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REQUEST FOR PROPOSAL NO. – FP640033

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 **3:00 O'CLOCK P. M., THURSDAY, JULY 14, 2016.** **One (1) original and ten (10) copies of the proposal are required.** Envelopes must be marked "**Request for Proposal FP640033**" and show **Due Date and Time** to identify contents. "Request For Proposal" submittal letter must be signed and dated to submit a proposal for:

POLICE DEPARTMENT

Predictive Analytics Modeling Software

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>.

Sealed proposals shall be received in the office of the City Purchasing Manager prior to 3:00 o'clock p.m., Thursday, July 14, 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 30th day of June, 2016.

Melinda A. Walker
Purchasing Manager

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

*Analytics Modeling Software
Request for Proposal*

Police Department

Issue Date

July 1, 2016

Contents

Introduction	3
Selection Process	3
Estimated Project Timetable	3
Evaluation Criteria	4
Background Information on Current Systems	4
Objectives	5
Instructions for the Preparation of Proposals	6
I. Letter of Transmittal	6
II. Customer References	7
III. Proposer Overview	7
IV. Proposed Solution and Schedule	7
V. Cost Summary	8
VI. Additional Information	8
RFP Conditions	9
Kansas Open Records Act	10
Subcontracting/Joint Ventures	10
Emerging and Disadvantaged Business participation	10

Introduction

The City of Wichita in recent months issued a RFP and received submittals for Analytics. The City of Wichita ultimately decided to reject all proposals to allow for the Wichita Police Department to re-evaluate the project direction. Based on the re-evaluation and hiring of a new Chief of Police, this project is now being moved forward. We are desiring for firms to resubmit any previous RFP again to the Wichita Police Department, with any enhancements to program options or other pertinent details you want shared with the Wichita Police Department. The City is also giving opportunity to any vendor who has not previously submitted an RFP to submit.

The City of Wichita is seeking proposals for solutions that can create statistical models to identify crime trends within the City of Wichita. The software solution will allow Department members to be proactive in our efforts to address crime incidents, neighborhood decay and other social issues that contribute to public safety. Proposers who have software programs that include statistical modeling or “predictive analytics” or “forecasting” may respond to this RFP as that is of interest to the Department, provided all other requirements are met. It is the intent of the City of Wichita to select a single firm to accomplish requirements outlined in this Request for Proposal, but will reserve the right to select multiple proposers if the benefit is to the City of Wichita.

The City has no obligation to award to the low proposer, and reserves the right to select the proposer it deems most suitable; or, at its sole discretion, to reject all responses.

Selection Process

Proposals are due Thursday, July 14th, 2016 at 3:00 pm CDT. Following the submission deadline, a staff screening and selection committee will evaluate all responses and short-list the proposing firms. Finalists will be invited to seek additional information from the City for the purpose of preparing a system design and cost detail presentation. Demonstrations of existing solutions are encouraged to be demonstrated in person or in a web demonstration. After all demonstrations have been completed, the staff committee shall reconvene to either make a decision or to request further information.

Estimated Project Timetable

Event	Date
RFP issue date	July 1st, 2016
Proposal due date	July 14 th , 2016
Selection committee short-lists proposals	Third week of July, 2016
City requests remote demonstration (i.e. webinar)(Optional)	Last week of July, 2016
Selection Committee chooses proposer	First week of August, 2016
Contract negotiations	Second week of August, 2016
Project begins	Third week of August, 2016

Questions on this RFP should be submitted in writing to Capt. Doug Nolte, email address: [dnolte@wichita.gov](mailto:d nolte@wichita.gov)

Evaluation Criteria

The City will base the selection on:

- Company performance on contracts with similar scope with other city governments
- Project Management Team experience and qualifications
- Ability to meet Customer Objectives listed in RFP
- Training proposal for use of product
- Customer Support
- Cost of solution yearly(for five years)
- References

Background Information on Current Systems

Wichita (pop. 382,000) is the largest city in Kansas, encompassing nearly 164 square miles. A regional center of business, healthcare and entertainment, approximately 1 million people live within 100 miles of Wichita and 714,790 reside within 50 miles. Wichita's population has increased by 13,414 persons (3.9%) since 2000. Planning Department city population projection is 412,460 in 2030

The Wichita Police Department is the primary law enforcement provider for the City of Wichita, Kansas. These law enforcement duties include; criminal ordinance, traffic and parking ordinance and animal ordinance enforcement within the City limits. There are approximately 651 police officers and 22 animal control officers providing enforcement of traffic code, city ordinances, and parking ordinances.

The WPD has one full time Crime Analyst. The Analyst position currently is located within the Information Services Unit (ISU) of the WPD. This position is backed up by a secondary position which serves a dual role in the ISU for database administration and Crystal Reports and ARC GIS.

The majority of crime analysis is done using crystal reports, Arc GIS. There is currently no predictive component to any of our analyst reports. We are seeking to change this by using predictive models based on current and historical data kept in various databases and the RMS.

Currently all officers utilize the Microsoft Office 2007, 2010 and 2013 products. WPD manages a variety of databases on Sharepoint 2007.

In 2012 WPD Field Services implemented four Field Crime Analyst (FCA) at the patrol bureau level. These positions were created to address crime trend and concerns on a rapid basis. They are able to pull crime reports from some city systems, however in-depth analysis must be done with the assistance of the ISU Crime Analyst. This process slows the movement and analysis of information.

Objectives

1. The desired solution will allow three categories of user's access to specific levels of data. The three categories of users are:
 - a. Public. This group is allowed to access data that is related to police calls and subsequent data from those calls that meet the criteria of the release of information by the Wichita Police Department.
 - b. Public Safety employees. This group is limited to employees both sworn and non-sworn who can access secure data as defined by KCJIS agreements with the Wichita Police Department.
 - c. Police Analyst. This group is primarily responsible for research and dissemination of specific reports and data generated from ad hoc requests as well as programmed requests. They need a standalone product to query and data mine information. The level of analysis on data exceeds the scope of the Public Safety employee. These employees will be involved in "predictive analytics" and "forecasting" reports for various groups both in law enforcement and the public.
2. The desired solution will include intuitive user interfaces to search for and retrieve data. These are commonly referred to "dashboards". These interfaces or dashboards should allow a user from any user group to set desired inputs for self-service reports.
3. The following is a list of features the desired solution will be able to provide:
 - Create a wide range of interactive graphs, reports and analysis with automatic assistance
 - Use visual link analysis to see associations in the data
 - Interact with data by selecting regions or items on a graph and viewing the selected information; or select key data for use in analysis
 - Import/export delimited and fixed-width formats including but not limited to text, .rtf or XML
 - The ability to provide mapping and analysis tools via a web browser
 - The ability to query crime incident within a predefined boundary (i.e. police bureau, beat etc.) and within a radius (buffer) of a user specified landmark or address.
 - The ability to filter by any available data field.
 - The ability to connect to an email (or other messaging program) that manages list information and sends announcements alert etc. . .
 - The ability to do predictive analysis and geo profiling.
 - The ability to display multiple data layers simultaneously.
 - The ability to display popups that provide details on attribute data associated with labels and symbols.
 - The ability to connect to disparate data stores through the existing interface.
 - The ability to perform "what if analysis" on the fly with no required customization.

4. The desired solution will use predictive or forecasting modeling algorithms that are considered statistically sound by the general cohort of statisticians.

Instructions for the Preparation of Proposals

The Proposer(s) warrants response to this Request for Proposals to be fully disclosed and correct. The Proposer must submit a proposal complying with this request for proposals, and the information, documents and material submitted in the proposal must be complete and accurate in all material aspects. Proposals must contain direct responses to the questions or requests for information and be organized so that specific questions being responded to are readily identifiable in the same sequence as outlined below.

Proposers are advised to carefully follow the instructions listed below in order to be considered fully responsive to this RFP. Compliance with all requirements will be solely the responsibility of the Proposer. Failure to provide requested information in the required format may result in disqualification of response.

The proposal must be submitted on 8 ½" x 11" paper, with page numbers, with headings, sections, and sub-sections identified as shown in these instructions. An original and ten copies will be mailed to:

Melinda Walker
Purchasing Manager
12th Floor, City Hall
455 N. Main
Wichita, Ks. 67202

The proposal must be divided into the following sections:

- I. Letter of Transmittal
- II. Customer References
- III. Proposer Overview
- IV. Proposed Solution and Schedule
- V. Cost Proposal
- VI. Additional Information

Failure to follow the defined format may result in disqualification of the proposal. **Elaborate packaging (binders, notebooks, flyers, brochures, etc.) is discouraged.**

I. Letter of Transmittal

The proposal letter shall be addressed to the City of Wichita Purchasing Manager and shall include at a minimum the following:

- Name of Individual, Partnership, Company or Corporation submitting proposal;
- Contact person name and title, name and address of Proposer, telephone number and email address of contact person;
- City's Request for Proposal (RFP) number;
- Statement that all terms and conditions of the RFP are understood and

- acknowledged by the undersigned;
- Signature(s) or representative(s) legally authorized to bind the Proposer.

II. Customer References

The Proposer shall provide five references from city governments similar in size to the City of Wichita that have a software solution similar to what the Wichita Police Department is requesting.

III. Proposer Overview

1. Company's legal name, address, phone number, and URL. Provide the date and state of incorporation. If Proposer is a corporation, it must be certified with the Kansas Secretary of State and have a corporate status in good standing, and in the case of out-of-state corporation, must present evidence of authority to do business in the State of Kansas.
2. Briefly describe your organization. Include:
 - Business background and history.
 - Ownership structure.
 - Subsidiary relationships.
 - Alliance relationships.
 - Acquisitions and/or mergers.
 - Number of years in business.
 - Number of employees.
3. Summarize legal action taken against your company in the past three years, including number of suits, causes of action, and account of any monetary settlement or judgment.
4. Has your company ever filed for bankruptcy? If so, provide date and chapter.
5. How long have you provided the service(s) included in the RFP?
6. Address willingness to submit all staff with access to City of Wichita, Wichita Police Department Criminal History Records Information to a criminal background check.

IV. Proposed Solution and Schedule

The proposer will use this section to define the specific solution they want to implement. This information is considered critical to address the objectives listed above. The ability to meet the objectives is important for the proposer to convey in this response.

How would you schedule the phases of implementation of the project from installation to full deployment? (Planning, Requirements, Configuration & Development, Data & Interfaces, Testing, Launch Preparation, Launch and Post-Implementation Support)

1. What City staff time and expertise is required at each point in this schedule?
2. What on-site facilities will be needed by your Project Management Team?
3. Identify the time to implement on the three most recent installations of your application from start time to acceptance by the customer.

V. Cost Summary

Proposer should list the cost on a yearly basis for a total of five years.

Proposer should list any training cost associated with the proposal to implement the product

Proposer should list a final five year cost total for the project.

VI. Additional Information

The proposer may add any additional information on their proposal they deem necessary in this section. This section is optional for proposer.

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. Proposing firms 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 proposing firm reasonably believes can be defended as being exempt from disclosure under the Act, the informal 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 proposing firm requests that the City to contact the proposing firm for guidance before making the material public. The City cannot guarantee the confidentiality of claimed material, however.

Subcontracting/Joint Ventures

Proposing firms 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 firms is wholly acceptable if it serves the best interests of the City of Wichita. If this is done, the names of the proposed subcontracting firms 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 proposing firms to include emerging and disadvantaged business participation in their proposals. Therefore, each proposing firm shall specifically identify the participation of emerging and disadvantaged contractors and subcontractors in the work to be performed by the proposing firm 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.

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.

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.