

REQUEST FOR PROPOSAL (RFP)

RFP No. 211-24

DRIVING SIMULATORS FOR THORNTON POLICE

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SECTION A: SCHEDULE, PURCHASING ANALYST OF RECORD, AND GENERAL SUMMARY OF NEEDS**A.1 SCHEDULE OF EVENTS:**

The following is a list of important items, dates, and times that pertain to this solicitation. All times listed below are in reference to the local Thornton, Colorado time.

<u>Solicitation Item</u>	<u>Date</u>	<u>Time</u>
Proposal Issued	June 14, 2024	
Deadline to Submit Additional Questions	June 27, 2024	11:00 P.M.
Response to Written Questions	July 3, 2024	
Proposal Due Date	July 19, 2024	11:00 P.M.

A.2 PURCHASING ANALYST OF RECORD:

The Purchasing Analyst of Record for this solicitation will be the central point of contact throughout the solicitation process. All questions and inquiries must be submitted in writing via a direct email to the Purchasing Analyst. No communication is to be directed to any other Thornton personnel.

The Purchasing Analyst of Record's contact information is as follows:

Name: **Andrew Miskell, CPPB**
Title: **Senior Purchasing Analyst**
Email: Andrew.Miskell@ThorntonCO.gov

A.3 GENERAL SUMMARY OF PROCUREMENT NEEDS:

The City of Thornton, CO ("Thornton") is seeking Proposals from interested firms for the purchase of a driving simulator system that can seat two (2) individuals at that same time, including all peripheral equipment, for the Thornton Police Department's training center.

SECTION B: CURRENT STATE, SCOPE OF WORK, AND SPECIAL CONSIDERATIONS

B.1 CURRENT STATE:

Thornton benefits from our proximity to downtown Denver, the Denver International Airport, and the foothills of the beautiful Rocky Mountains, known to locals as the “Front Range”. Thornton is a home-rule city of almost one hundred fifty thousand plus (150,000+) citizens located northeast of Denver in Adams County, Colorado, which includes four (4) wards. Thornton is projected to become the 5th largest city in Colorado within the next few years, with population growth projections exceeding two hundred forty thousand (240,000) citizens by 2065. Thornton is currently governed by an elected City Council of eight (8) members and its operations are managed by a City Manager who serves at the pleasure of the City Council.

In anticipation of a continued population growth and need for expanded municipal services, Thornton has been building out our infrastructure, which has included a Police Training Facility that was opened in 2023 that is operated by the Thornton Police Department (“TPD”). Thornton is currently working towards having the training facility become a certified facility for Peace Officer Standards and Training, which allow Thornton to not only train and certify our future classes of Thornton cadets, but also create a training academy for other municipalities to send their cadets to become certified law enforcement officers.

As part of Thornton’s continued expansion of this program, Thornton has been granted funding to pursue the need for procuring a driving simulator that has two (2) stations, that simulate driving that focuses on real-world scenarios that law enforcement officers would face. The reason Thornton is seeking two (2) stations of these simulators is because Thornton would want to have the ability to run two (2) persons at the same time on the same scenario, either as a cadet/senior officer scenario, cadet/suspect scenario, or for two (2) cadets to operate in tandem pursuit. Thornton’s thought is for each of these simulators to be a single occupancy/seat unit. Thornton’s assumption is that the Vendor’s solution would be a 1:1 ratio of stations to seats/users.

Proposing Vendors should note that Thornton is **not** seeking a simulator that has been designed for citizen racing, but instead, is seeking a solution that is geared specifically towards law enforcement needs and that is of a commercial grade, including post-installation support, should such support exist and is offered by the Vendor.

B.2 GOALS FROM THIS RFP:

Thornton’s desired outcome from this RFP is to find a Vendor that can meet or exceed our goals as the installation and support Vendor for a driving simulator system. These main goals are centered around Thornton’s needs include, but are not limited to:

- 1) Ability of the system to be designed and programmed specifically for law enforcement officer training, including real-world driving environments.

- 2) Ability of the Vendor to perform the installation of the system and provide post-installation support, if included and required by the Vendor's solution.
 - a) Thornton's preference is to be able to use the awarded Vendor's solution for as long as the system will allow for.
- 3) Ability of the system to provide recordings and playback for Thornton instructor-led trainings and feedback to the users, including the use of repeatable scenarios.
- 4) Solution with included observation screens for other cadets and instructors in the classroom to view the live training the cadet in the simulator is seeing and receiving.

B.3 BUDGETARY REQUIREMENTS:

Thornton has an approximate current budget for the initial product purchase, installation of the product, implementation of an awarded Vendor's proposed solution, training, and first year of support of two hundred fifty thousand dollars (\$250,000.00).

All future years of service, maintenance and support, and possible expansion of the program are subject to annual funding appropriations review and approval by the Thornton City Council.

B.4 FEDERAL SAM REQUIREMENTS:

Thornton's funding for this Project requires the awarded Vendor be in good standing with the United States federal government on the federal SAM website, which is located at <https://sam.gov/content/home>. Thornton will require the awarded Vendor to provide proof of their registration and good standing with the federal SAM website prior to an award being considered final with Thornton. Proposing Vendors who are already in good standing will provide proof of their good standing as part of their final proposal submission.

Proposing Vendors who have not registered with the federal SAM website and/or are not in good standing at the time of their proposal submission, will be required to register with the federal SAM website as part of a final evaluation requirement, should that proposing Vendor be initially selected for award. Should a Vendor be initially selected for award, but be unable to remedy their status to "good standing" with the federal SAM site may have their award nullified at Thornton's sole discretion.

B.5 AWARD LENGTH:

The initial award from this solicitation will be from the date of the final signature of the agreement, until **December 31, 2035**. No further extensions or renewals shall pass this date for service from the awarded Vendor, unless otherwise previously authorized in writing by the Thornton Purchasing Division.

B.6 SCOPE OF WORK – GENERAL CONSIDERATIONS:

As Thornton has stated above, our preference is for a proposing Vendor's solution to be a single occupancy/seat driving simulator that has two (2) stations for two (2) students or a student-instructor combination. Thornton's continued preferences include that the seat of the driving simulator include a full motion chair/cockpit that includes haptic feedback, with actual rolling feedback as part of the simulation for the driver to feel all of the bumps, dings, tilts, etc. of the driving experience.

Since the Vendor's solution will be installed and almost solely used by the TPD and other law enforcement personnel, Thornton is seeking for the Vendor's solution to be designed and built for law enforcement officers to train on, and is of a commercial grade quality of product.

Vendor's who propose a solution that are not designed for law enforcement, but rather as a gaming solution or private citizen use, may still propose, but will still be required to answer all of the RFP's proposal questions, and specifically address how their proposed solution will meet TPD's needs as a piece of law enforcement training equipment.

As part of the baseline of this RFP's scope of work and the proposing Vendor's submittal, Thornton will be seeking for the Vendor's solution to also include:

- Screens for the driver to view their designed simulation.
- Observation screen(s) for the instructor and other participants of the training class.
- Video playback features, including standard play, pause, fast forward and rewind capabilities.
- The ability to simulate vehicle failures of the driver's vehicle (e.g., break failure, tire blowout, etc.).
- Other environmental variables, such as, weather conditions, coefficient of road friction, other traffic, time of day (day vs. night).
- Scenarios that can be developed by TPD trainers and staff, with scenarios that can be saved for repeated use for different cadets/officers.

Thornton has provided other basic Scope of Work items as listed below within this solicitation; however, Thornton is seeking for Vendor to also provide detailed answers to the proposals questions asked by Thornton to the proposing Vendor.

B.7 INTEGRATION POINTS:

At the time of this solicitation, there are no known integration points, internal or external to Thornton software and systems. However, Thornton has a strong desire for a proposing Vendor's system to have the capability to mirror real-life roadways, including those found locally in Thornton, and in the Denver Metro region. The desire for this stretches from Thornton's need to train its officers and cadets on roads and in conditions that they would face in day-to-day life of their patrol.

B.8 ESTIMATED QUANTITIES:

Quantities listed are Thornton's best estimate and do not obligate Thornton to order or accept more than Thornton's actual requirements during the period of this agreement, as determined by actual needs and availability of appropriated funds. It is expressly understood and agreed that the resulting agreement is to supply Thornton with its complete actual requirement of the materials specified in this proposal for the contractual period.

B.9 F.O.B. POINT:

Prices quoted shall be F.O.B. Destination and delivered, as required, to the following points:

All installations, set-up, training, reports, repair components, etc., will be delivered to Thornton's Police Training Facility, located at:

Thornton Police Training Facility
9000 Colorado Boulevard
Thornton, CO 80229
Attention: Police Training Administration

All software and maintenance licenses and renewals are delivered to Thornton's Information Technology Division, located at:

Thornton City Hall
9500 Civic Center Drive
Thornton, CO 80229
Attention: Information Technology Division

B.10 DELIVERY CONSIDERATIONS:

All installations and deliveries shall be made between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

B.11 DEMONSTRATIONS AND INTERVIEWS:

Thornton reserves the right to review a Vendor's proposed solution that would be on hand or in the field of use. The proposed solution may be viewed at Thornton's sole discretion virtually or at a physical Thornton facility. It will be a Thornton's sole discretion if a demonstration is deemed to be necessary during the evaluation phase of this solicitation.

In addition to demonstrations, Thornton may also elect to conduct Vendor interviews in order to clarify and answer additional questions. All interviews will be held at a physical/virtual location at Thornton's sole discretion and shall be at Thornton's decision if an interview is deemed as being necessary.

Thornton shall not compensate a proposing Vendor for any costs incurred by a Vendor that are related to a demonstration or interview conducted by Thornton during this RFP process.

B.12 INVOICING REQUIREMENTS:

Thornton's Accounts Payable Division is the only division within Thornton that issues payments to Vendors who have submitted invoices. Thornton only issues payments from invoices and will not issue payments to Vendors off of quotes.

Thornton's standard payment terms are net thirty (30) calendar days after receipt of an invoice. All invoices submitted shall be emailed to AP.Invoices@ThorntonCO.gov. In lieu of email, physical copies may be submitted to City of Thornton – Accounts Payable, 9500 Civic Center Drive, Thornton, CO 80229-4326. Invoices sent to anyone other than Accounts Payable are not considered to be properly submitted and will not be paid until they are properly submitted.

B.13 FELONY DISQUALIFICATION:

The vendor shall not employ, retain, hire or use any individual that has been convicted of any felony charges as the same is defined under the laws of the State of Colorado in the performance of the services to be rendered and materials to be provided to Thornton pursuant to this proposal unless the vendor receives prior written permission from the Director of Support Services. The Director may require that a fidelity bond, or such other assurance in such amount as deemed appropriate, be provided to Thornton as a condition precedent to the grant of such permission.

B.14 VENDOR PERFORMANCE MANAGEMENT:

Thornton may administer a Vendor performance management program as part this proposal and resulting agreement. The purpose of this program is to create a method for documenting and advising Thornton of exceptional performance or any problems related to the purchased goods and services.

B.15 COOPERATIVE PURCHASING:

Thornton encourages the proper use of cooperative purchasing and reserves the right to make results of this solicitation available to other governmental agencies seeking like equipment, goods, or services. Other agencies using this solicitation must do so according to regulations established by their individual organizations and accept sole responsibility for its use. The terms and conditions of any resulting transaction shall be exclusively between the buyer and the seller. Buyers and sellers using this solicitation in a cooperative or "piggy-back" fashion, agree to defend and hold harmless Thornton from any dispute or action arising from its use.

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SECTION C: PROPOSAL QUESTIONS TO PROSPECTIVE VENDOR

C.1 INSTRUCTIONS FOR ANSWERING QUESTIONS:

Your proposal response must specifically address each of the questions/issues that are listed within this RFP. Proposers are encouraged to give examples and provide comprehensive information to support your compliance on each point. The **quality and detail** of your responses, along with how closely your firm can meet or exceed Thornton's Scope of Work expectations from Section B, will be considered in the overall evaluation of your proposal.

Based upon your firm's answers to these proposal questions, Thornton may shortlist the number of proposing Vendors down to a select number for further evaluation, including demonstrations and interviews. It is **highly recommended** that your firm provide detailed answers to these questions, as Thornton does not anticipate that it will request demonstrations and interviews from all proposing Vendors.

All answers provided by the awarded Vendor may be incorporated into the final agreement between the Vendor and Thornton as an additional exhibit or as part of a finalized Scope of Work.

C.2 PROPOSAL QUESTIONS:

To standardize the format of all proposals for evaluation, Proposers are required to respond to all questions **in the order given** and to list the item number and restate the question prior to giving their answer. Failure to comply with this requirement may result in your proposal being declared non-responsive.

Thornton has provided the proposal questions for proposers to answer as a Microsoft Word file under separate cover titled "211-24 RFP Appendix No. 1 Proposal Questions 06-14-24".

C.3 THORNTON CYBERSECURITY QUESTIONS:

In addition to the standard proposal questions that Thornton asks with this solicitation from Section C.2, Thornton is also seeking answers from proposing Vendors regarding their solution's basic cybersecurity considerations. Thornton considers cybersecurity a serious matter and conducts a review of every technology component it may prospectively bring on, no matter the dollar level, nor complexity.

To standardize the format of all proposals for evaluation, Proposers are required to respond to all cybersecurity questions **in the order given** and to list the item number and restate the question prior to giving their answer. Failure to comply with this requirement may result in your proposal being declared non-responsive.

Thornton has provided the cybersecurity questions for proposers to answer as a Microsoft Word file under separate cover titled "211-24 RFP Appendix No. 2 Cybersecurity Questions 06-14-24".

SECTION D: PRICING AND PROPOSAL ITEMS

D.1 PRICING INFORMATION:

This section shall include a description of the proposed costs and prices. All pricing information shall be limited solely to this section of your proposal. This section should address all requirements set forth in Section B as well as any other items pertinent to your proposal pricing such as additional discounts for increased quantities, service requirements, etc. The requirements have been developed to allow Thornton to uniformly evaluate prices submitted for the work. Accordingly, you should follow these instructions carefully and provide all data requested in the formats specified herein and in any referenced attachments.

Any omissions in this proposal shall be identified by each Vendor and incorporated into their proposal including any omissions for hardware, service, support, software, travel, shipping, etc. which is necessary to the success of the project. All items must be identified as a separate line item with pricing and included as part of this RFP, unless otherwise requested by Thornton. Thornton will not increase any subsequent agreement or purchase order (neither dollar amount or time) for items not included in the submitted proposal documents. Thornton reserves the right to purchase part or the entire proposal.

D.2 BEST AND FINAL OFFER:

Thornton reserves the right after review and evaluation of Vendors, including after all interviews and demonstrations that have been conducted, to go back to the "short list" of Vendors to conduct a Best and Final Offer ("BAFO"). If issued, the BAFO may be included as a final pricing evaluation tool by Thornton to aid in the award decision process.

D.3 PRICING:

All prices quoted for the software platform, implementation, installation of hardware, and training costs shall be firm and fixed for this initial project period.

All prices quoted by the Vendor for the software subscription and maintenance costs shall be firm and fixed for the initial years of service stated within the pricing form.

D.4 REIMBURSEABLE EXPENSES:

Reimbursable expenses for Vendor employee travel, mileage, photocopying, and printing will not be applicable and will not be paid by Thornton. All proposed Vendor rates shall be inclusive of standard office equipment, supplies, travel, mileage, and per diems incurred by the awarded Vendor during their service to Thornton. It is the proposing Vendor's responsibility to list all applicable employee costs for this project and any future projects. All items not itemized and listed by the proposing Vendor that are instrumental in completing any Thornton project, shall be at the cost to the Vendor and supplied to Thornton at no additional cost.

D.5 PROPOSAL ITEMS:

The pricing form for this RFP will be in a Microsoft Excel format, with a free-type ability for the Vendor to complete the form. The form is under separate cover and is entitled "211-24 RFP Appendix No. 3 Pricing Form 06-14-24".

The proposing Vendor will provide costs for both sections of the pricing form.

- Section 1 – Proposing Vendor’s Proposed Milestones, Deliverables, and Initial Year Pricing
 - This pricing is inclusive of all components that will factor into the Vendor’s ability to provide a driving simulator based upon the scope of work and the Vendor’s response to this RFP.
 - This includes, but is not limited to:
 - The solution itself, including all proposed and peripheral hardware to run the simulator;
 - Implementation and installation of the platform;
 - Software licensing;
 - User Acceptance Testing;
 - User training sessions; and
 - Support and Maintenance.
- Section 2 – Vendor’s proposed software support and maintenance costs for years 2-10.
- Section 3 – Vendor’s proposed technician costs for an in-person support and repairs, when deemed necessary to repair the Vendor’s solution.

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SECTION E: PROPOSAL INSTRUCTIONS, EVALUATION, AND AWARD

E.1 PROPOSAL POSTED LOCATIONS:

This Request for Proposal (RFP) has been posted publicly to the following locations:

- BidNet® Direct: www.BidNetDirect.com
- Thornton's Purchasing website: <https://solicitations.thorntonco.gov/solicitations>

Thornton currently uses BidNet Direct® and its own website to distribute official records for all copies of publicly posted proposals for viewing. Both websites operate as a free to view and download option for prospective Vendors.

Upon request by a Proposing Vendor, the Purchasing Division will also make this solicitation available for viewing at the Contracts and Purchasing Division office. The address for the office is located on the cover page of this RFP.

E.2 PROPOSAL QUESTIONS:

Thornton shall not be bound by and the Vendor shall not request or rely on any oral interpretation or clarification of this RFP. Therefore, any questions regarding this RFP are encouraged and shall be submitted in writing by email to the Purchasing Analyst of Record listed within this RFP.

Questions received up to deadline to submit question in the Schedule of Events will be answered in writing per the Schedule of Events. Answers to questions from any Vendor will be provided to all Vendors via a written addendum.

E.3 ADDENDA:

In the event it becomes necessary to revise, change, modify or cancel this RFP or to provide additional information, addenda will be issued and made available on BidNet® Direct and on Thornton's website. Changes, clarifications, and answers to RFP questions that have been posted in a written addendum that affect or change the RFP's Scope of Work shall be considered as to have replaced and superseded the original proposal's Scope of Work.

It is the responsibility of the proposer/ contractor to confirm that they have acquired all addenda related to this proposal and they have reviewed/ complied with the requirements therein.

E.4 SUBMISSION OF PROPOSALS:

Submission of proposals for this RFP may be done electronically through a Vendor portal (currently done via BidNet Direct®). Proposals can be submitted at www.bidnetdirect.com, but shall not be completely submitted later than the date and time indicated in the Schedule of Events.

If you experience problems with BidNet Direct®, please call 1-800-835-4603 for assistance. There is no charge by BidNet Direct® for this service.

Proposing Vendors who are unable to submit a proposal through BidNet®, may request to submit a physical copy of their proposal for consideration. A proposing Vendor shall email the Purchasing Analyst of Record prior to the question due date listed in the Schedule of Events, for instructions on where and how to submit their physical proposal. All physical proposal submissions shall be submitted and recorded no later than the date and time indicated in the Schedule of Events.

E.5 DOCUMENTS FOR FINAL VENDOR SUBMISSION:

Proposing Vendors are solely responsible to ensure that their submission is complete and responsive prior to a final submission. As a reminder this RFP contains the following documents that will require completion by the proposing Vendor to be considered as initially responsive:

- 1) Section C.2 – Proposal Questions – Answers provided by the proposing Vendor;
- 2) Section D.5 – Proposal Items;
- 3) All additional technical information in support of your proposal;
- 4) Section G.1 – Acceptance and Addenda Acknowledgement Form;
- 5) Section G.2 – Sample Agreement Acknowledgement Form; and
- 6) Section G.3 – References and Authorization Release Form.

It is not necessary for a proposing Vendor to submit this entire RFP document that has been provided by Thornton with the Vendor's response. Only the above-mentioned items are currently required with your proposal submission. Thornton reserves the right to request any clarification, ask any questions, or request additional documents that may aid in the evaluation of your proposal.

E.6 PAGE LENGTHS FOR FINAL VENDOR SUBMISSION:

Thornton is seeking proposals from qualified firms with proposals from prospective Vendors that contain relevant information, answers to proposal questions, pricing, technical information, sample reports, and other items that support that Vendor's proposal submission.

With this in mind, Thornton is requesting that proposing Vendors work to limit their submissions to **one hundred (100)** pages or less.

E.7 CONFIDENTIAL AND PROPRIETARY INFORMATION

As a Colorado home rule municipality, Thornton is subject to and must comply with the Colorado Open Records Act ("CORA"), C.R.S. § 24-72-201 *et seq.* All Vendor submitted documents are subject to requests for public records pursuant to CORA. **Proposing Vendors must clearly identify within their submissions any information that is confidential and proprietary by marking such information as "Confidential" or "Proprietary" information.** Any information a Vendor marks as confidential or proprietary shall comply with CORA and any other applicable statute(s).

Prior to a final award and agreement, Vendor submitted information that is contained within the proposal may be held by Thornton as confidential and proprietary at Thornton's sole discretion. **In accordance with CORA, upon the conclusion of a final award and agreement, Thornton may, in its sole discretion, release any and all portions of Vendor submissions not marked as confidential or proprietary.** Thornton shall be held harmless from any claims arising from the release of confidential and proprietary information not clearly designated as such by the proposing Vendor within their proposal documents to Thornton.

In general, it is not acceptable to Thornton for a proposing Vendor to mark information other than the following items as confidential or proprietary:

- 1) Financial statements;
- 2) Project financing data;
- 3) Litigation history;
- 4) Tax audit history; and
- 5) Client lists and references.

Thornton does not generally find it acceptable to mark proposal pricing, nor the entirety of your proposal, as confidential or proprietary. Failure to adhere to these restrictions may result in your proposal being deemed non-responsive.

For more information about Thornton's processes related to CORA, including using Thornton's Public Records Request Form or for submission of a CORA request, please visit the website of the office of Thornton's City Clerk at <https://www.thorntonco.gov/government/city-clerk/Pages/default.aspx> or you can reach the Clerk's office by email at Clerk@ThorntonCO.gov or by phone at (303) 538-7615.

E.8 LATE PROPOSAL SUBMISSIONS:

Proposing Vendors are expected to allow adequate time to upload a complete submission for consideration through the electronic Vendor portal (currently BidNet Direct®). The Vendor portal will not allow a Vendor to modify, save, nor upload their proposal after the submittal date and time have passed. It is **highly recommended** that as a proposing Vendor you do not wait until the last minute to submit your proposal.

Late proposals will not be accepted. Sole responsibility rests with the proposing Vendor to ensure that its proposal is completely uploaded through the Vendor portal or is received in the Purchasing Office prior to the submission deadline. Proposals that are left in a "Draft" status in the Vendor portal will not be accepted by Thornton for consideration.

All physical proposals received in the Purchasing Office after the submittal date and time will be immediately rejected without consideration.

E.9 AWARDS:

Award will be made on an "all or none" basis. Prices must be shown for each item listed. Proposals submitted without individual item prices listed will be considered as non-responsive and rejected.

E.10 ACCEPTANCE PERIOD:

Submissions in response to this proposal shall remain valid until an award has been made to a proposing Vendor or at a minimum of one hundred twenty (120) Calendar Days from the time of submission, whichever date comes last.

E.11 EVALUATION OF PROPOSALS:

All proposals will be evaluated by a Selection Committee assigned by the City Manager, or their designee. Proposals shall be evaluated on the basis of qualifications, experience, and the applicability of the solutions offered to meet Thornton's needs as they pertain to the Evaluation Criteria noted herein and in the context of best value received for the required goods and/or services. Note that any tools utilized by the Selection Committee in their evaluation process are only intended to facilitate the understanding of the submissions received and facilitate the member's ability to weigh the merits of each proposal. Therefore, any tools utilized by the Selection Committee have no binding effect on their vote or the final award made by Thornton as a result of this RFP.

In addition, other pertinent information which becomes available during the evaluation, interview, or negotiations may be considered in the evaluation. The committee may make a selection on the basis of the Proposals received, or may choose to "short list" prospective firms for further consideration, which may include interviews and or negotiations. The firm selected for the Award will be chosen on the basis of the apparent greatest operational and financial benefit to Thornton, and not necessarily on the basis of lowest price. The City Manager, or their designee, shall make the final determination of the firm selected.

E.12 EVALUATION CRITERIA:

Evaluation criteria for this RFP may include, but is not limited to, the following items:

- 1) Responsiveness to the needs of Thornton, including the time required to complete the implementation of the awarded Vendor's solution.
- 2) Responsibility of the proposing Vendor.
- 3) The written responses provided by the proposing Vendor to the Proposal Questions – Section C.2, and all clarification questions asked by Thornton during the RFP evaluation.
- 4) The proposing Vendor's submitted pricing.
- 5) The results of the Vendor's reference checks.

- 6) The degree to which the Vendor's proposal meets or exceeds the needs as defined in the RFP, including any additional value-add items.
- 7) The results of any Vendor samples, and/or interviews from this RFP.
- 8) The agreeability of the Vendor to Thornton's terms and conditions and the ability to contract with the awarded Vendor.
- 9) All other applicable information and documents submitted by the Vendor and received by Thornton in the evaluation of the proposal.

E.13 POST AWARD PURCHASE ORDER:

A Purchase Order (PO) will be generated by Thornton's Contracts and Purchasing Division as a result of the Award from this solicitation. This Award shall allow Thornton to place orders on an as-needed basis for future years' worth of needs that may arise, based on City Agency actual needs.

All future year POs shall be conditional upon annual appropriation approval by Thornton's City Council. Thornton shall not be liable for any future charges from the awarded Vendor should the funding not be appropriated and approved by City Council.

E.14 STANDARD PROPOSAL CONSIDERATIONS:

Thornton maintains a standard set of RFP considerations and terms and conditions for RFPs that are non-federally funded and are not through a cooperative awarded process. These considerations are static between each RFP process. It is the sole responsibility of the proposing Vendor to have read all RFP considerations. A copy of these standard RFP considerations has been uploaded with this RFP document as a separate cover and it titled "211-24 RFP Appendix No. 4 Standard Proposal Considerations".

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SECTION F: SAMPLE AGREEMENT**F.1 SAMPLE AGREEMENT:**

A sample Technology Master Service Agreement has been provided under separate cover as part of this solicitation. This sample agreement has been provided to inform the proposing Vendor of Thornton's terms and conditions expectations for the awarded Vendor from this solicitation. This sample agreement is subject to change at Thornton's sole discretion.

The sample agreement that has been provided by Thornton shall serve as the overarching agreement for this project, its subsequent renewal years, and all work performed by the Vendor and if applicable, their subcontractors for the duration of the entire agreement period. The opportunity for a prospective Vendor to provide any proposed redlines to Thornton's sample agreement is during the submittal process and all Vendor proposed redlines shall be submitted with the Vendor's final proposal. This sample agreement is subject to change at Thornton's sole discretion.

Thornton does not anticipate signing any separate Vendor contractual documents, including separate general or online terms and conditions, Vendor agreements, Vendor quotations with separate terms and conditions, etc. Vendors who have such documents that are required for their solution must submit these documents for Thornton's review and potential incorporation into the final agreement between both Parties as part of their final proposal submission.

The Vendor does not need to complete any of the information within the sample agreement as part of the initial proposal submission process. At Thornton's sole discretion and as part of a final evaluation process by Selection Committee, the Purchasing Analyst of Record may contact a proposing Vendor for any clarifications.

This sample Technology Master Services Agreement has been uploaded under separate cover and is titled as "211-24 RFP Appendix No. 5 Sample Technology Master Agreement".

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SECTION G: REQUIRED VENDOR SIGNATURE FORMS**G.1 ACCEPTANCE AND ADDENDA ACKNOWLEDGEMENT FORM:**

1) Vendor indicates acceptance of the following conditions:

City of Thornton Charter Section 7.4 prohibits Thornton from issuing a Purchase Order to firms which employ certain family members of employees unless the Thornton Council determines it is in Thornton's best interest. For the purposes of this Charter Section, a domestic partner shall be considered equivalent to a family member. The Vendor attests to the following:

No City Council Member, member of a board or commission, Municipal Judge, City Manager, City Attorney, or employee of the City of Thornton, or any such person's family member, domestic partner, or person assuming a relationship being the substantial equivalent of the above, has an existing or pending, direct or indirect, financial, pecuniary or personal interest in the proposing firm or this Invitation for Bid, except as follows: (list, if any) _____

2) The undersigned Vendor, having examined the Proposal Documents, and having full knowledge of the product and/or services requested and described herein, hereby proposes that it will fulfill the obligations contained herein specifications set forth; and that it will furnish all required products and pay all incidental costs all in strict conformity with these Proposal Documents, for the stated prices as payment in full. Yes No

3) I acknowledge receipt of any and all published addenda and a copy of the sample agreement as provided by Thornton : Yes No

4) I acknowledge that I have submitted all items and documents as required of the final proposal submission Yes No

Proposing Vendor's Name: _____

Date: _____

Submitted By (Printed): _____

Submitted By (Signature): _____

Title: _____

Telephone Number: _____

Email: _____

G.2 SAMPLE AGREEMENT ACKNOWLEDGEMENT FORM

Regarding Thornton's Sample Agreement, the undersigned Vendor acknowledges the following:

- 1) The proposing Vendor has received a copy of Thornton's sample Agreement.
Yes No
- 2) All proposed exceptions to Thornton's sample Agreement and all proposed Vendor agreements may be included as part of Thornton's final evaluation process.
Yes No
- 3) All proposed exceptions or redlines to Thornton's sample Agreement by the Vendor, and all proposed terms and conditions have been uploaded with the Vendor's final proposal as a separate file and has been clearly marked as so.
Yes No
- 4) If chosen for award, that Thornton may accept, reject, or negotiate all proposed changes to the terms and conditions of the sample Agreement and all other Vendor proposed terms and conditions.

Should an Agreement be unable to be reached between Thornton and my firm, I acknowledge that Thornton retains the sole discretion to reject the award made and move to another Vendor for award and contractual negotiations.

Yes No

Proposing Vendor's Name: _____

Date: _____

Submitted By (Printed): _____

Submitted By (Signature): _____

Title: _____

G.3 REFERENCES AND AUTHORIZATION AND RELEASE FORM:**REFERENCE AUTHORIZATION FORM**

By: _____, A Corporation
(Proposing firm) A Partnership whose address is _____
An Individual (Circle One)

Proposing firm has submitted a sealed Proposal to the City of Thornton (Thornton) for this solicitation.

Proposing firm hereby authorizes Thornton to perform such investigation of proposing firm as Thornton deems necessary to establish the qualifications, responsibility, trustworthiness, and financial ability of the proposing firm. By its signature hereon, the proposing firm authorizes Thornton to obtain reference information concerning the proposing firm and releases the party providing such information named above and Thornton from any and all liability to the proposing firm as a result of any reference information provided.

Proposing firm further authorizes Thornton to discuss and release any and all information regarding the Proposing firm's performance on its forthcoming services related to this project or other past projects upon receiving a request for such information. Proposing firm releases Thornton from any and all liability associated with such a release of information.

Proposing firm further waives any right to receive copies of reference information provided to Thornton. A copy or facsimile of this executed Reference Authorization and Release Form may be used with the same effectiveness as an original.

Proposing Vendor's Name: _____

Submitted By (Printed): _____

Submitted By (Signature): _____

Title: _____

Date: _____

SECTION H: AUTHORIZATION FOR SOLICITATION POSTING**H.1 PURCHASING MANAGER FORM:**

All communications regarding this solicitation shall be directed to the Purchasing Analyst of Record listed within this solicitation in Section A.2 – Purchasing Analyst of Record.

This solicitation has been reviewed and approved for a public posting by the Thornton Purchasing Manager.

Megan deGrood, CPPB
Purchasing Manager