

# **REQUEST FOR PROPOSAL (RFP)**

**RFP No. 275-26**

**Water Quality Profilers**

**Purchasing Analyst of Record: Joshua Houston**

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**TABLE OF CONTENTS**

|                                                                                             |           |
|---------------------------------------------------------------------------------------------|-----------|
| <b>SECTION A: SCHEDULE, PURCHASING ANALYST OF RECORD, AND GENERAL SUMMARY OF NEEDS.....</b> | <b>4</b>  |
| <b>A.1 SCHEDULE OF EVENTS:.....</b>                                                         | <b>4</b>  |
| <b>A.2 PURCHASING ANALYST OF RECORD: .....</b>                                              | <b>4</b>  |
| <b>A.3 GENERAL SUMMARY OF PROCUREMENT NEEDS: .....</b>                                      | <b>4</b>  |
| <b>SECTION B: CURRENT STATE, SCOPE OF WORK, AND SPECIAL CONSIDERATIONS ..</b>               | <b>5</b>  |
| <b>B.1 CURRENT STATE: .....</b>                                                             | <b>5</b>  |
| <b>B.2 SCOPE OF WORK:.....</b>                                                              | <b>5</b>  |
| <b>B.3 F.O.B. POINT: .....</b>                                                              | <b>8</b>  |
| <b>B.4 DELIVERY CONSIDERATIONS: .....</b>                                                   | <b>8</b>  |
| <b>B.5 WARRANTY .....</b>                                                                   | <b>8</b>  |
| <b>B.6 SOFTWARE – TECHNOLOGY ACCESSIBILITY COMPLIANCE:.....</b>                             | <b>8</b>  |
| <b>B.7 SOFTWARE – INTERFACE/INTEGRATION POINTS:.....</b>                                    | <b>9</b>  |
| <b>B.8 SYSTEM DOCUMENTATION: ` .....</b>                                                    | <b>9</b>  |
| <b>B.9 PURCHASE ORDER: .....</b>                                                            | <b>9</b>  |
| <b>B.10 INVOICING REQUIREMENTS: .....</b>                                                   | <b>9</b>  |
| <b>B.11 PALLET CHARGE: .....</b>                                                            | <b>10</b> |
| <b>B.12 VENDOR PERFORMANCE MANAGEMENT: .....</b>                                            | <b>10</b> |
| <b>B.13 COOPERATIVE PURCHASING: .....</b>                                                   | <b>10</b> |
| <b>SECTION C: PROPOSAL QUESTIONS TO PROSPECTIVE VENDOR .....</b>                            | <b>11</b> |
| <b>C.1 INSTRUCTIONS FOR ANSWERING QUESTIONS: .....</b>                                      | <b>11</b> |
| <b>C.2 PROPOSAL QUESTIONS: .....</b>                                                        | <b>11</b> |
| <b>C.3 THORNTON CYBERSECURITY QUESTIONS:.....</b>                                           | <b>11</b> |
| <b>SECTION D: PRICING AND PROPOSAL ITEMS .....</b>                                          | <b>12</b> |
| <b>D.1 PRICING INFORMATION: .....</b>                                                       | <b>12</b> |
| <b>D.2 VENDOR PRICING SUBMITTAL: .....</b>                                                  | <b>12</b> |
| <b>D.3 BEST AND FINAL OFFER:.....</b>                                                       | <b>12</b> |
| <b>D.4 VENDOR COOPERATIVE AGREEMENTS: .....</b>                                             | <b>12</b> |
| <b>D.5 PRICING:.....</b>                                                                    | <b>13</b> |
| <b>D.6 PROPOSAL ITEMS: .....</b>                                                            | <b>13</b> |
| <b>D.7 FINANCING/ADVANCE PAYMENTS: .....</b>                                                | <b>14</b> |
| <b>SECTION E: PROPOSAL INSTRUCTIONS, EVALUATION, AND AWARD.....</b>                         | <b>15</b> |
| <b>E.1 PROPOSAL POSTED LOCATIONS: .....</b>                                                 | <b>15</b> |

|                                                                                |           |
|--------------------------------------------------------------------------------|-----------|
| <b>E.2 QUESTIONS:</b>                                                          | 15        |
| <b>E.3 ADDENDA:</b>                                                            | 15        |
| <b>E.4 SUBMISSION OF PROPOSALS:</b>                                            | 15        |
| <b>E.5 DOCUMENTS FOR FINAL VENDOR SUBMISSION:</b>                              | 16        |
| <b>E.6 CONFIDENTIAL AND PROPRIETARY INFORMATION</b>                            | 17        |
| <b>E.7 LATE PROPOSAL SUBMISSIONS:</b>                                          | 18        |
| <b>E.8 AWARDS:</b>                                                             | 18        |
| <b>E.9 ACCEPTANCE PERIOD:</b>                                                  | 18        |
| <b>E.10 EVALUATION OF PROPOSALS:</b>                                           | 18        |
| <b>E.11 DEMONSTRATIONS AND INTERVIEWS:</b>                                     | 19        |
| <b>E.12 EVALUATION CRITERIA:</b>                                               | 19        |
| <b>E.13 VENDOR COMMITMENT STATEMENT:</b>                                       | 20        |
| <b>E.14 POST AWARD PURCHASE ORDER:</b>                                         | 20        |
| <b>E.15 PURCHASE ORDER TERMS AND CONDITIONS:</b>                               | 20        |
| <b>E.16 STANDARD PROPOSAL CONSIDERATIONS:</b>                                  | 21        |
| <b>SECTION F: REQUIRED VENDOR SIGNATURE FORMS</b>                              | <b>22</b> |
| <b>F.1 ACCEPTANCE AND ADDENDA ACKNOWLEDGEMENT FORM:</b>                        | 22        |
| <b>F.2 REFERENCES AND AUTHORIZATION AND RELEASE FORM:</b>                      | 23        |
| <b>F.3 DISCLOSURE OF GENERATIVE ARTIFICIAL INTELLIGENCE (A.I.) USAGE FORM:</b> | 24        |
| <b>SECTION G: AUTHORIZATION FOR SOLICITATION POSTING</b>                       | <b>25</b> |
| <b>G.1 PURCHASING MANAGER FORM:</b>                                            | 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> |
|------------------------------------------|-------------|-------------|
| RFP Issued                               | 07/28/2026  |             |
| Deadline to Submit Questions             | 08/05/2026  | 4:30 P.M.   |
| Thornton's Response to Written Questions | 08/06/2026  |             |
| Proposal Due Date                        | 08/18/2026  | 4:30 P.M.   |
| Award Date (tentative)                   | 08/27/2026  |             |

**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 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:** Joshua Houston  
**Title:** Senior Purchasing Analyst  
**Email:** [Joshua.Houston@thorntonco.gov](mailto:Joshua.Houston@thorntonco.gov)

**A.3 GENERAL SUMMARY OF PROCUREMENT NEEDS:**

The City of Thornton, Colorado (hereafter, "Thornton"), is seeking Proposals from interested firms for the purchase of one (1) or two (2) water quality profilers.

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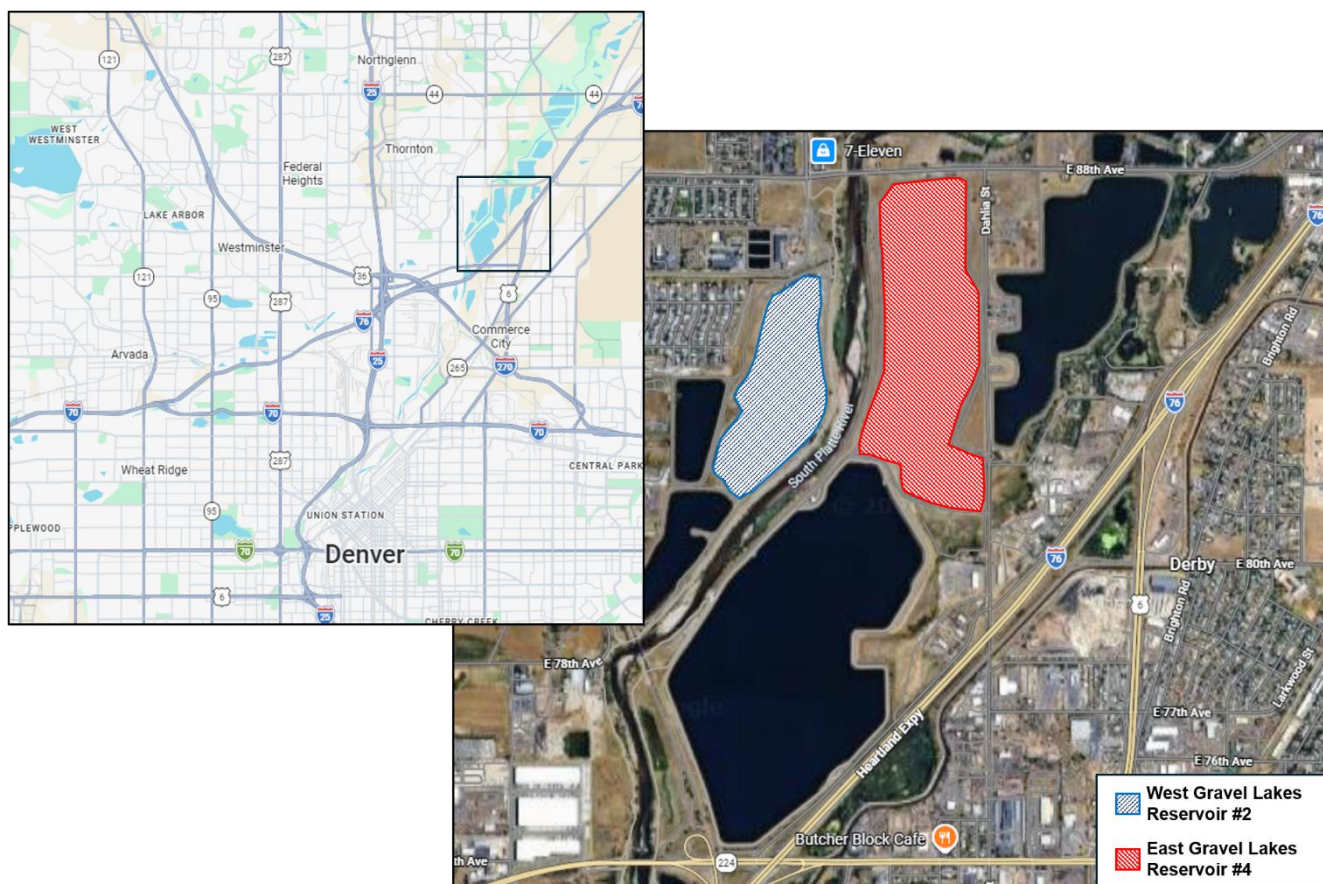
## SECTION B: CURRENT STATE, SCOPE OF WORK, AND SPECIAL CONSIDERATIONS

### B.1 CURRENT STATE:

Thornton is a home-rule city in Adams County, Colorado, located ten (10) miles northeast of Denver. Thornton utilizes surface sources for its drinking water for its over 200,000 residents and customers. The reservoirs of interest for this project have frequent water quality issues that arise due to the stratification of the water body and subsequent internal loading. Presently, Thornton measures three (3) depths once a week in these reservoirs, which is insufficient for our needs. To better understand and monitor changing water quality parameters, Thornton is seeking a water quality profiler(s) to measure parameters at depth.

### B.2 SCOPE OF WORK:

Thornton intends to purchase one (1) or potentially up to two (2) water quality profilers. The priority reservoir for this project is East Gravel Lakes Reservoir #4 (hereafter, "EGL #4"), which is located to the southwest of the intersection of E 88<sup>th</sup> Avenue and Dahlia Street in Thornton. The second, optional reservoir for this project is West Gravel Lakes Reservoir #2 (hereafter, "WGL #2"), which is located across the South Platte River from and west of EGL #4, and south of the intersection of E 88<sup>th</sup> Avenue and Colorado Boulevard in Thornton. See *Figure 1* below.



*Figure 1. Location of WGL #2 and EGL #4.*

Each reservoir experiences moderate wind (and subsequent waves) due to its exposed nature. Each reservoir has, on occasion, frozen over completely during the winter, although this has not happened in several years. Ice buildup around the shore is common.

The decision to purchase one or two water quality profilers is at Thornton's sole discretion and influenced significantly by the available budget for this project compared to the prices proposed by Vendors. Each reservoir would receive one installed water quality profiler.

Thornton intends to use data from the new water quality profiler(s) to support decisions related to water treatment and water intake locations from the reservoirs to Thornton's water treatment plants.

Thornton anticipates making one or two awards from this solicitation under one of the following scenarios: (1) one award to one Vendor for EGL #4; (b) one award to one Vendor for both EGL #4 and WGL #2; or (c) potentially one award to one Vendor for EGL #4 and a second award to a separate Vendor for WGL #2.

The awarded Vendor(s) will perform the following tasks for each location awarded (EGL #4 and/or WGL #2):

- a. Furnish one (1) water quality profiler platform with the following physical characteristics:
  1. Mobile platform that floats on the water surface and is towable by small boat.
  2. Anchoring system to keep system in place in a reservoir with fluctuating depths up to 40 ft. The reservoir typically fluctuates up to 10 ft in depth, with a maximum depth of 40 ft.
  3. Corrosion resistant frame and flotation platform.
  4. Remote control of profiling system, with winch to lower and raise the profiler cable.
  5. Housing of control systems located above water level so that float does not need to be removed from lake for service.
  6. Solar powered with battery backup to ensure continuous operation.
  7. All parts to be durable, non-corrosive materials and per- and polyfluoroalkyl substances (PFAS) free where possible.
- b. Furnish two (2) sondes<sup>1</sup> with the following characteristics and capabilities:
  1. At minimum, capable of monitoring the following:
    - i. Dissolved Oxygen.
    - ii. Chlorophyll-a.
    - iii. Phycocyanin/phycoerythrin.
    - iv. pH.
    - v. Temperature.
    - vi. Turbidity.
    - vii. Conductivity.
    - viii. Depth.

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<sup>1</sup> Thornton intends to rotate use of the two (2) sondes for a single platform.



2. Optionally, capable of monitoring the following:
    - i. Nutrients (Total Phosphorus, Total Nitrogen).
    - ii. Ortho-Phosphate.
    - iii. Fluorescent Dissolved Organic Matter (fDOM).
    - iv. Total Suspended Solids (TSS).
    - v. Total Dissolved Solids (TDS).
  3. Optionally, collect meteorological data to include:
    - i. Anemometer.
    - ii. Barometer.
    - iii. Thermometer.
    - iv. Pyranometer.
  4. Sondes must be self-cleaning.
  5. Sondes must be capable of vertical profiling in the up or down direction up to 40 ft in 1-ft vertical increments.
- c. Furnish one (1) datalogger with the following characteristics and capabilities:
1. Uploads data to Vendor's server, with a minimum frequency of once per day. Preferred upload frequency is real-time or close to real-time.
  2. Remote communication via satellite, Global System for Mobile Communications (GSM), or 4G/5G networks.
  3. Two-way communication.
  4. Internal memory capable of storing at least 100,000 data points.
- d. Provide access to a web application with the following capabilities:
1. Data hosted on the Vendor's server and accessible to the customer through a web application using a Software-as-a-Service (SaaS) deployment model.
  2. Web application provides access to full water quality monitoring data, including historical data. Data is kept secured and confidential.
  3. Data on web application is exportable in common formats (e.g., .xlsx).
    - i. All data hosted shall be the property of Thornton with Thornton retaining the ability to download the data free of any charges at any time.
- e. Provide installation of water quality profiler system, to include positioning the profiler in the center of the reservoir by small boat, anchoring the system, and all required programming. See **Appendix No. 1** for a detailed map of EGL #4 and **Appendix No. 2** for a detailed map of WGL #2.
- f. After installation, provide operator-level training on the water quality profiler system and associated software.
- g. Provide ongoing maintenance and support services, including:
1. Periodic service of sondes.
  2. Annual winterization of the water quality profiler system, if required and if this must be performed by the awarded Vendor.

**B.3 F.O.B. POINT:**

Prices quoted shall be F.O.B. Destination and delivered and installed to EGL #4 and/or WGL #2.

All software 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.4 DELIVERY CONSIDERATIONS:**

Delivery and installation are required by **October 23, 2026**.

**B.5 WARRANTY**

Awarded Vendor shall provide the standard commercial warranty for the water quality profiler system components.

Awarded Vendor shall also provide a minimum of one-year labor/workmanship warranty on the installation. The awarded Vendor shall correct, at no cost to Thornton, any installation defects discovered during the one (1) year warranty period. The awarded Vendor shall perform any registration or other administrative requirements on Thornton's behalf necessary to activate these warranties and provide such documentation to Thornton after installation.

**B.6 SOFTWARE – TECHNOLOGY ACCESSIBILITY COMPLIANCE:**

In 2021, the Colorado House of Representative passed House Bill 21-1110, which modified and created new guidelines on technology accessibility requirements for all technology items purchased and used by all Colorado municipalities, such as Thornton. These guidelines have been adopted as part of the Colorado Anti-Discrimination Act ("CADA") and currently require all technology products to meet or exceed the Website Content Accessibility Guidelines ("WCAG") standards. The State of Colorado has put their Office of Information and Technology ("OIT") in charge of developing and distributing the standards for this compliance.

The initial information that has been sent out has stated that all software used by public entities must be at least compliant and in-line with federal ADA and Colorado CADA standards, no matter if the software is external facing to the public or internal facing to the entity. As part of the set of proposal questions that Vendors will be answering, there is a question within this set that will ask if your firm's solution meets or exceeds these standards.



Proposing Vendors are to note that Thornton does not govern or have oversight over these requirements. For more information on the CADA and WCAG guidelines, please follow this hyperlink to the State of Colorado's Office of Information Technology website:  
<https://oit.colorado.gov/hb21-1110-faq>

#### **B.7 SOFTWARE – INTERFACE/INTEGRATION POINTS:**

Thornton does not anticipate requiring the awarded Vendor's software solution to interface/integrate into any known 3<sup>rd</sup> party existing platforms that Thornton utilizes. Thornton intends to use the software as a standalone system, with the option to export data in common formats (e.g., xlsx).

#### **B.8 SYSTEM DOCUMENTATION:**

Upon completion of the installation of the water quality profiler(s), the awarded Vendor shall provide Thornton with a complete systems documentation package. The documentation package in general shall include, but is not limited to: Any applicable drawings, schematics, software and hardware submittals, detailed functional and interface descriptions, user/operator manuals, software programming manuals and procedures and all other required documentation related to the Vendor's proposed solution. The documentation package shall address all hardware and software provided under the Project and shall be subject to review and approval by the Thornton Technology Project Manager before final system acceptance.

#### **B.9 PURCHASE ORDER:**

Thornton intends to issue a purchase order to the awarded Vendor for this Project on or soon after the Award Date indicated in the Schedule of Events. The Vendor shall not perform any work until a purchase order is issued by Thornton.

#### **B.10 INVOICING REQUIREMENTS:**

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

The Vendor must be capable of providing invoices that include the following details:

- Invoice number;
- Invoice date;
- Itemized charges, including unit of measurement;
- Total charge;
- Service date(s) or service period;
- Delivery location (Building name and address).

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](mailto: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.11 PALLET CHARGE:**

Any pallets supplied shall be non-returnable, no deposit.

**B.12 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.13 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.

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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. 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:**

Thornton has provided the proposal questions for proposers to answer as a Microsoft Excel file under separate cover in **Appendix No. 3**. Please note that this file has eleven (11) tabs that are to be completed by the Vendor. Vendors may submit additional files and documents in support of their answers in the Excel file (e.g., continuation pages, additional technical information). Vendors may also incorporate by reference any additional information submitted with their proposal into their responses in the Excel file.

### **C.3 THORNTON CYBERSECURITY QUESTIONS:**

In addition to the standard proposal questions that Thornton asks with this solicitation from Section C.2, Thornton has provided questions regarding your firm's cybersecurity practices and policies, with regard to your software solution. These questions are attached in **Appendix No. 4**.

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. It is required for your firm to provide answers to Thornton's questions for your proposal to be considered during the evaluation process.

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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, 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 for 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 VENDOR PRICING SUBMITTAL:**

All Vendor proposed pricing shall be submitted as completed on the Pricing Form listed below that has been provided by Thornton. Proposing Vendors may include a copy of their pricing on a Vendor quote as additional explanation of pricing only. Any Vendor terms and conditions, hyperlinks, or “click-through” agreements, etc. stated on a Vendor quote shall not be enforceable, unless first approved in writing by Thornton’s Purchasing Division.

Thornton’s Pricing Form shall be the official record of the Vendor’s proposed pricing submittal. The Vendor shall be deemed as non-responsive for further evaluation if the Vendor fails to complete and submit the Thornton Pricing Form that has been provided, unless otherwise approved by Thornton in writing.

### **D.3 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.4 VENDOR COOPERATIVE AGREEMENTS:**

A proposing Vendor who has been awarded an agreement through a competitive solicitation process that has resulted in the Vendor being a part of cooperative purchasing award, may submit pricing that is in line and references the Vendor’s cooperative purchasing award,

however, such reference shall be in name and pricing submittal only. For avoidance of doubt, any pricing submitted by a Vendor shall not exceed the ceiling pricing awarded to the Vendor, nor shall Thornton be bound the terms and conditions of such cooperative purchasing agreement that is held by the Vendor unless otherwise authorized in writing by Thornton's Purchasing Division.

#### **D.5 PRICING:**

All prices quoted shall be firm and fixed for the award and initial purchase, implementation, and on-going software licenses and support and maintenance years listed within this solicitation.

#### **D.6 PROPOSAL ITEMS:**

The Pricing Form has been provided under separate cover as a Microsoft Excel spreadsheet in **Appendix No. 5**. Proposing Vendors must complete the Pricing Form as part of their proposal submission.

On line 1, Vendors are to enter their firm-fixed-price to furnish the water quality profiler platform and all components necessary for its operation, including the floating platform, anchoring system, winch, cables, control systems, and power supply; the two sondes; the datalogger; any initial one-time costs for software setup and programming; installation of the profiler in the reservoir; operator training; and warranties. Vendors are to enter their price for performing this work for EGL #4 only; their price for performing this work for WGL #2 only; and their price for performing this work for both EGL #4 and WGL #2 at the same time. Unless the Vendor proposes advance payments (see Section D.7), the amount on line 1 is payable upon completion of the installation of the water quality profiler(s) and the operator training.

On line 2, Vendors are to enter their firm-fixed-price by year for any on-going software license costs that the Vendor would charge for Thornton's access to the SaaS web application, including any on-going costs for cellular or satellite communication to and from the datalogger. Thornton is requesting five years of firm-fixed pricing, through October 2031. This amount would be payable at the start of each renewal year.

On line 3, Vendors are to enter their firm-fixed-price by year for on-going maintenance and support services. This includes periodic service of the sondes and annual winterization of the water quality profiler system, if required and if this must be performed by the awarded Vendor. Thornton is requesting five years of firm-fixed pricing, through October 2031. This amount would be payable at the start of each renewal year.

Please note that funding for software license costs and maintenance and support services in future years is contingent upon annual funding appropriations from the Thornton City Council.

**D.7 FINANCING/ADVANCE PAYMENTS:**

Recognizing the water quality profiler system is a large capital purchase, Vendors may propose advance payment(s) for capital equipment. If a Vendor requests advance payment(s), they shall provide the following information to Thornton: the amount of advance payment(s) requested; the requested timing of such payment(s); and the percentage of the equipment price that the advance payment represents, including identification of the equipment for which the advance payment would be made.

Any advance payment agreement reached between Thornton and the Vendor will be codified in the purchase order. If Thornton and the Vendor cannot come to an agreement on advance payments, Thornton retains sole discretion to reject the Vendor's proposal.

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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](http://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 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 Vendor to confirm that they have acquired all addenda related to this proposal and they have reviewed and 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](http://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) Appendix No. 3 – Proposal Questions;
- 2) Screenshots of your proposed software solution (see the Software tab in Appendix No. 3);
- 3) Any additional technical information in support of Appendix No. 3 (see Section C.2);
- 4) Appendix No. 4 – Technology Cybersecurity Questionnaire;
- 5) Appendix No. 5 – Pricing Form;
- 6) Information as to any requested advance payment(s) (see Section D.7);
- 7) Section F.1 – Acceptance and Addenda Acknowledgement Form;
- 8) Section F.2 – References and Authorization Release Form; and
- 9) Section F.3 – Disclosure of Generative Artificial Intelligence (A.I.) Usage Form
- 10) Any proposed exceptions to Thornton's purchase order terms and conditions (see Section E.15).

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 that are submitted to Thornton as part of their final submission package or any subsequent clarification documents during Thornton's evaluation of the Vendor's submitted proposal.

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](mailto: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:**

Thornton anticipates making one or two awards from this solicitation under one of the following scenarios: (1) one award to one Vendor for EGL #4; (b) one award to one Vendor for both EGL #4 and WGL #2; or (c) potentially one award to one Vendor for EGL #4 and a second award to a separate Vendor for WGL #2. The number of awards made is at Thornton's sole discretion.

Prices must be shown for each item listed in the Pricing Form in Appendix No. 5. Proposals submitted without individual item prices listed will be considered non-responsive and rejected.

**E.9 ACCEPTANCE PERIOD:**

Submissions in response to this solicitation 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 DEMONSTRATIONS AND INTERVIEWS:**

Thornton reserves the right to request a Vendor demonstration of the proposed software solution. If required, the demonstration will be done virtually through Microsoft Teams. It will be at Thornton's sole discretion if a software 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 through Microsoft Teams and shall be at Thornton's sole 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.

#### **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 Vendor's ability to meet Thornton's delivery and installation date.
- 2) Responsibility of the proposing Vendor.
- 3) The written responses provided by the proposing Vendor in Appendix No. 3, including screenshots of the proposed software solution and any additional technical information submitted.
- 4) The results of the Vendor's answers to Thornton's Cybersecurity questionnaire (Appendix No. 4).
- 5) Vendor pricing (as submitted in Appendix No. 5).
- 6) The results of the Vendor's reference checks.
- 7) The degree to which the Vendor's proposal meets or exceeds the needs as defined in the RFP, including any additional value-add items.

- 8) The results of any Vendor software demonstrations, and/or interviews from this RFP.
- 9) The agreeability of the Vendor to Thornton's terms and conditions and the ability to contract with the awarded Vendor.
- 10) All other applicable information and documents submitted by the Vendor and received by Thornton in the evaluation of the proposal.

#### **E.13 VENDOR COMMITMENT STATEMENT:**

Upon award, the awarded Vendor will be asked to sign a vendor commitment statement (VCS). The purpose of the VCS is to govern pricing and the terms and conditions of this award through October 2031. While individual purchase orders will be issued annually, the VCS governs the overarching project through October 2031.

#### **E.14 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, which will cover the purchase of the water quality platform, installation, and first-year software license costs and maintenance and support services.

Separate purchase orders would be issued in subsequent years for any on-going software license costs and maintenance and support services. 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.15 PURCHASE ORDER TERMS AND CONDITIONS:**

Thornton's purchase order terms and conditions are provided in **Appendix No. 6**.

If the Vendor takes any exception to Thornton's purchase order terms and conditions, those exceptions shall be submitted with the Vendor's proposal.

Should a Vendor be selected for award, Thornton may accept, reject, or negotiate all proposed Vendor changes to Thornton's terms and conditions, up to and including entering into a formal agreement beyond the purchase order terms and conditions. Should agreement be unable to be reached between Thornton and the Vendor selected for award, Thornton retains sole discretion to reject the award made and move to another Vendor for award and contractual negotiations.

Once an award is made and purchase order is issued, Thornton will not sign any separate Vendor-provided terms and conditions.

**E.16 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 in **Appendix No. 7**.

**The remainder of this page has been left blank intentionally.**

**SECTION F: REQUIRED VENDOR SIGNATURE FORMS****F.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: \_\_\_\_\_

Submitted By (Printed): \_\_\_\_\_

Submitted By (Signature): \_\_\_\_\_

Title: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email: \_\_\_\_\_

Date: \_\_\_\_\_



**F.2 REFERENCES AND AUTHORIZATION AND RELEASE FORM:****REFERENCE AUTHORIZATION FORM**

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

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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: \_\_\_\_\_

**F.3 DISCLOSURE OF GENERATIVE ARTIFICIAL INTELLIGENCE (A.I.) USAGE FORM:**

Generative Artificial Intelligence (“Gen AI”) is a technology that can create content, including text, images, audio, or video, when prompted by a user. Generative AI systems learn patterns and relationships from large amounts of data, which enables systems to generate new content that may be similar, but not identical, to the underlying data.

The Proposing Vendor shall inform the City of Thornton (Thornton) within this form if it has used Gen AI, including Gen AI from third parties, to complete all or a portion of the submitted proposal, including but not limited to, responses to proposal questions, technical specifications, pricing, etc. The Proposing Vendor shall also clearly identify and inform Thornton of any clarifications and additional information requested by Thornton during this solicitation process of submitted information that contains Gen AI content (as applicable).

**Select One:**

- ☐ On behalf of the Proposing Vendor identified below, I hereby certify that I have read this form and affirm that all documents submitted by the Vendor in response to this proposal do NOT contain any content derived from a Gen AI platform or equivalent.
- ☐ On behalf of the Proposing Vendor identified below, I hereby certify that I have read this form and affirm that all documents submitted by the Vendor in response to this proposal DO contain content derived from a Gen AI platform or equivalent. Gen AI is contained in the following documents/sections/exhibits. The Vendor may attach a detailed list of the requested Gen AI disclosures on your company’s letterhead if there is insufficient space to list these items below and additional space is needed by your firm.
- 1)
- 2)
- 3)

By signing below, the Proposing Vendor acknowledges that the information submitted within their proposal has been reviewed and submitted and that Thornton shall not be held liable by the Vendor for any mistakes or misrepresentations by the submitting Vendor regarding Gen AI.

Proposing Vendor’s Name: \_\_\_\_\_

Submitted By (Printed): \_\_\_\_\_

Submitted By (Signature): \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**SECTION G: AUTHORIZATION FOR SOLICITATION POSTING****G.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.

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Andrew Miskell, CPPB  
Purchasing Manager