporting evidence or documentation to substantiate any arguments, and a concise statement of the form of relief requested (e.g. reconsideration of the offer). All the above required information must be included in the protest at its submission. Untimely protests will be returned unopened. Incomplete protests will be rejected without consideration.

In the event of a valid, timely protest, the City shall not proceed with the execution of the contract until all City administrative remedies have been exhausted or waived, or until a determination is made that a contract award is required to protect the interests of the City.

The decision of the Contract Compliance Officer, based on review of the written protest and information available from City sources, will be rendered within ten (10) business days after receipt of protest, will recite the reasons for the decision, and be provided to the protestor by email or written notification.

The protestor may seek reconsideration of the decision of the Contractor Compliance Officer in writing to the Internal Auditor located on the 13th Floor, City Manager Office, City Hall, 455 N Main, Wichita, KS prior to 5:00 p.m. on the third business days following the day of issuing an email or written notification of decision. Failure of a protestor to file a written reconsideration request related to the Contract Compliance decision prior to 5:00 p.m. on the third business day deadline will invalidate that protest and cause it not to be considered. The Internal Auditor's decision will be issued by email or written notification within ten (10) business days after receiving the written reconsideration, unless this time for a response is extended in writing and agreeable by both parties.

The Internal Auditor's decision will be final, unless the protestor seeks a hearing before the City Council, by written request filed with the City Clerk, located on the 13th Floor, City Hall, 455 N Main, Wichita, KS, prior to 5:00 p.m. on the third business day following the day of issuing an email or written notification of the Internal Auditor's decision. Failure of a protestor to file a written reconsideration request related to the Internal Auditor's decision prior to 5:00 p.m. on the third business day deadline will invalidate that protest and cause it not to be considered.

If there is timely written reconsideration request, the protestor may seek reconsideration of the decision of the Internal Auditor by means of a hearing before the City Council. This hearing shall be in aid of the City Council's legislative authority to approve contracts for goods, services and public improvements on behalf of the City, and does not imply any due process right of the protestor in an unawarded, unexecuted contract. The hearing shall be scheduled as soon as practicable according to the City Council's calendar. The hearing shall be granted only upon such facts and issues as are presented in writing to the City Clerk for submission to City Council at or before noon on the Thursday preceding the scheduled hearing. No documents or other evidence shall be accepted at the hearing. The protesting party shall have available no more than 20 minutes for presentation of argument, followed by no more than 20 minutes of argument presented by City staff. The City Council may deliberate in executive session to seek the assistance of the City Attorney, but shall deliver its decision from the bench during the City Council meeting.

If a written protest is made against any proposed award or the award of a contract that relies in part on federal funding, then the Contract Compliance Officer shall notify the Granting Authority in writing with all information regarding the protest. **A protestor must exhaust all administrative remedies with the City of Wichita before pursuing a protest with the Granting Authority.** Protestors are put on notice that according to federal regulations, certain determinations made at the local level are not subject to appeal to the Granting Authority. If a review is granted by the Granting Authority, it will be limited to:

- (1) the City of Wichita's failure to have or follow its protest procedures, or its failure to review a complaint or protest; or
- (2) violations of Federal law or regulations.

The Contract Compliance Officer will provide notice to the Granting Authority Regional Office or Headquarters Office of any request for reconsideration before the Internal Auditor, and also provide notice of the decision rendered by the Internal Auditor, or any alternative resolution reached.

RFP CONDITIONS

1. Certification 1-The Consultant hereby certifies that:

- A. The Consultant has not employed or retained for a commission, percentage, brokerage, contingent fee, override or other consideration, any firm or person at any time or for any purpose, (other than a bona fide employee working solely for the above Consultant) to **solicit** or secure this Agreement.
- B. The Consultant has not agreed, as an express or implied condition for obtaining this Agreement, to employ or retain the services of any firm or person in connection with carrying out the Agreement.
- C. The Consultant has not paid or agreed to pay to any firm, organization, or person (other than a bona fide employee working solely for the above consultant) any fee, contribution, donation, or consideration of any kind for, or in connection with, procuring or carrying out the Agreement, except as here expressly stated (if any).

2. Certification 2- The Consultant hereby certifies that:

No Lobbying and Influencing Federal and/or City Employees or City Council Members:

- (a) No Federal or locally appropriated funds shall be paid, by or on behalf of the contractor, to any person for influencing or attempting to influence an officer or employee of any agency, an officer or employee or City Council member of the City of Wichita, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant and the amendment or modification of any Federal grant.
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal grant, the contractor shall complete and submit Standard Form-LLL, "Disclosure of Lobby Activities" in accordance with its instruction.

3. Certification 3-The Consultant hereby certifies that:

Conflict of Interest

The Consultant certifies that no member, officer, employee, agent, or City Council member of the City of Wichita member exercising any functions or responsibilities with respect to the program outlined in this contract shall have any personal financial interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the program assisted under this agreement. The Consultant shall incorporate, or cause to be incorporated, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to the purposes of this section. The Consultant shall use due diligence to ensure employees, Board members, family members and officers do not participate in contracts receiving funds pursuant to this agreement.

KANSAS OPEN RECORDS ACT

Pursuant to the Kansas Open Records Act (K.S.A. 45-215 et seq.), all proposals received become a public record once award of the contract or agreement has been approved by the City Council. Bidders should not expect the City to seek confidentiality protection for any claimed privileged or proprietary information in the written proposal just because the material is marked "confidential" or "proprietary." For any essential information that the bidder reasonably believes can be defended as being exempt from disclosure under the Act, the bidder must be capable of being separated or redacted from the balance of the proposal and should be clearly and specifically marked as confidential or proprietary. For any material so designated, the City will seek to claim confidentiality if the justification for such confidentiality is readily apparent or if the bidder requests that the City to contact the bidders for guidance before making the material public. The City cannot guarantee the confidentiality of claimed material, however.

SUBCONTRACTING/JOINT VENTURES

Vendors are encouraged to consider subcontracting portions of the contract to emerging and disadvantaged businesses and women-owned businesses. A joint venture between two or more vendors is wholly acceptable if it serves the best interests of the City of Wichita. If this is done, the names of the proposed subcontracting vendors must be clearly identified in the proposal. Following an award of the contract, no additional subcontracting will be permitted without the express prior written consent of the City of Wichita. The firm receiving the contract award will be responsible for any work of such subcontractors and sign the contract with the City of Wichita.

EMERGING AND DISADVANTAGED BUSINESS PARTICIPATION

The City of Wichita encourages all bidders to include emerging and disadvantaged business participation in their proposals. Therefore, each vendor shall specifically identify the participation of emerging and disadvantaged contractors and subcontractors in the work to be performed by the vendor and shall list such emerging and disadvantaged contractors or subcontractors by name and show the dollar amount of work to be performed by each in the proposal.

GENERAL SPECIFICATIONS

PROPOSAL FORMS

All proposals **MUST** be submitted and signed by an officer or employee authorized to sign proposal. Any exceptions, to the specifications, terms and/or other conditions concerning the proposal, **must** be noted in the "Proposal" to be considered. The "Proposal" is to be submitted in an envelope showing a return address, the proposal number and due date. Vendors are requested to submit current literature or brochures relating to their proposal.

CONFLICT OF INTEREST

The firm is required to disclose that it has no conflict of interest with regard to any officer or employee of the companies involved including the City of Wichita.

LICENSE

Vendors bidding on commodities or services for the City of Wichita must be currently licensed by the City of Wichita or the State of Kansas, where applicable, before a purchase order or contract will be issued.

CONTRACT

The successful vendor agrees to enter into a contract with the City, and when required, as per specifications, to furnish bond by a surety company authorized to do business in the State of Kansas.

EMERGING & DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION ENCOURAGEMENT

The City of Wichita encourages all vendors to include emerging & disadvantaged business participation in their proposals.

ARBITRATION PROVISIONS

"Notwithstanding anything to the contrary contained in these proposal documents or the contract to be awarded herein, the City shall not be subject to arbitration and any clause relating to arbitration contained in these proposal documents or in the contract to be awarded herein shall be null and void."

ANTITRUST LITIGATION CLAUSE

"For good cause, and as consideration for executing a purchase order/contract, the contractor, acting therein by and through its authorized agent, hereby conveys, sells, assigns, and transfers to the City of Wichita, all rights title and interest in and to all causes of action it may now or hereafter acquire under the antitrust laws of the United States and the State of Kansas, relating to the particular product, products, or services purchased or acquired by the City of Wichita, Kansas, pursuant to a purchase order/contract.

CONSTRUCTION - PAVING PROJECTS

On construction or paving projects, contractors **MUST** contact the City Controller's Office, City Hall, 12th Floor, 455 North Main Street for a Kansas Sales Tax Exemption Certificate **prior** to starting work. Contractors will be responsible for paying Kansas Sales Tax on any purchase for these projects made **before** the certificate is issued.

RESTORATION

"Contractor shall, as a condition of final payment, restore all right-of-way and adjacent private property which has been disturbed, damaged or otherwise affected by construction to a condition equal to or better than existed prior to the commencement of construction. Such restoration shall include but not be limited to regrading and seeding of areas where grass was planted and growing prior to construction; provided, however, such regrading and seeding of lawn areas, when completed, shall be considered to be restoration of an area to a condition equal to or better than previously existing grass growth and Contractor shall have no responsibility to ensure growth of such seeded area(s). This restoration shall be considered part of the contract work and Contractor shall be responsible for the performance of such restoration work in the same manner as it is responsible for the performance of the contract work."

FEDERAL EXCISE TAX

The articles specified in this proposal are for the exclusive use of the City of Wichita, Kansas. Therefore, Federal Excise Tax shall not be imposed. The City of Wichita, Kansas Federal Excise Tax Exemption Certificate Number is 48 77 0021K.

ESTIMATED QUANTITIES

If estimated quantities are shown, on the "Request For Formal Proposal" form, they are used to evaluate the proposal only. The figure(s) listed is the estimated usage only and is not intended to limit or guarantee in any way, the amount the City may purchase under the purchase order/contract.

CITY OF WICHITA CREDIT CARD

Presently, many City Agencies use a City of Wichita Procurement Card (Visa) in lieu of a City warrant to pay for some of its purchases. No additional charges will be allowed for using the card.

DELIVERY

Delays in delivery caused by bona fide strikes, government priority or requisitions, riots, fires, sabotage, acts of God or any other delays deemed by the Purchasing Manager to be clearly and unequivocally beyond the contractor's control, will be recognized by the City, and the contractor will be relieved of the responsibility of meeting the delivery time, as stipulated in the contract, upon contractor's filing with the Purchasing Manager a notarized just and true statement signed by a responsible official of the contractor's company, giving in detail all the essential circumstances which, upon verification by the City, justifies such action by the Purchasing Manager.

AWARD

The City, through its Purchasing Manager reserves the right to accept or reject any or all proposals and any part of parts of any proposal and to waive formalities therein to determine which is the most beneficial proposal. Any proposal which is incomplete, conditional, obscure, or which contains additions not called for or irregularities of any kind, may be cause for rejection of the proposal. All proposals are awarded subject to a check of the computations shown on the "Request For Proposal" form. In the event of a discrepancy in the extension(s) or total for the item(s), the unit cost shall prevail.

Vendors must guarantee proposal prices for a period of ninety (90) days after the proposal.