



REQUEST FOR PROPOSAL (RFP)

RFP No. 356-23

VENDING AND MICRO MARKET SERVICES

Buyer of Record: Carol Arellano

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City Hall - 2nd Floor
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SECTION A: SCHEDULE, BUYER 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	January 21, 2025	
Deadline to Submit Additional Questions	January 30, 2025	2:00 P.M.
Response to Written Questions	February 4, 2025	4:00 P.M.
Proposal Due Date	February 14, 2025	4:00 P.M.

A.2 BUYER OF RECORD:

The Buyer 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 Buyer. No communication is to be directed to any other Thornton personnel.

The Buyer of Record's contact information is as follows:

Buyer Name: Carol Arellano

Buyer Title: Purchasing Analyst II

Buyer Email: Carol.Arellano@ThorntonCo.gov

A.3 GENERAL SUMMARY OF PROCUREMENT NEEDS:

The City of Thornton, CO ("Thornton") is seeking Proposals from interested firms for Vending and Micro Market Services for Thornton's facility break rooms and public areas.

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

B.1 CURRENT STATE:

Thornton currently has traditional vending machines at all vending locations. As part of the healthier vending program, Thornton would like to launch a pilot program that includes micro markets in addition to the traditional vending. Thornton defines traditional vending as vending machines that offer a limited selection of pre-packaged snacks and drinks through a small, automated dispenser. Micro markets offer a wider variety of fresh foods, displayed on shelves, allowing customers to self-select items and pay for the selected items.

B.2 AWARD LENGTH:

The Vendor(s) who is/are awarded from this proposal will be awarded through agreements with an initial term that will last from the time of award through December 31, 2025. After the initial term expires, there will be the opportunity for a mutually agreed upon annual renewal for up to nine (9) additional years. Thornton will evaluate the Micro Market Program at the end of the first term and determine whether program will be continued beyond year one.

B.3 SCOPE OF WORK – GENERAL CONSIDERATIONS:

The Service Provider shall provide all vending and micro market machines, products, and related services and supplies for the Thornton locations listed below. “Public Sites” refers to those machines used primarily by citizen patrons, for which Thornton will be paid a commission on gross sales at agreed up on rates based on final agreement. “Employee Sites” refers to those machines used primarily by City of Thornton employees, for which Thornton will be paid no commission in lieu of reduced sale pricing on the items vended in these machines.

Public Sites:

Facility and Location	Address	Type of Vending	Food (quantity)	Beverage (quantity/type)
Community Center, First Floor	2211 Eppinger Boulevard	Micro Market	1	2 - bottle
Carpenter Recreation Center, First Floor – Weekly attendance 4,750	11151 Colorado Boulevard	Micro Market	2	3 - bottle
Trail Winds Recreation Center – Weekly attendance 7,500	13495 Holly Street	Micro Market	3	2 – bottle
* Park Village Pool	13401 Albion Way	Traditional	1	2 – bottle
*City Park Pool	2141 East 95 th Avenue	Traditional	1	2 – bottle
Justice Center Building, Courts	9551 Civic Center Drive	Traditional	1	2 – bottle 1 - coffee
Justice Center Building, Police, 3 rd Floor	9551 Civic Center Drive	Traditional	1	1 – bottle
Police Training Facility	9000 Colorado Boulevard	Traditional	1	1 – bottle

***From the week before Memorial Day through the week after Labor Day.**

Employee Sites:

Facility and Location	Address	Type of Vending	Food (quantity)	Beverage (quantity/type)
City Hall Building, Employee Lounge, 1 st Floor	9500 Civic Center Drive	Micro Market	1	2 - bottle
City Hall Building, City Development Wing	9500 Civic Center Drive	Traditional	1	1 – bottle
Justice Center Building, Police Lounge, 2 nd Floor	9551 Civic Center Drive	Traditional	1	2 – bottle 2 - can
Municipal Services Center, Employee Lounge, 2 nd Floor	8651 Riverdale Road	Traditional	1	1 - can
Infrastructure Maintenance Center	12450 Washington Street	Traditional	1	1 – bottle 1 - can
Public Safety Facility, PD Side	13150 Quebec Street	Traditional	1	1 – bottle 1 - can
Fleet Shop	1330 East 126 th Avenue	Traditional	1	1 - bottle

MICRO MARKET

Thornton will pilot Micro Markets on a one-year trial basis at the City Hall, Employee Lounge, First Floor, 9500 Civic Center Drive location and Thornton’s three (3) Recreation Centers as noted above in section B3 Public Sites. After the initial one-year pilot program, Thornton, at its sole discretion will determine whether to keep the Micro Markets in place or replace them with “traditional” vending machines. Thornton may also consider expanding the Micro Markets to other locations throughout Thornton.

The Service Provider shall provide the Micro Market machine, products, and related services and supplies for the Thornton location listed above.

Service Provider understands Thornton’s objective to provide a variety of food products through the Micro Market Vending Services and that the food and beverage selections offered will strive to meet a set of goals (as amended from time to time) established by Wellness Coordinator. To help facilitate this objective, Service Provider shall submit a proposed menu/product offering list for review and approval by Thornton prior to initial opening of the Micro Market. Similarly, Service Provider shall also submit proposed changes to the menu/product offering list prior to implementation for review and approval by Thornton.

Healthier Vending Requirements

Thornton’s Wellness Program is incorporating measures to ensure healthier options for the Thornton community. The healthy vending requirements will apply to the indicated percentages in the categories listed below.

BEVERAGES

Sixty percent (60%) of beverages in beverage machines must fit into one (1) of the following categories. Please list the beverages that your company can provide that meet one (1) of the following guidelines:

- Water (plain, sparkling and flavored): no more than 10 calories per serving;
- Milk and unsweetened milk alternatives (soy, almond, etc.): fat-free (skim) or low-fat (1%) milk; no more than 130 calories per 8 fl. oz.;
- Juice: 100% fruit or vegetable juice (or juice and water). No added sugars/sweeteners (except nonnutritive sweeteners). No more than 120 calories per 8 fl. oz. (preferred serving size);
- Vegetable juice: choose the lowest sodium option; no more than 360 mg per label serving
- Unsweetened coffee or tea;
- Diet beverages with non-nutritive sweeteners; and
- Other beverages with less than or equal to 40 calories per 8 oz.

SNACKS

Sixty percent (60%) of snacks in vending machines must fit into all of the following categories. Please list the snacks that your company can provide that meet all of the following guidelines (fresh fruits, vegetables and nuts and seeds with no added sugar are exempt):

- No more than 200 calories per label serving;
- Less than 230 mg of sodium per label serving (preferably no more than 140 mg);
- 0 g trans-fat per serving;
- Less than 10% of calories from saturated fat;
- No more than 1 g of saturated fat per label serving;
- Less than or equal to 35% of calories from sugar;
- No products containing partially hydrogenated oils; partially hydrogenated vegetable oils aren't permitted in products in the United States, but may be present in products produced outside the U.S.; and
- For plain nuts and nut/fruit mixes only: Preferred serving size for plain nuts is 1 oz. but no more than 1.5 oz. No more than 140 mg of sodium per label serving.

ENTREES

Sixty percent (60%) of entrees available at micro-markets must meet all of the following requirements. Please list the items that your company can provide that meet one (1) of the following guidelines:

- No more than 700 calories;
- No more than 800 mg sodium (preferably no more than 525 mg);
- No more than 5 g saturated fat;
- No more than 105 mg cholesterol;
- Less than 0.5 g trans-fat;
- Do not use products containing partially hydrogenated oils; and
- Contain at least one (1) serving (1/2 to 1 cup total) of vegetables and/or fruits.

DESSERTS

Thirty percent (30%) of desserts available in vending machines or at micro-markets must meet the following requirement:

- No more than 200 calories.

Up-to-date nutritional facts of all beverage and meal options provided and available via vending must be posted or available via a QR code or URL prominently displayed on the front of any vending machines and/or POS.

Healthier items must be priced competitively or discounted, if possible.

Healthier items must be prominently placed at eye level or in the most visible location.

Advertising/promotional signage, space or wraps on machines must only promote healthier items

All healthier options are properly labeled in a manner to indicate which choices are healthy.

MAINTENANCE AND REPAIRS

Service Provider is responsible for providing maintenance, initiating calls for repairs, and payment of repair costs. All repair costs shall be borne solely by the Service Provider. Service Provider must be available Monday through Friday between 8:00 a.m. and 4:00 p.m. to provide mechanical services should a machine need minor repairs or maintenance. Service Provider shall appear on-site within twenty-four (24) hours of a service call by Thornton. The Service Provider shall provide a point of contact for business hours and after hours and weekends.

STOCKING MACHINES

Service Provider shall be responsible for stocking machines on a regularly scheduled day of the week and on an "as-needed basis" when required by product sales or as requested by Thornton. Vending machines located at Thornton's public pools require daily service during the summer months and may require twice-daily service if demand dictates such. Vending machines shall be stocked in a timely manner to prevent out-of-stock items.

EQUIPMENT

The vending equipment shall be new or moderately used machine(s); however, Thornton reserves the right to accept, refuse, and/or request an equipment replacement should the provided machine(s) fail to meet Thornton's requirements and expectations. All vending equipment shall have the ability to accept debit and or credit cards. Vending equipment shall also have the ability to accept and validate one dollar (\$1.00) coins, one dollar (\$1.00) and five dollars bills (\$5.00); or Service Provider shall provide a machine at each location that will exchange such denominations.

Thornton reserves the right to add or delete locations and individual machines as the need for vending machines and services changes. Thornton also reserves the right to request and receive changes to machine types and configurations at any location as a means to meet this demand. Thornton will incur no additional costs or fees for machines, products, or services from the Service Provider. Should Thornton add machines to Public Sites, Service Provider shall pay the same commission percentages for those machines as for existing machines at such locations.

Service Provider shall be responsible for providing, maintaining, and accepting full liability for all machines at no expense to Thornton. Thornton is not responsible for any equipment provided by the Service Provider, loss of product, or checking inventory on behalf of the Service Provider.

SAFETY

The Service Provider shall at all times conduct Services in a manner that causes the least possible obstruction to traffic. The safety and protection of persons and property shall be provided for by the Service Provider.

QUALITY

Service Provider shall provide the highest quality of name brand products and shall ensure their freshness at all times. Vending products supplied must conform to the provisions of the Federal Food, Drug and Cosmetic Act and the FDA Modernization Act (FDAMA) of 1997, or any other regulations promulgated thereafter.

SAFE, CLEAN, AND SANITARY EQUIPMENT

The Service Provider shall supply all the equipment that is required to perform the services under the Agreement. At all times equipment shall be maintained in a safe, clean, and sanitary condition. All electrical equipment shall be either double-insulated or have a grounding three-prong plug. The Service Provider shall coordinate with Thornton for its approval in determining the location and placement of any equipment provided by the Service Provider.

UNIFORMS AND PERSONNEL REQUIREMENTS

The Service Provider shall require their employees and agents to wear name tags and to dress in uniform, if a uniform is part of Service Provider's dress code, when on Thornton premises. All Service Provider's employees must conduct themselves in an appropriate and courteous manner. The Service Provider's employees providing technical service on all equipment installed under this Agreement must be certified to work on the equipment. Proof of certification must be provided upon request.

DELIVERY

All deliveries shall be made through the Delivery area of each location.

CHANGES TO DELIVERY

Thornton reserves the right to make changes in the method of delivery or the place of delivery at any time, with written notice.

EMERGENCY REQUESTS/DELIVERIES

Due to the variation in vending machine usage, Thornton may request emergency deliveries. Emergency deliveries will be defined as deliveries made outside of the “normal” delivery time and location date.

ENVIRONMENTAL FEE OR FUEL SURCHARGES

Thornton will not pay any ecological fees or fuel surcharges.

SALES TAX LICENSING AND REPORTING

Thornton requires that the Service Provider obtain a current City of Thornton Sales Tax license and shall collect and remit any and all sales tax generated by the vending machine(s).

REFUND PROGRAM

Service Provider shall establish a refund bank at each location that allows for refunds to be given to citizens and employees who pay for product and do not receive their item(s), or who receive incorrect or unsatisfactory product. The refund bank at each location will be administered by a designated person at that location and shall be replenished by Service Provider as necessary to maintain a minimum bank of five dollars (\$5.00) at each location.

B.4 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 Contracts and Purchasing. 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.

The Vendor shall ensure that all staff that work on a jobsite that is specific for Thornton’s first responders (Police, Fire, Rescue) shall obtain their Criminal Justice Information Systems (“CJIS”) certification prior to setting foot on the jobsite. The Vendor shall ensure that all staff obtain this certification and retain the certification should the staff be called back out to the jobsite for additional work.

Thornton shall not be liable for any training or certification costs incurred by the Vendor to maintain their staff’s CJIS certification. All certification costs shall be borne by the Vendor.

This requirement extends to all Vendor technicians, installers, delivery personnel, etc. This condition will not be waived by Thornton unless by written authorization by the Thornton Project Manager or Director of Contracts and Purchasing Division.

B.5 EMERGENCY 24-HOUR SERVICES:

Emergency twenty-four (24) hour service is to be provided by Service Provider at no additional cost. The contact name, title, phone number, and email of the individual(s) to contact for emergency service shall be furnished to Thornton prior to a final award.

This service requires a live telephone answering service with the capability of immediately contacting operating personnel at all times. Recorded telephone answering service is not acceptable.

B.6 VENDOR PERFORMANCE MANAGEMENT:

Thornton may administer a Vendor performance management program as part of this proposal and resulting contract. 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.7 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 below. The quality and detail of your responses will be considered in the overall evaluation of your proposal. Proposers are encouraged to give examples and provide comprehensive information to support your compliance on each point.

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

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.

C.2 PROPOSAL QUESTIONS:**A. General Vendor Questions****1) General Vendor Summary**

Please provide a brief description of the following:

- a) Full legal company name;
- b) Your headquarters address;
- c) Primary company contact including name, phone number, and email address;
- d) Year your firm was established;
- e) A brief listing of your Vendor core competencies; and
- f) A current copy of your company's W-9 (IRS version October 2018).

2) Experience and References

Please provide five (5) current client references that you have sold and implemented the same or like solutions to in the past five (5) years. Of these references, please list as many as available that are other governmental municipalities as possible.

- a) Include in your reference information:
 - i. Name of the municipality or firm;
 - ii. Client's headquarters address;
 - iii. Current reference contact;
 - iv. Reference's title;

- v. Reference's phone number;
- vi. Reference's email address;
- vii. Project start date (date of signed contract);
- viii. Project end date (end of burn-in period);
- ix. Project description including all modules implemented; and
- x. Estimated contractual value.

- b) Please provide the number of overall clients worldwide you have using your proposed solution.

B. Proposed Solution

1) Vendor Engagement Team

Please provide the following:

- a) Each team member in the project account management role;
- b) The responsibilities for each role.

2) Vending Solution

Thornton's expectation is that the awarded Vendor will use their expertise to provide proactive leadership, guidance, and direction to the Thornton, CO team throughout each phase of the project life cycle while working collaboratively to plan and implement the solution.

- a) Please describe your vending solution in detail, providing previous examples and additional documentation as necessary.
- b) Do you currently manage other healthy vending programs or micro markets that offer fresh food and beverage options? If so, what challenges have you encountered and how were those overcome?
- c) Detail your ability to meet each of the items listed under "Healthier Vending Requirements" through your vending and/or micro market solution.
- d) Do you currently offer a profit-sharing/commission option? If so, what is the percentage of revenue offered?
- e) Will Thornton incur any charges to have your vending equipment installed?
- f) Please provide a list of the products you offer through your vending services, including any nutrition information and allergy/intolerance/food preference information (i.e. gluten free, vegetarian, contains dairy, etc.).
- g) Provide detailed information about how often fresh items in a micro market concept are restocked, if this is a service and product line that your company offers.
- h) Will Thornton be able to tour a fresh micro market setup at another nearby site that you currently service?

- i) Are you able to bring in samples of your fresh micro market products for a select group of employees to taste, vet, ensure freshness, etc.?
- j) Will internet or Wi-Fi connectivity be required for any of your equipment?

3) Project Schedule

Please provide the following:

- a) A **proposed** project schedule via a Gantt chart or other type of chart, in terms of calendar days based upon RFP Scope of Work and the Vendor stated engagement team.
 - i. Use “Day 1” as the date of a fully executed contract being signed by both parties, with no prior work being completed prior to a signed contract being put into place.
 - ii. Ensure that you list the number of days expected for each portion of the project schedule.
 - iii. Ensure that you include all proposed milestones and deliverable required to complete the implementation of the Vendor’s proposed solution.

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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, 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 software, hardware, support, etc. which is necessary to the success of the project and must be identified as a separate line item with pricing and included as part of this RFP. Thornton will not increase the contract or any purchase order (either 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”). The BAFO will be included as a final pricing evaluation tool by Thornton to aid in the award decision process.

D.3 TARIFFS:

Thornton recognizes the ever-changing geopolitical climate and how this affects the Supplier’s pricing. For the sake of convenience, all pricing submitted with this proposal shall contain all costs, including tariffs that are in place at the time of this proposal’s posting.

If during an awarded period with Thornton, the Supplier sees an increase in the steel and/or plastic prices due to tariffs, then the awarded Supplier is to document this change and submit it with their requested pricing updates. No requested pricing update shall be allowed more than once in any given renewal period.

If during an awarded period with Thornton, the Supplier sees a decrease or elimination of the tariffs that are in place at the time of this proposal’s publication, then Thornton will expect the awarded Supplier to immediately reduce their agreed upon pricing to Thornton by no less than what the reduced/eliminated tariffs had been set at.

D.4 PRICING:

All prices quoted shall be submitted on the attached Exhibit 1, Vending and Micro Market Services Price Sheet.

D.5 ANNUAL PRICE UPDATES:

The awarded Vendor must hold the Bid prices quoted firm until December 31, 2025, after which time the Vendor may request annual price adjustments for inflation based on the Denver-Aurora-Lakewood Price Index upon mutual agreement of the Parties.

A link to index that is current at the time of this solicitation has been provided below:

https://data.bls.gov/pdq/SurveyOutputServlet?data_tool=dropmap&series_id=CUURS48BSA0,CUUS48BSA0

D.6 PROPOSAL ITEMS:

- 1) Exhibit 1, Vending and Micro Market Services Price Sheet

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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 Buyer 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 Buyer 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 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.6 – Proposal Items – Exhibit 1, Vending and Micro Market Services Price Sheet
- 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
- 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 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 contract, 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 contract, 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.

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

- 1) Financial Statements.
- 2) Project Financing Data.
- 3) Litigation History.
- 4) Tax Audit History.
- 5) Client Lists and References.

Thornton does not generally find it acceptable to mark proposal pricing, or the entirety of your proposal, as confidential or proprietary. Failure to adhere to these restrictions may result in your proposal being deemed as 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.7 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.8 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.9 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.10 EVALUATION OF PROPOSALS:

All proposals will be evaluated by a Selection Committee assigned by the City Manager, or his designee. Proposals shall be evaluated on the basis 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 his designee, shall make the final determination of the firm selected.

E.11 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 exceed 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.12 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.

The remainder of this page left blank intentionally.

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

A sample General Services 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 expectation for the awarded Vendor from this solicitation. This sample agreement is subject to change at Thornton's sole discretion.

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 Buyer of Record may contact a proposing Vendor for any clarifications.

The remainder of this page left blank intentionally.

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

Vendor indicates acceptance of the following conditions:

- 1) 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: _____

Submitted By (Printed): _____

Submitted By (Signature): _____

Title: _____

Date: _____

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) 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: _____

Submitted By (Printed): _____

Submitted By (Signature): _____

Title: _____

Date: _____

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 Buyer of Record listed within this solicitation in Section A.2 – Buyer of Record.

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

Megan deGrood, CPPB
Purchasing Manager