

REQUEST FOR PROPOSAL (RFP)

RFP No. 144-25

CITY OF THORNTON FIREWORK EXHIBITIONS

Purchasing Analyst of Record: Denise Serna

Denise.serna@Thorntonco.gov

City Hall - 2nd Floor
Contracts and Purchasing Division
9500 Civic Center Drive
Thornton, CO 80229-4326
Main Phone: (303) 538-7325

TABLE OF CONTENTS

SECTION A: SCHEDULE, PURCHASING ANALYST OF RECORD, AND GENERAL SUMMARY OF NEEDS.....	4
A.1 SCHEDULE OF EVENTS:.....	4
A.2 PURCHASING ANALYST OF RECORD:	4
A.3 GENERAL SUMMARY OF PROCUREMENT NEEDS:	4
SECTION B: CURRENT STATE, SCOPE OF WORK, AND SPECIAL CONSIDERATIONS ..	5
B.1 CURRENT STATE:	5
B.2 BUDGET:	6
B.3 AWARD LENGTH:	6
B.4 SCOPE OF WORK – GENERAL CONSIDERATIONS:.....	6
B.5 ESTIMATED QUANTITIES:	8
B.6 F.O.B. POINT:	8
B.7 DELIVERY CONSIDERATIONS:	9
B.8 DEMONSTRATIONS AND INTERVIEWS:.....	9
B.9 INVOICING REQUIREMENTS:	9
B.10 FELONY DISQUALIFICATION:	9
B.11 VENDOR PERFORMANCE MANAGEMENT:	10
B.12 COOPERATIVE PURCHASING:	10
SECTION C: PROPOSAL QUESTIONS TO PROSPECTIVE VENDOR	11
C.1 INSTRUCTIONS FOR ANSWERING QUESTIONS:.....	11
C.2 PROPOSAL QUESTIONS:	11
SECTION D: PRICING AND PROPOSAL ITEMS	14
D.1 PRICING INFORMATION:	14
D.2 BEST AND FINAL OFFER:.....	14
D.3 TARIFFS:	14
D.4 PRICING:.....	15
D.5 ANNUAL PRICE UPDATES:	15
D.6 PROPOSAL ITEMS:	15
SECTION E: PROPOSAL INSTRUCTIONS, EVALUATION, AND AWARD.....	16
E.1 PROPOSAL POSTED LOCATIONS:.....	16

E.2 PROPOSAL QUESTIONS:	16
E.3 ADDENDA:	16
E.4 SUBMISSION OF PROPOSALS:	16
E.5 DOCUMENTS FOR FINAL VENDOR SUBMISSION:	17
E.6 CONFIDENTIAL AND PROPRIETARY INFORMATION	17
E.7 LATE PROPOSAL SUBMISSIONS:	18
E.8 AWARDS:	18
E.9 ACCEPTANCE PERIOD:	19
E.10 EVALUATION OF PROPOSALS:	19
E.11 EVALUATION CRITERIA:	19
E.12 POST AWARD PURCHASE ORDER:	20
E.13 STANDARD PROPOSAL CONSIDERATIONS:	20
SECTION F: SAMPLE AGREEMENT	21
F.1 SAMPLE AGREEMENT:	21
SECTION G: REQUIRED VENDOR SIGNATURE FORMS	22
G.1 ACCEPTANCE AND ADDENDA ACKNOWLEDGEMENT FORM:	22
G.2 SAMPLE AGREEMENT ACKNOWLEDGEMENT FORM	23
G.3 REFERENCES AND AUTHORIZATION AND RELEASE FORM:	24
SECTION H: AUTHORIZATION FOR SOLICITATION POSTING	25
H.1 PURCHASING MANAGER FORM:	25

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	03/13/25	
Deadline to Submit Additional Questions	03/24/25	5:00 P.M.
Response to Written Questions	03/26/25	5:00 P.M.
Proposal Due Date	04/03/25	5:00 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: **Denise Serna**
Title: **Purchasing Analyst**
Email: Denise.serna@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 Firework Exhibitions for Thornton's scheduled fireworks events. The July 4th Celebration, WinterFest Event and smaller events may be scheduled throughout the term of the award.

SECTION B: CURRENT STATE, SCOPE OF WORK, AND SPECIAL CONSIDERATIONS**B.1 CURRENT STATE:**Background for Fireworks Exhibitions

1. Thornton conducts several special events and festivals each year and is soliciting proposals for two (2) Fireworks Exhibitions to support these festivals. Standard festivals include the following events (dates and names of events are subject to change).

A. 4th of July Celebration.**B. WinterFest 3-Day Event** (i.e., third weekend after Thanksgiving weekend), Friday through Sunday.

2. Thornton may also require equipment and services for other non-standard and as of yet unscheduled events, such as celebrations and other events.
3. Thornton will provide electric power only. Vendor shall be required to provide all equipment and cabling as needed.
4. July 4th standard operating hours begin at 12:00 p.m., on the day of the event. The event starts at approximately 4:30 p.m. and ends at approximately 10:00 p.m. (weather or delays permitting).

WinterFest Event (3-Day Event) is scheduled the third weekend after Thanksgiving weekend, standard operating hours are listed below. There will be one (1) firework show during one (1) designated night during this event. Below is the typical event schedule:

Day One – Friday 6:00 pm to 9:00 p.m;

Day Two – Saturday 10:00 am to 9:00 p.m; and

Day Three – Sunday 5:00 pm to 9:00 p.m.

5. Thornton festivals, celebrations, and special programs are typically comprised of, but not limited to, one (1) or more of the following types of venue:
 - Food vendor;
 - Dances/dance exhibitions;
 - Custom car/equipment exhibits;
 - Information/public service tents;
 - Concerts/stage performances;
 - Cultural/educational exhibits;
 - Craft fairs;
 - Rides/amusements;
 - First aid/health information tents; and/or
 - Sports/recreation exhibitions.

6. Thornton festivals are set in open areas usually covering approximately 15-20 acres, and consist of a wide variety of exhibits, performances, and activities.
7. Thornton's assigned Project Manager will be the contact for delivery and setup.

B.2 BUDGET:

Thornton's budget for the July 4th Event, one night firework exhibit, is forty thousand dollars (\$40,000) annually. Proposing firms must base their proposals on this amount.

Thornton's budget for the WinterFest Event, one night firework exhibit, is ten thousand, four hundred (\$10,400) dollars annually. Proposing firms must base their proposals on this amount.

B.3 AWARD LENGTH:

The initial award from this solicitation will be from the date of the final signature of the agreement, until **December 31, 2025, with renewal eligibility through December 31, 2032**. After the first year, Thornton has the option to renew the Agreement for an additional seven (7) years with annual renewals.

B.4 SCOPE OF WORK – GENERAL CONSIDERATIONS:

Proposing firms shall provide two (2) scheduled fireworks shows in Thornton for our two (2) annual events, July 4th Celebration and WinterFest. Additional smaller scale events may be scheduled with the awarded Vendor on an as-needed basis.

1. July 4th Celebration:

The Proposing Firm (Service Provider) shall provide both product and staff for pyrotechnical services for a public fireworks exhibit that will be held on July 4th at approximately 9:30 p.m.

Set up is coordinated with Thornton's Project Manager in the weeks and days prior to the event. Meetings between the awarded Service Provider and Thornton staff will be held at a Thornton location to discuss the designated area for the exhibit and tear down and removal of any and all firework debris from the designated and surrounding areas after the event.

The program shall last a minimum of twenty (20) minutes, and must synchronize to a prerecorded Compact Disc (CD) submitted by the proposing firm to Thornton no later than forty-five (45) Calendar Days prior to the exhibit for approval by Thornton. The program shall include an electronically fired pyrotechnic display with the following components choreographed to music: announcement barrage, aerial presentation, and aerial grand finale. In the event weather conditions will not allow the display to take place according to the primary schedule, proposing firm shall provide the public fireworks display on July 5th, or other City specified date, as the alternate date.

2. WinterFest Event (3 Day Event):

The Proposing Firm (Service Provider) shall provide both product and staff and pyrotechnical services for a public fireworks exhibit that will be held on the third Saturday following Thanksgiving, at approximately 8:30 p.m.

Thornton's Project Manager shall coordinate pre event meetings with the awarded firm in the weeks and days prior to the event. Meetings between the Service Provider and Thornton staff will be held to discuss the designated area for the exhibit, and tear down and removal of all debris from the designated and surrounding areas after the event.

The program shall last a minimum of nine (9) minutes, and must synchronize to a prerecorded CD submitted by the proposing firm to Thornton no later than forty-five (45) Calendar Days prior to the exhibit for approval by Thornton. The program shall include an electronically fired pyrotechnic display with the following components choreographed to music: announcement barrage, aerial presentation, and aerial grand finale. In the event weather conditions will not allow the display to take place according to the primary schedule, proposing firm shall provide the public fireworks display on the following Sunday, or other specified date as the alternate date as approved by Thornton and awarded vendor.

3. The proposing firm shall assign an experienced, qualified technician to be in charge of the displays. Proposing firm's Project Manager shall be licensed in the State of Colorado and shall be responsible for the management of all proposing firm's employees assigned to Thornton's events. Proposing firm's Project Manager shall coordinate the schedule and closely communicate with Thornton's Project Manager and staff assigned to these events. Thornton will be available to participate in coordination meetings as recommended by the proposing firm.
4. Proposing firm shall make delivery of product to adhere to agreed upon timeline so that there is no disruption to Thornton's scheduled exhibitions. Thornton reserves the right to conduct a shell count audit at the time of delivery. It shall be the responsibility of the proposing firm to provide security of the fireworks and the site where product is delivered from the time of delivery until completion of the fireworks exhibitions. Thornton shall be responsible for spectator control and site access security. The proposing firm shall advise Thornton of all legal and safety regulations that must be enforced.
5. The displays will be ignited from an open area at the Margaret Carpenter Park, 13482 East 112th Avenue, Thornton, CO, 80233. The proposing firm shall be required to fire shells from a self-contained firing platform and all shells shall be preloaded and ignited electronically. Shells that fail to ignite shall be covered during the remainder of the display and properly disposed of according to established industry safety standards. Thornton reserves the right to inspect and require a count of failed or misfired shells. Related costs for failed shells may be deducted from the final payment. Any shells that fail to ignite during the fireworks display must be discharged within thirty (30) minutes after the end of the display. After the thirty (30) minute window has elapsed, the failed shells must be disassembled and disposed of according to established industry safety standards.

6. Only the authorized employees of the proposing firm shall be allowed within the fallout area at any time during the setup, fireworks display, or cleanup of the event. Due to safety reasons, no family members or friends of the family of proposing firm's employees shall be permitted. All authorized employees of the proposing firm shall be over the age of eighteen (18); and a list of the employees assigned to Work each event shall be submitted to the Fire Marshall prior to the event. No alcoholic beverages will be permitted within the fallout area.
7. Descriptions of all mortars, firing systems, shipping or other service and equipment appurtenant to the successful and safe execution of this complete exhibition are to be included in the Proposal. The proposing firm shall be responsible for all set-up, tear-down, clean up and trash removal. The firing location must be restored to its original condition after the show. The proposing firm will be responsible for supplying equipment for the personal maintenance needs of the authorized employees, including but not limited to portable toilets.
8. The State of Colorado, including the Denver Metropolitan Area, has been in the past, subject to potentially severe drought conditions. Thornton, at its sole option or in compliance with State regulations may cancel or postpone, upon seven (7) Calendar Days written notice and without penalty, any scheduled display due to drought conditions. Thornton will attempt to reschedule canceled fireworks displays at a time when drought conditions are no longer considered a potential danger, and allow for the safe execution of the exhibit.
9. Proposing firms shall have Licensed professionals and licensing and permits required by the State of Colorado.

B.5 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.6 F.O.B. POINT:

Prices quoted shall be F.O.B. Destination and delivered, as required, to the following location, unloaded and installed in coordination with Thornton's Project Manager.

Margaret Carpenter Park
Attention: Thornton Project Manager
13482 East 112th Avenue
Thornton, CO, 80233

B.7 DELIVERY CONSIDERATIONS:

Delivery is required on or before the event date as scheduled with Thornton's Project Manager. Vendors proposing products not carried in stock as a policy for immediate delivery should not submit proposal on such items.

B.8 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 at Thornton's sole discretion if a video demonstration is deemed to be necessary as well as to view a firework sample (unlit form) 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.9 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.10 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.11 VENDOR PERFORMANCE MANAGEMENT:

Thornton may administer a Vendor performance management program as part of 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.12 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 from other municipalities and political subdivisions 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.

The remainder of this page has been left blank intentionally.

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. 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. 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 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.

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) The year your firm was established;
- e) A brief listing of your Vendor core competencies; and
- f) A current copy of your firm's W-9 (IRS version October 2018).

2) Experience and References

Please provide three (3) current client references that you have sold and implemented the same or like solutions to in the past ten (10) 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 information, including the Reference's:
 - (1) Name;
 - (2) Title;
 - (3) Phone number;
 - (4) Email address;
- iv) Project start date (date of signed agreement);
- v) Project end date (project close-out date);
- vi) Project description including all services performed; and
- vii) Contractual value.

- b) Please provide the number of overall clients that you have currently using your proposed solution, including:
 - i) Within the United States; and
 - ii) Within the State of Colorado

B. Proposed Solution Engagement

1) Vendor Engagement Team

Please provide the following:

- a) Each team member in the project engagement team's role;
- b) The responsibilities for each role; and
- c) Information regarding the team member's professional background.
 - i) Resumes may be included as an appendix but each resume shall not exceed one (1) page in length.
 - ii) Licensing for Engagement Team.

2) Engagement Methodology

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 in detail, your preferred engagement methodology for this project based on Thornton's Scope of Work.
 - i) Please provide any previous examples and additional documentation to support your methodology, as necessary.
- b) Follow up meetings to review project success and/or any concerns or comments.

3) Change in Scope

Please provide the following:

- a) A description of your firm's process to determine if a request made by Thornton is deemed as being out of scope from a resulting agreement.
- i) Include an example of your firm's Project Change Form, if applicable.
 - (1) **Note:** All potential change orders shall be reviewed and approved by the Thornton Purchasing Division prior to execution of any change orders. The Thornton Purchasing Division may issue an individual purchase order for any particular change order performed under a resulting agreement.

Vendors are to note that Thornton retains the right to utilize Thornton's own Change Order form when performing any change order.

The remainder of this page has been left blank intentionally.

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 TARIFFS:

Thornton recognizes the ever-changing geopolitical climate and how this affects the Vendor'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 Vendor sees an increase in the steel and/or plastic prices due to tariffs, then the awarded Vendor 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 Vendor 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 Vendor 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 firm and fixed for the initial award period or up to one (1) year, whichever occurs last.

In the event the market price on any item is reduced during the period of the agreement, the successful vendor for that item shall reduce the proposal price to Thornton accordingly.

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.

Price adjustment requests are to be made by the Vendor in writing (e.g., email) to the Thornton Purchasing Division, no later than sixty (60) calendar days prior to the agreement's renewal date or year in which the adjustment may take effect. Should the Vendor fail to submit a request for a price adjustment to Thornton's Purchasing Division, then the current pricing shall remain in effect for the following renewal period of the agreement.

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,CUUSS48BSA0

Notwithstanding the above, Thornton may, at its sole discretion, consider other publicly published pricing indices and/or modifications as deemed appropriate given market conditions. Note, Thornton is under no obligation to make such considerations and may require vendors to provide documentation substantiating any unusual market conditions beyond its control.

D.6 PROPOSAL ITEMS:

Include proposed pricing for a Pyrotechnic shows with pyrotechnics, staffing and services for a Firework Exhibition.

- 1) Pyrotechnics - Include complete list of type of pyrotechnics used for each phase below with delivery, installation, set up/removal and cleanup.
 - Announcement Barrage;
 - Aerial Presentation;
 - Grand Finale.
- 2) Personnel – Include total number of staff.

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.6 – 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
- 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 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
- 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.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. Discount percent must be shown for each item within the group.

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 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.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 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.12 POST AWARD PURCHASE ORDER:

A Purchase Order (PO) may 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.13 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 has been 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 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.

The remainder of this page has been left blank intentionally.

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.

Andrew Miskell, CPPB
Purchasing Manager