

# CITY OF NEW BRAUNFELS



## REQUEST FOR PROPOSALS

### Enterprise Resource Planning (ERP) System and Implementation Services

**Solicitation # RFP 23-006**

Date Issued: December 15, 2022

**RESPONSES MUST BE RECEIVED NO LATER THAN:  
3:00 P.M. CST FEBRUARY 2, 2023**

New Braunfels Purchasing Department: Phone: 830-221-4089  
Email: [bcoleman@newbraunfels.gov](mailto:bcoleman@newbraunfels.gov)



## SOLICITATION AND OFFER

City of New Braunfels  
Purchasing  
550 Landa Street  
New Braunfels, Texas 78130

**Solicitation Number: 23-006**

**ERP Software Solution**

Request for Proposal  
(RFP)

Date Issued: December 15, 2022

### SOLICITATION

Proposers must submit sealed Proposals containing one (1) signed original hardcopy and one (1) in electronic format (USB).

**Electronic Bid submissions do not require original hardcopy and USB to be submitted.**

A non-mandatory Pre-Proposal Conference will be hosted remotely on January, 10 2023 at 10:00 a.m.

Questions concerning RFP must be received, by email only, prior to **5:00PM CT on January 15, 2023**.

Proposals will be received at the Office of the City Secretary at the address shown above until: **3:00 P.M. (CT), February 2, 2023.**

**There will not be a public opening.** Proposals received after the time and date set for submission will be returned, unopened, upon request.

For information regarding this solicitation, contact:  
(NO collect calls, Telegraphic, Email, or Fax offers accepted)

Barbara Coleman  
Purchasing Manager  
830-221-4389

Email: [bcoleman@newbraunfels.gov](mailto:bcoleman@newbraunfels.gov)  
Phone: (830) 221-4089

5% Proposal Bond Required:  YES  NO (If YES, See information in Section 5)  
100% Payment Bond Required:  YES  NO (If YES, See information in Section 5)  
100% Performance Bond Required:  YES  NO (If YES, See information in Section 5)

### OFFER

(This portion must be fully completed by Proposer.) Proposer will comply with the General Terms and Conditions required by the City of New Braunfels.

*In compliance with the above, the undersigned offers and agrees to furnish any or all items or services awarded at the prices stipulated for each item delivered at the designated point(s) and within the time specified herein.*

CONTRACT AWARD SHALL INCLUDE ALL ASSOCIATED SOLICITATION DOCUMENTS, ATTACHMENTS, AND ADDENDA.

SIGNATURE IS MANDATORY; MANUALLY SIGN ORIGINAL DOCUMENT. SIGNATURE SHOULD ALSO BE REFLECTED ON USB COPY.

Name  
and  
Address  
of Proposer:

Name and Title of Person Authorized to Sign Offer:  
E-Mail Address:  
Phone Number:

Signature:

Date:

Name, Address, Email and Telephone Number  
of Person authorized to conduct negotiations  
on behalf of Proposer.

(Applies to Request for Proposal only)

**SECTION 2  
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**SECTION 3**  
**INSTRUCTIONS FOR RESPONSE**

**3.1 AVAILABLE DOCUMENTS**

Solicitation documents may be obtained from:

- the BidNet Direct website: <https://www.bidnetdirect.com/texas/city-of-new-braunfels>
- the City of New Braunfels' website: <https://www.nbtexas.org/2694/Solicitations>

Questions relating to definitions, interpretations, and/or requests for clarification must be in writing and directed to: [bcoleman@newbraunfels.gov](mailto:bcoleman@newbraunfels.gov)

**3.2 PRE-PROPOSAL CONFERENCE**

A Pre-Proposal Conference will be hosted virtually. Remote access via Zoom instructions are:

When: January 10, 2023 10:00 AM Central Time (US and Canada)

Topic: Pre-Proposal Conference

Register in advance for this webinar:

[https://us02web.zoom.us/webinar/register/WN\\_ajR3tEYrQeK37i8YiUYRgw](https://us02web.zoom.us/webinar/register/WN_ajR3tEYrQeK37i8YiUYRgw)

After registering, you will receive a confirmation email containing information about joining the webinar. The call in Telephone: (833) 926-2300

Attendance is not mandatory but due to the complexity of the project, it is strongly recommended. Proposers are encouraged to attend and participate in the conference. The City will transmit to all prospective Proposers of record such Addenda as the City considers necessary in response to questions arising at the conference. Oral statements may not be relied upon and will not be binding or legally effective.

Pre-Proposal conference minutes and any addendum may be downloaded at The BidNet Direct website <https://www.bidnetdirect.com/texas/city-of-new-braunfels> and the City of New Braunfels' website, <https://www.nbtexas.org/2694/Solicitations>.

**3.3 SUBMISSION OF PROPOSALS**

(a) Electronic Bidding. The City of New Braunfels has partnered with its third-party vendor, Texas Purchasing Group (BidNet Direct) as its e-procurement site. For this Request for Proposal, electronic bid submission is another option available to Proposers. The link to BidNet Direct website: <https://www.bidnetdirect.com/texas/city-of-new-braunfels>.

You must register on their site prior to your electronic submission. If you have any problems completing your vendor registration or submitting your electronic bid, please contact BidNet at (800) 835-4603, Option 2, to speak with live customer support.

**OR**

(b) Deliver your Proposal, or changes to your Proposal, in SEALED ENVELOPES OR PACKAGES identified on outside as a Request for Proposal to City, with Proposer's name and address. Failure to submit Proposal in this manner may subject Proposer to disqualification. **Proposal may be delivered in person to the New Braunfels City Hall, or by Express Mail or delivery service to:**

**City of New Braunfels  
City Secretary's Office/Front Lobby  
ATTN: Purchasing  
550 Landa Street  
New Braunfels, TX 78130**

The outside of the Proposal envelope or package **must state**:

**"RFP 23-006 ERP Software Solutions  
Proposal Due Date: February 2, 2023, 3:00 PM CT"**

It is the sole responsibility of the Proposer to ensure timely delivery of the Proposal. City will not be responsible for failure of service on the part of the U.S. Post Office, courier services, or any other form of delivery service chosen by the Proposer.

**PROPOSALS RECEIVED AFTER THE CLOSING DATE AND TIME WILL NOT BE ACCEPTED OR CONSIDERED.**

- (c) Proposals may not be withdrawn after the time set for the closing, unless approved by the City.
- (d) The following items request information that the Evaluation Committee will utilize to evaluate the Proposal. Failure to provide any of the information below may result in a Proposal being deemed non-responsive and therefore not considered in the selection process.

**Each proposal, completed and signed by person(s) authorized to bind individual, partnership, firm, corporation, or any other legal entity, shall include the following in one envelope/package (please see section 4.4 of this RFP for details on what to include in each tab and attachment):**

TAB 1: Solicitation and Offer Form and Addenda  
TAB 2: Executive Summary  
TAB 3: Company Background  
TAB 4: Application Software  
TAB 5: Technical and Vendor Hosted/Cloud Information  
TAB 6: Implementation Plan  
TAB 7: Staffing Plan  
TAB 8: Ongoing Support Services  
TAB 9: Client References  
TAB 10: Subscription and Maintenance Agreements  
TAB 11: Exceptions and Deviations  
TAB 12: Other Documentation

1. **Certificate of Insurance** One copy completed and signed. A “**for information purposes only**” copy is acceptable. The awarded Contractor will be required to provide their certificate of insurance prior to contract award.
2. **Conflict of Interest Questionnaire** Must be filed with the City Secretary **IF** the vendor has a business relationship as defined by Section 176.001(1-a) with the City and the vendor meets requirements under Section 176.006(a).
3. **Certificate of Interested Parties - Form 1295** (Refer to Section 3.13) This form will be requested from the awarded Contractor(s).

Attachment A – Requirements  
Attachment B – Pricing Form  
Attachment C – Vendor Forms

- A. Company Background Form
- B. Technical and Vendor Hosting Requirements Form
- C. Project Management Approach Form
- D. Report Development Form
- E. Training Form
- F. Staffing Plan Form
- G. Ongoing Support Services Form
- H. Client Reference Form
- I. Minimum Criteria Confirmation
- J. Company Information
- K. Vendor Certifications
- L. Exceptions and Alternatives Form

4. **Certificate of Interested Parties - Form 1295** (Refer to Section 6.21) This form will be requested from the awarded Contractor(s).

### 3.4 PROPOSED SOLICITATION SCHEDULE

DATE	MILESTONE
December 15, 2022	RFP issued on <a href="https://www.bidnetdirect.com/texas/city-of-new-braunfels">https://www.bidnetdirect.com/texas/city-of-new-braunfels</a> and <a href="https://www.nbtexas.org/2694/Solicitations">https://www.nbtexas.org/2694/Solicitations</a>
January 10, 2023	Pre-proposal Meeting at 10:00 AM CT Hosted via Zoom
January 15, 2023	Deadline to receive questions shall be 5:00 PM CT
January 26, 2023	Non-mandatory intent to propose deadline
February 2, 2023	Proposal submission deadline – 3:00 P.M.
March 2023	Vendor demonstrations for shortlisted vendors Potential Demonstration Dates (subject to change): <ul style="list-style-type: none"><li>• March 8 and 9</li><li>• March 22 and 23</li><li>• March 29 and 30</li></ul>
April 2023	City Council considers award
May 2023	Anticipated Contract

### 3.5 CONTACT FOR QUESTIONS

All questions concerning this solicitation shall be in writing, on or before **January 15, 2023**, to: Barbara Coleman, Purchasing Manager, via email <mailto:bcoleman@newbraunfels.gov>

All prospective Proposers are hereby instructed to not contact any member of the City of New Braunfels' City Council, City Manager, evaluation committee, or City of New Braunfels' staff members other than the noted contact person regarding this solicitation on page 1. Any such contact may be cause for rejection of your Proposal.

### 3.6 RESPONSES TO QUESTIONS/INQUIRIES

Responses to questions/inquiries that directly affect an interpretation or change to this RFP will be issued in writing by Purchasing as an addendum and posted at

<https://www.bidnetdirect.com/texas/city-of-new-braunfels> and the City's website <https://www.nbtexas.org/2694/Solicitations>.

All such addenda issued by the Purchasing Representative before the time that Proposals are received shall be considered part of the RFP.

Only those inquiries the Purchasing Office replies to by addenda shall be binding. Oral and other interpretations or clarifications will be without legal effect.

Proposers shall be responsible for monitoring the City's website at <https://www.nbtexas.org/2694/Solicitations> for any updates pertaining to the solicitation described herein. Various updates may include addendums, cancelations, notifications, and any other pertinent information necessary for the submission of a correct and accurate response. The City will not be held responsible for any further communication beyond updating the website.

### **3.7 SOLICITATION UPDATES**

Proposers shall monitor the BidNet Direct website (<https://www.bidnetdirect.com/texas/city-of-new-braunfels>) and the City's website (<https://www.nbtexas.org/2694/Solicitations>) for any updates pertaining to the solicitation described herein. Various updates may include addendums, cancelations, notifications, and any other pertinent information necessary for the submission of a correct and accurate response. It is the Proposer's responsibility to change the websites for current changes to the Solicitation documents.

### **3.8 INTENT TO PROPOSE**

Vendors are invited to state their intention to propose or not propose to the RFP by emailing Barbara Coleman, Purchasing Manager at [bcoleman@newbraunfels.gov](mailto:bcoleman@newbraunfels.gov). Please submit your intent by January 26, 2023. Submitting an intent is not required for submitting a proposal.

### **3.9 EXCEPTIONS AND DEVIATIONS**

Any exceptions to the terms and conditions, specifications, or objectives of the solicitation must be clearly stated in Proposer's Proposal.

### **3.10 COMPETITIVE PROPOSALS**

Proposals will not be opened publicly to avoid disclosure of contents to competing Proposers and kept confidential during the process of negotiation. However, all Proposals will be open for public inspection after award except for trade secrets and confidential information contained in the Proposals and identified as such by the Proposer. Marking the entire Proposal as confidential and/or proprietary is not in conformance with the Texas Open Records Act.

### **3.11 COMPETITIVE PROPOSALS**

Proposals cannot be altered or amended after the submittal deadline. Proposals may be modified prior to the deadline only by providing a written notice by mail or email) to the Purchasing Representative at the address shown herein. A submitter's Proposal may also be withdrawn in writing by providing the same notice by a submitter or the submitter's authorized agent, providing the agents identify is made known and the agent signs the request to withdraw Proposal.

**HOWEVER, IN THE EVENT OF WITHDRAWAL, THE SUBMITTER WILL NOT BE ALLOWED TO RESUBMIT.** This provision does not change the common law right of a proposer to withdraw a Proposal due to a material mistake in the Proposal.

### **3.12 TERMS AND CONDITIONS**

Terms and Conditions that apply to this solicitation can be found at

<https://www.nbtexas.org/DocumentCenter/View/23388/CONB-Purchasing-Standard-Terms-and-Conditions>

Vendors must state any exceptions to these terms and conditions in Tab 11 Exceptions and Deviations. The City reserves the right to negotiate all contract terms and conditions, including statement of work, before signing the agreement with the final vendor.

**3.13 TAX EXEMPT STATUS**

The City is exempt from paying sales tax. The City's tax ID is 74-6001774.

**3.14 PROPOSAL PRICING**

Proposed prices must be held for a period of at least 180 days.

**3.15 PROHIBITION OF OFFSHORE SERVICES AND DATA**

The City requires all data to be stored within the United States and services to be provided from within the United States

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## SECTION 4 SCOPE OF WORK

### 4.1 INTRODUCTION:

The City of New Braunfels is seeking proposals from qualified providers of ERP software and implementation services.

### 4.2 BACKGROUND:

New Braunfels is strategically located in the Central Texas region, part of the Texas Triangle mega region, and is a city of regional significance, with a growing number of residents and jobs, a tourist mecca and an exceptional quality of life. Centered between Austin and San Antonio, each year more than three million visitors come to explore the shopping and recreational activities steeped in German and Hispanic culture and heritage.

#### Current City Application Environment

<i>Legend Code</i>		<i>*Legend for Current Applications Description</i>
R	Replacement	City intends to replace this application with the selected solution.
C	Consider	City will consider replacing this application with the selected solution, based on the strength of the finalist Vendor offering and cost / benefit of the replacement module.
M	Maintain	City intends to retain the application, not replacing it thru this effort.
I	Interface	City intends to keep the application and interface/integrate it with the selected solution.
*C/I	Consider/Interface	City will consider replacing this application with the selected solution based on the strength of the finalist Vendor offering and cost/benefit of the replacement module. In the event City maintains this application, it would require an interface to the ERP. Therefore, the vendor must provide interface experience and pricing for these applications.

## RFP 23-006 – ERP Software Solution

Current ERP application	Application notes/description	Migration plan
Adobe Acrobat Pro	Tool to view, create, manipulate, print and manage Portable Document Format (PDF) files	M
Bonfire	Electronic storage system for authorized contracts	C/I
Cartegraph	Asset and work order management software	I
Cityworks	Development Services permitting and registration software providing fees and payment information	I
ExecuTime	Time entry system for most of the City's departments	R
Incode	Used for payment processing	I
Jotform	Web/app-based form builder tool used for performance reviews	R
KnowBe4	Platform used for cybersecurity training for IT department	I
Laserfiche	Enterprise Content Management (ECM) platform	M
Microsoft O365	Subscription based evolution of Microsoft Office	M/I
NeoGov	Cloud-based talent management system used for the applicant tracking/recruitment process	C/I
OneSolution	ERP System	R
Payment Works	Third-party AP payment processor	C/I
PlanIt	Scheduling software for Police Department	C
RecTrac	Payment processor for Parks and Rec Department	I
Selerix	Software used to facilitate benefits administration and enrollment	R
Smartsheet	SaaS platform used for travel and expense requests and exit surveys	R
Square	Used for payment processing	I
Sympro	Used for Investment and Debt Management	I
Thinkific	Learning management platform used to conduct and track online trainings	R
Vector Solutions	Scheduling software for Fire Department	C
Windward	Scheduling software for Parks and Rec Department	C

## Current Technical Environment

As part of the proposal process, Vendors will be required to submit significant technical detail about the proposed solution. Any potential conflicts with the City's current technical environment must be noted in the vendor's Technical and Vendor Hosted/Cloud information **Section 4.4** of this RFP.

The City provisions user equipment using Microsoft Windows and Office 365, utilizing MS Active Directory SSO. City issued mobile devices are predominantly Apple products. Authentication to City systems is through LDAP or Outlook365. User remote system access is limited and currently provisioned through Windows client VPN access. Preferred browser access to web services is via Chrome, but other browsers are allowed. Use of MS Edge is discouraged. All City data storage is on MS SQL server environments.

## Other Planned City Initiatives

While there are other technical initiatives planned for the City in the next 18-24 months, we do not currently expect any of them to materially impact technical staff availability for this project.

## Summary of Organization Metrics

A summary of organization metrics and standards is included below. These volumes and standards reflect actual and estimated amounts for the current environment.

Metric	Current
Population	90,403
Form of Government	Mayor-Council
Jurisdictional Area (Square Miles)	45.5 square miles
Residential Units	40,000
Number of Departments	20
Budget (General Fund)	98,194,679
Budget (All Funds)	322,820,782
Total Staff (Full time: 1FTE)	824.75
Number of IT users	800
Current ERP Users	50
Future ERP Power Users	30
Future ERP Basic Users (only use time entry, employee self-service, etc.)	300
Number of Employees Per Area	
Finance / Procurement	14
HR/Payroll	10
Time and Attendance	0
General Ledger/Bank Reconciliation	
Current Chart of Accounts Structure:	Fund (3)-Dept (4)-Object (7)
Chart Segment One Name/Account Mask	Fund
Chart Segment Two Name/Account Mask	Dept
Chart Segment Three Name/Account Mask	Object
Future Chart of Accounts Structure:	Same
Fiscal Year End	September 30
Number of Funds	42
Number of Bank Accounts	9 but only one in ERP

Metric	Current
<b>Budgeting</b>	
Position Control?	No, but desired
Budget Entry Model (Centralized or Decentralized):	Centralized
Budget Frequency	Annual
Number of Funds Budgeted	35
<b>Fixed / Capital Assets</b>	
Number of Capitalized Fixed Assets	1,010
Fixed asset tagging?	No, but desired
Fixed Asset Capitalization Threshold	\$5,000
<b>Project / Grant Accounting</b>	
Do Projects/Grants Cross Funds?	Yes
Do Projects/Grants Cross Departments?	No
<b>Purchasing / Contract Management</b>	
Use of NIGP/Commodity Codes?	Yes
Number of Requisitions per Month	66
Number of Purchase Orders per Month	64
Number of Active Vendors in Purchasing System	250
Average Frequency of Physical Inventories	None-but would like to
<b>Accounts Payable</b>	
Number of Invoices Input Annually	8,500
Frequency of Check/EFT Runs	Weekly
Check Signature Method	Electronic (MICR)
Payments Types Supported	P-card, ACH, Wire, Check
Number of 1099s Processed Annually	230
<b>Cash Receipting</b>	
Receipting Model (Centralized or Decentralized)	Centralized
Number of Cash Registers / POS Terminals	36
<b>Human Resources / Payroll / T&amp;A</b>	
Number of Permanent Employees	824
Number of Part-Time Employees	199
Number of Seasonal Employees	197
Number of Applicants (Annually)	346
Payroll Frequency	Bi-weekly

#### 4.3 EXPECTED SCOPE OF SYSTEM SOLUTION

The City requires responding vendors to propose a fully integrated ERP vendor-hosted/cloud solution, including software, hardware specifications, implementation and project management, and other technology services for the entire scope of the project that may or may not include components owned by the vendor. The City recognizes that this project will have a significant impact on their staff and is looking to minimize that impact insofar as possible. To the extent vendor is able, the City is looking for the vendor to conduct a thorough business analysis at the start of each module and to provide the City with a pre-configured system using its best practices and experience as a model. The City expects to review and test this pre-configured system, requesting minimal changes as required.

The following definitions should be considered relative to the scope list below:

- *Core (required)* - Components of the solution that are required to be fulfilled and proposed by responding vendors.
- *Expanded (optional)* - Components of the solution that may be optionally proposed by responding vendors but are not mandatory to include in the vendor's response. ERP vendors who cannot propose on expanded components, are encouraged to partner with a vendor to meet the expanded scope.

Response options:

- Vendors must respond to Core/required scope listed below.
- Vendors may optionally respond to expanded/optional modules with their own products, or they may partner with other vendors to submit a proposal that meets the expanded software scope listed below.

#### Software Scope

Core/Required Application Software:

- Finance
  - Accounts Payable
  - Bank Reconciliation
  - Budget
  - Cash Receipting
  - Contract Management
  - Financial Reporting including ACFR
  - Fixed Assets
  - General Ledger
  - Miscellaneous Billing / Accounts Receivable
  - Project Accounting
  - Purchasing
  - Travel and Expenses
- Human Resources
  - Core HR
  - Absence / Leave Management
  - Employee Performance Management
  - Employee Self-Service
  - Learning Management
  - Onboarding
  - Offboarding

- Personnel Actions
- Position Control
- Payroll
- Time and Attendance
- Reporting, Dashboards, and Data Analytics Tools
- Any other necessary software components to support the proposed Core Application Software solution

Expanded Application Software and Related Technologies:

- Cash Management
- Contract Management
- Grant Accounting
- Inventory
- Solicitations and Bids
- Recruiting

### **Services Scope**

#### *Required Services*

- a. Project Management
- b. Software Set-up / Access
- c. Security Design and Configuration
- d. Business Design / Software Configuration
- e. Technical Design and Standards
- f. Data Conversion and Migration
- g. Business Analytics, Report and Form Development
- h. Integration and Interface Development
- i. Software Modifications, if applicable
- j. Testing Services
- k. Training Services
- l. Change Management Services
- m. Knowledge Transfer to Staff
- n. System Documentation Development
- o. Deployment Services
- p. Ongoing Managed, Support, and Maintenance Services
- q. Ongoing Hosting Services, if applicable

Additional details and descriptions related to the specifics of the expected scope can be found in **Proposal Response Format – Section 4** in this RFP.

#### **4.4 PROPOSAL CONTENT:**

To facilitate the analysis of responses to this RFP, the Vendor is required to prepare their proposals in accordance with the instructions outlined in this section. Vendors must respond in full to all RFP sections and follow the RFP format (section numbering, etc.) in their response. Failure to follow these instructions may result in rejection.

For each question asked in the RFP, the proposer shall provide in their response, the question asked and their answer using the section numbering of the RFP.

Proposals shall be prepared to satisfy the requirements of the RFP. EMPHASIS SHOULD BE CONCENTRATED ON ACCURACY, COMPLETENESS, AND CLARITY OF CONTENT. All parts, pages, figures, and tables should be numbered and labeled clearly. The proposal should be organized as follows:

<i>Heading</i>	<i>Title</i>	<i>In addition to specified content, provide</i>
Tab 1	Solicitation and Offer Form and Addenda	
Tab 2	Executive Summary	
Tab 3	Company Background	<b>Form A</b> in attachment <b>ERP Software and Implementation Services - Vendor Forms.docx</b>
Tab 4	Application Software	
Tab 5	Technical and Vendor Hosted / Cloud Information	<b>Form B</b> in attachment <b>ERP Software and Implementation Services - Vendor Forms.docx</b>
Tab 6	Implementation Plan	<b>Form C</b> in attachment <b>ERP Software and Implementation Services - Vendor Forms.docx</b>
Tab 7	Staffing Plan	<b>Form D</b> in attachment <b>ERP Software and Implementation Services - Vendor Forms.docx</b>
Tab 8	Ongoing Support Services	<b>Form E</b> in attachment <b>ERP Software and Implementation Services - Vendor Forms.docx</b>
Tab 9	Client References	<b>Form F</b> in attachment <b>ERP Software and Implementation Services - Vendor Forms.docx</b>
Tab 10	Subscription and Maintenance Agreements	
Tab 11	Exceptions and Deviations	
Tab 12	Other Documentation	
Attachment A Requirements	Respond to the requirements in Attachment A and return in the Excel format.	
Attachment B Pricing Form	Complete the Pricing Form in Attachment B and return in Excel format.	
Attachment C Vendor Forms	Complete the Forms in Attachment C and return in Word Format.	

Instructions relative to each part of the response to this RFP are defined in the remainder of this section.

Costs for the Vendor's proposed solution should be submitted on the proposal pricing forms provided in the included Microsoft Excel pricing spreadsheet. Costs should include the complete costs for the solution including travel and operating costs.

**Section references below (in parentheses) refer to the section numbers for your proposal submission.**

#### **Solicitation and Offer Form and Addenda (Tab 1)**

- Include a signed copy of the solicitation and offer form (page 2 of this document).
- Include all original, signed copies of addenda in this section.

## Executive Summary (Tab 2)

This part of the response to the RFP should be limited to a brief narrative not to exceed two (2) pages describing the proposed solution. The summary should contain as little technical jargon as possible and should be oriented toward non-technical personnel. The executive summary should not include cost quotations.

## Company Background (Tab 3)

Vendors must provide information about their company so that the City can evaluate the Vendor's stability and ability to support the commitments set forth in response to the RFP. In addition to providing responses to the following items, the Vendor must complete the **Company Background Form A** found in attachment **ERP Software and Implementation Services - Vendor Forms.docx** to this RFP,

to this RFP. Information that Vendors should provide in this section are as follows:

- The company's background including a brief description (e.g., past history, present status, future plans, company size, etc.) and organization charts.
- Audited financial information for the past TWO (2) completed fiscal years that includes income statements, balance sheets, and statement of cash flows.
- Privately held companies wishing to maintain confidential financial information must provide information detailing the company's long-term stability. Please provide a current Dunn & Bradstreet report (D&B) as part of the Vendor proposal response.
- If the Vendor is proposing to use subcontractors on this project, provide a response to the Company Background Form for each subcontractor, Vendor relationship with that firm and the specific services and/or products that the subcontractor will be providing on the project. A complete list of subcontractors is required. City has the right to approve all sub-contractors of the Vendor at any time.

## Application Software (Tab 4)

The Vendor is required to provide a general description of the application program product and how it will meet requirements of this RFP. This section must address, at a minimum, the following items:

- Describe your overall proposed technology solution.
- Describe the product direction for the company, including time frames.
- Describe unique aspects of the Vendor's solution in the marketplace.
- Describe components of the solution that are industry standards versus being proprietary to the Vendor.

For all Third-party products:

- List all third-party products proposed.
- Reason that this product is a third-party product versus being part of the software Vendor's solution.
- Extent to which this third-party product is integrated with the Vendor's solution.

## Technical and Vendor Hosted/Cloud Information (Tab 5)

Please describe your vendor hosted model, including hosting, integration, minimum hardware requirements for computers, and deployment model (dedicated servers, shared environment, etc.).

Provide any impact to and requirements of the City's network and bandwidth, and any partners that may be involved in service delivery.

Please describe the services you provide around disaster recovery, as part of your proposed solution.

The Vendor must complete the **Technical and Vendor Hosting / Cloud Form B** found in attachment **ERP Software and Implementation Services - Vendor Forms.docx**. The information will be used in the evaluation process. Vendors should identify where conflicts may exist between their solution and current technologies being used in the City as described in this RFP in **Section 4.2 Current Technical Environment**. Vendors should clearly define if their software product is a private or public vendor-hosted / cloud solution in the sections below.

## Implementation Plan (Tab 6)

The Vendor is to provide an implementation plan in narrative format supported by an activity-level project plan (e.g., Microsoft Project, or Microsoft Excel work breakdown structure) that details the tasks and activities for implementation of the proposed solution. This implementation plan should include a narrative on the following elements using the subsection reference numbers below:

- Subsection 5.1: General Implementation Approach
- Subsection 5.2: Project Management Approach (as well as **Form C Project Management Approach** and **Form F Staffing Approach** in attachment **ERP Software and Implementation Services - Vendor Forms.docx**)
- Subsection 5.3: Data Conversion and Migration Plan
- Subsection 5.4: Data Analytics, Report and Form Development (as well as **Form D** in attachment **ERP Software and Implementation Services - Vendor Forms.docx**)
- Subsection 5.5: Integrations and Interfaces
- Subsection 5.6: Training (as well as **Form E Training** in attachment **ERP Software and Implementation Services - Vendor Forms.docx**)
- Subsection 5.7: Organizational Change Management Approach
- Subsection 5.8: Testing
- Subsection 5.9: Operational Redesign Approach
- Subsection 5.10: System Documentation and Manuals
- Subsection 5.11: Knowledge Transfer

The Vendor should include additional elements in the Vendor's proposal response if the Vendor feels it may add value to the overall implementation.

*It is expected that the Vendor will lead the efforts in each of the implementation areas described below unless stated otherwise.* Further details on what is to be provided as part of the Vendors proposed implementation plan are included in the following subsections.

### General Implementation Approach (Tab 6.1)

Provide a general overview of the implementation approach you plan to use for City that includes addressing the following items:

- Provide a detailed work plan or schedule in a work breakdown structure format as part of the proposal response.
- Describe key differentiators of the approach as it relates to implementing a solution on time, within budget and with the ability to meet the needs of a diverse client like the City.
- Describe how you conclude on a preferred implementation phasing of software modules. What is your recommended approach for this implementation?
- Describe your approach towards running parallel systems, if necessary.
- Any unique tools, techniques, or methods that you use should be described in this section.

### Project Management Approach (Tab 6.2)

As part of any significant engagement, the City desires a project management approach based on the Project Management Institute's *Project Management Body of Knowledge* (PMBOK). The City would expect responding Vendors to adhere to PMBOK standards as part of the project. The City expects the Vendor to provide project management resources leading to the successful deployment of the system.

Briefly describe the contents and approach of each of these components:

- Project management plan
- Resource management plan
- Quality management plan
- Scope management plan
- Risk management plan
- Budget management plan

- Change control plan
- Describe the approach to managing the project, such as a collaboration tool for document management,

The project manager will work as a team member with City's project management office ("PMO"). This project manager can be an employee of the Vendor or a partner of the Vendor. In either case, the costs for the project manager should be clearly denoted in the pricing section of this RFP.

In addition to providing responses to the following items, the Vendor must complete the **Project Management Approach – Form C**, in attachment **ERP Software and Implementation Services - Vendor Forms.docx** and include it in this section of the response.

- Provide an overall description of the Vendor project management approach towards this type of engagement and projected timing for major phases.
- Provide a high-level work plan for achieving the successful deployment of your proposed system.

#### **Data Conversion and Migration (Tab 6.3)**

It is anticipated that data conversion will occur when migrating to the new application. The Vendor is expected to assist the City in the conversion of both electronic and manual data to the new system. It is expected that the City will be responsible for data extraction from current systems and data scrubbing and data pre-processing and that the Vendor will be responsible for overall data conversion coordination, definition of file layouts, and data import and validation into the new ERP. Please provide pricing for data conversions in the associated Microsoft Excel pricing spreadsheet.

- Describe your general approach towards data conversion and how you would work with the City to conclude on the data structure for the new system including what should be converted, based on industry standards and best practices.
- Please describe your organization's recommended approach toward retention of legacy data.

#### **Data Analytics, Report and Form Development (Tab 6.4)**

For specific reporting requirements, it is anticipated that the Vendor will take the lead on developing any reports required as part of the initial deployment of the system. The Vendor is expected to provide specialized knowledge and information to City staff during the development of needed reports, via technical training on the tools used for report development, database schema and architecture, etc. In addition to providing responses to the following items, the Vendor must complete the **Report Development Form D**, in attachment **ERP Software and Implementation Services - Vendor Forms.docx** of this RFP and include it in this section of the response.

Provide information on your reporting approach including:

- A representative list of out-of-the-box reports
- Description of various methods of reporting including dashboards, ad-hoc queries, and reports
- Methods for the City to identify, specify, and develop required custom City reports during the implementation.

#### **Integrations and Interfaces (Tab 6.5)**

It is expected that information generally would need to be entered only once into the system. Modules within the system should be integrated in real-time with each other such that batch processes are not required to transfer information from one area of the system to another unless that is the preference of the City. Existing City interfaces between core modules that may currently exist (e.g., AP posting to GL) or shadow systems that will likely be replaced are not included as they are assumed to be included in an integrated ERP System.

The Microsoft Excel pricing sheet contains a listing of current and/or desired application interfaces. Please provide pricing for interface development in the associated Microsoft Excel pricing spreadsheet.

*In addition:*

- Describe the extent to which the various modules are integrated together versus being purchased separately and interfaced
- Describe your approach towards interfacing and integration with other solutions including use of specific tools, methods and standards.
- Describe data exchange standards (e.g., XML, Web Services, or EDI) supported or provided by your product.
- As it pertains to the City's current technical environment described previously, identify potential issues for integrating with specific technologies that are used within the City.
- If local customizations are made, do you provide any tools or assistance to easily incorporate customizations into new version/releases of your software?

The Microsoft Excel pricing spreadsheet contains a listing of desired City application interfaces and their likely need in a future integrated environment. Provide pricing for interfaces in the associated Microsoft Excel pricing spreadsheet and explain how the integration maps the data from the old system to the new system.

- Describe your approach to interfacing City applications listed with a migration plan of 'interface' in section 4.2. If you have experience integrating with those systems, include those references on the reference forms provided in this RFP.

#### Training (Tab 6.6)

In addition to providing responses to the following items, the Vendor must complete the *Training Form 5.5* in attachment **ERP Software and Implementation Services - Vendor Forms.docx** of this RFP and include it in this section of the response.

- *End User Training Approach:* All end-user and technical training will be performed through implementation and be performed by the Vendor. End user implementation training will be provided by the Vendor and include joint participation by the relevant City process owner team lead supporting the process area in the new software system.
- Technical Implementation training will include training for City IT staff on the technologies required to support the new ERP system.
- *Train the Trainer Approach:* The Vendor will incorporate a "train the trainer" approach where only key City team leads will be trained through implementation on their modules and then they will train the remainder of City staff in their respective areas.
  - *Specify expected number of training documents to be created*
  - *Specify responsibility of producing training materials, including both manuals, on-site help, and video support.*

The Vendor should provide an overall description of *the proposed* training approach, including the following:

- Use of End User or Train the Trainer approach
- Suggested timeframes in which training will be conducted
- The Vendor must list the nature, level, and amount of training to be provided for both options in each of the following areas:
  - Technical training (e.g., programming, operations, etc.)
  - User training
  - Other staff (e.g., executive level administrative staff)
- Types of training documentation to be developed
- Opportunities for on-going training.

#### Organizational Change Management Approach (Tab 6.7)

City recognizes that a movement from the current environment to a new solution will require an active change management program. The Vendor should clearly identify their approach towards Organizational Change Management including any unique approaches or tools that will be used.

### Testing (Tab 6.8)

The Vendor should describe their recommended approach to the following types of testing that are anticipated to be performed on the project and the type of assistance they anticipate providing to City related to such testing:

- System testing
- Integration testing
- Stress/performance testing
- User acceptance testing (UAT)

### Operational Redesign Approach (Tab 6.9)

With the deployment of a new application, the City wishes to take advantage of capabilities within the software that provide support for operational improvements. Vendors are requested to describe their approach towards operational redesign including discussion on the optimal time in which to conduct redesign as it relates to implementation of the new software.

In addition, describe your organization's capabilities to assist in a City-wide redesign of the chart of accounts to best leverage the capabilities of the system in order to meet City's overall financial tracking and reporting objectives.

### System Documentation and Manuals (Tab 6.10)

The Vendor is expected to provide user manuals and online help for use by the City as part of the initial training and on-going operational support. Additionally, the Vendor is expected to provide technical documentation.

- Describe what documentation (user guide, technical guide, training materials, etc.) is available on the system proposed and any related costs.
- Describe what types of documentation you anticipate developing during the project.

### Knowledge Transfer (Tab 6.11)

The Vendor should describe their process for ensuring that a transfer of knowledge occurs back to City staff such that staff can support and maintain the application in the most proficient manner once the Vendor implementation engagement is complete.

Include:

- Methodologies to ensure that training has been successful and City staff know how to use the new system.
- Approach to ensuring that City personnel can operate, maintain, configure, and modify the new system, including operation of the testing tools, supporting infrastructure, and security.

### Staffing Plan (Tab 7)

In addition to providing responses to the following items, the Vendor must complete the **Staffing Plan Form – Section 5.6** in attachment **ERP Software and Implementation Services - Vendor Forms.docx** to this RFP and include it in this section of the response.

- The Vendor must detail the type and amount of implementation support to be provided (e.g., number of personnel, level of personnel, time commitment, etc.). Include resumes for all personnel that will be assigned to the project. If the Vendor is using a subcontractor, include information on subcontracting staff being used and their specific role on the project.
- Please provide an overall project organizational structure for City staff involvement during the project. Identify the roles and responsibilities of each component of this structure.

### Ongoing Support Services (Tab 8)

In addition to providing responses to the following items, the Vendor must complete the **Ongoing Support Services Form – Section 5.7** in attachment **ERP Software and Implementation Services - Vendor**

**Forms.docx** to this RFP and include it in this section of the response.

- Please specify the nature and conditions of any post-implementation support options including:
- Post-go live support that is included in the proposal response
- Onsite support (e.g., system tuning, application configuration, interface issues, report development, network optimization, user training and tips to optimize the user experience)
- Telephone support,
- Help Desk services (If there is a service level agreement for your help desk, provide a copy with your RFP response.) Specify days, hours and escalation options
- Toll-free support line
- Users groups
- Online knowledgebase (i.e. – how it is accessed, who updates it, etc.)
- Describe your maintenance programs and options with associated pricing.
- Any other managed services

#### **Client References (Tab 9)**

The Vendor must provide at least **three** references from clients that are similar in size and complexity to City. The City prefers references located in the state of Texas. The format for Vendor references is provided in **Client Reference** form in the attachment **ERP Software and Implementation Services - Vendor Forms.docx**. In addition, the City requests a listing of all current municipal clients.

#### **Subscription and Maintenance Agreements (Tab 10)**

Sample subscription and maintenance agreements must be provided in this part of the Vendor's response for all components of the recommended solution. Indicate the basis on how subscription fees are determined.

- How are local configurations maintained when installing new releases of the Vendor's software? Describe the level of support that the Vendor provides to the City for identifying, validating, and testing scripts related to the latest software release.
- How are local customizations maintained when installing new releases of the Vendor's software? Describe the level of support that the Vendor provides to the City for identifying, validating, and testing scripts related to the latest software release.

#### **Exceptions and Deviations (Tab 11)**

If the Vendor finds it impossible or impractical to adhere to any portion of these specifications and all attachments, it shall be so stated in its proposal, with all deviations grouped together in a separate section entitled, "exceptions/deviations from proposal requirements." This section will be all-inclusive and will contain a definition statement of every objection or deviation with adherence to specific RFP sections. Objections or deviations expressed only in other parts of the proposal, either directly or by implication, will not be accepted as deviations, and the Vendor in submitting a proposal, will accept this stipulation without recourse.

Vendors must include in this section any exceptions taken to the terms and conditions. Terms and Conditions that apply to this solicitation can be found at:

<https://www.nbtexas.org/DocumentCenter/View/23388/CONB-Purchasing-Standard-Terms-and-Conditions>

#### **Other Documentation (Tab 12)**

Vendors must complete and return the following attachments as part of their proposal response:

##### **1. Functional System Requirements (Attachment A – Specifications)**

Vendors will use the Microsoft Excel spreadsheet to provide responses to the requirements of this RFP must be provided in this section of the Vendor's response. Vendors must use **ERP Software and**

**Implementation Services - Specifications.xlsx** attachment to this RFP and attach added explanation pages as necessary. Please include any costs associated with modifications in the Microsoft Excel pricing spreadsheet. **Please note: The response to these requirements must be submitted in the exact format with no additional macros, formulas, new columns, modifications, passwords. Failure to adhere to this requirement so can result in disqualification of the entire proposal.**

- *Identified in the attached Excel spreadsheet **ERP Software and Implementation Services - Specifications.xlsx** are the requirements/specifications that must be addressed by the Vendor's proposal.*
- Vendors must replace cells G2 in the instructions tab with the Vendor's *Company Name* which will be repeated for each subsequent module.
- Vendors should review the specifications listed and respond with their availability within the Vendor's proposed solution. The responses should be entered under the *Availability* column of each form as follows:

Y Functionality is provided out of the box through the completion of a task associated with a routine configurable area that includes, but is not limited to, user-defined fields, delivered or configurable workflows, alerts or notifications, standard import/export, table driven setups and standard reports with

no changes. These configuration areas will not be affected by a future upgrade. The proposed services include implementation and training on this functionality, unless specifically excluded in the Statement of Work, as part of the deployment of the solution.

R Functionality is provided through reports generated using proposed Reporting Tools.

T Functionality is provided by proposed third-party functionality (i.e., third-party is defined as a separate software Vendor from the primary software Vendor). The pricing of all third-party products that provide this functionality **MUST** be included in the cost proposal.

M Functionality is provided through customization to the application, including creation of a new workflow or development of a custom interface, that may have an impact on future upgradability. The pricing of all modifications identified in the functional requirements **MUST** be included in the cost proposal.

F Functionality is provided through a future general availability (GA) release that is scheduled to occur within 1 year of the proposal response.

N Functionality is not provided

- Use the *Cost* column for "M" or "R" responses to estimate the cost to be incurred by City to secure the specification, if necessary. Use the *Comment* column to provide additional comments pertaining to your response for that item.
- The *Required Product(s)* column is to be used to specify what product (e.g., product name or software module) is proposed.
- Vendors proposing a multi-product solution should complete a General and Technical module specification response for each product.

## 2. Separate Cost Proposal (Attachment B – Pricing Forms)

**One (1) electronic copy** of the cost proposal shall be submitted in a separate file, with the technical proposal. The electronic copy of the cost proposal response shall include the completed cost worksheets that have been provided in Microsoft Excel.

- The City will not consider time and materials pricing. Vendors shall provide firm and fixed pricing based on the functionality described. For each item, indicate if the cost is one-time, annual, or other.

- The Vendor shall provide price information for each separate component of the proposed solution, as well as the costs of any modifications necessary to fully comply with the RFP specifications.
- In the event the product or service is provided at no additional cost, the item should be noted as "no charge" or words to that effect.
- In the event the product or service is not being included in the Vendor proposal, the item should be noted as "no bid".
- Vendors shall provide all pricing alternatives in these cost sheets.
- Vendor shall provide prices in U.S. dollars.
- Vendor shall make clear the rationale and basis of calculation for all fees.
- Vendors shall show separate subtotals for the required elements of the proposed solution, and for any layers of optional elements.

In presenting software subscription fees, the Vendor shall:

- Explain all factors that could affect subscription fees,
- Indicate which product versions, operating platform(s), and machine classes are included for each price,
- Indicate whether a product is for "server" or "client," as applicable; and,
- Make clear the extent of any implementation services that are included in the subscription fees (installation, configuration, training, etc.)

For consistent pricing in proposals, please assume an initial contract term of five years and provide any annual increases in on-going costs. However, the City reserves the right to negotiate the contract duration during contract negotiations.

To the extent possible, Vendors shall show any applicable discounts separately from the prices for products and services. The Vendor is encouraged to present alternatives to itemized costs and discounts, such as bundled pricing, if such pricing would be advantageous to the City.

City reserves the right to pursue direct purchase of all items and services proposed, as well as to obtain independent financing.

### **3. Other Required Forms and Attachments (Attachment C – Vendor Forms)**

Provide all forms in this section and **ERP Software and Implementation Services - Vendor Forms.docx**.

This section contains various forms that for submission with the Vendor's proposal. The intent of providing such forms is to ensure comparability between proposals. Included in attachment **ERP Software and Implementation Services - Vendor Forms.docx**:

- Company Background Form\*
- Technical and Vendor Requirements Form
- Project Management Approach Form
- Report Development Form
- Training Form
- Staffing Plan Form
- Ongoing Support Services Form
- Client Reference Form
- Minimum Criteria Confirmation
- Company Information\*
- Vendor Certifications\*
- Exceptions and Alternatives Form
- Conflict of Interest Questionnaire\*
- Certificate of Insurance\*

\* If a vendor includes a sub-contractor in their proposal response, each sub-contractor must complete this form.

## SECTION 5 EVALUATION OF PROPOSALS

### 5. SELECTION PROCESS

It is the intent of the City to make a single award on this solicitation, based on evaluation criteria listed in this solicitation and proposer's submitted proposal.

The City's evaluation team will rank Proposers meeting the evaluation criteria and the requirements of the needed services outlined in the solicitation and as outlined in the Proposer's proposal.

The Proposer selected for award will be awarded an Agreement to provide services as specified

**5.1. EVALUATION CRITERIA:** The City of New Braunfels will review all Proposals submitted in response to this solicitation using the criteria presented below and rank each Proposer. The Proposer will be recommended for award to City Council based upon the published selected criteria noted below. The evaluation committee recommendations are subject to approval by the City of New Braunfels City Council.

**Minimum Criteria:** As part of the Vendor's RFP response, the following minimum criteria must be met for a proposal to be considered for further evaluation. Failure to meet all criteria will automatically disqualify the Vendor's response from further consideration:

#### Minimum Criteria Checklist

- Minimum Client Software Installations*  
Must have provided software for at least three previous municipalities of similar size, complexity, and scope.
- Cloud/Vendor Hosted Solution*  
Software must be cloud/vendor hosted.
- RFP Response*  
RFP response is submitted by the due date and time.
- Response Authorization*  
The RFP response is signed by an authorized company officer.
- Response Completeness*  
Vendor complied with all instructions in the RFP and provided a response to all items requested with sufficient detail, which provides for the proposal to be properly evaluated. Any deficiencies in this regard will be determined by City's Purchasing Manager to be either a defect that the Manager will waive or that the proposal can be sufficiently modified to meet the requirements of the RFP.

**Round 2 Evaluation:** For those Vendors whose proposals pass the minimum criteria, the following categories of criteria will be used to further evaluate the proposals:

Round 2 Evaluation Criteria	
Ability to meet functional requirements	20%
Ability to meet technical requirements	20%
Ongoing support	20%
Implementation approach	15%
Cost	15%
General Vendor to include number and size of comparable municipal references, financial stability, completeness of response, and quality of proposal response	10%
<b>Total</b>	<b>100%</b>

**Round 3 Evaluation:** The top Vendors in the second-round evaluation will then proceed to an additional level of due diligence that may include the following activities:

- Follow-up questions and answers with the Vendors.
- Vendor demonstrations to include module/functionality demonstrations, technical demonstrations, service presentation, and other due diligence. City may also request a hands-on lab to evaluate the system. The City may choose to record these demonstrations.
- Reference checking with comparable entities using the Vendor's product.

At any point in time during the third round of evaluation, a Vendor may be eliminated from further consideration. At the conclusion of the round three activities, the finalist Vendors will be evaluated on all information collected to date against the following criteria in order of preference:

Round 3 Evaluation Criteria	
Ability to meet vendor functional requirements (including usability /user-friendly software)	20%
Ability to meet vendor technical requirements (including cloud / vendor hosted benefits)	20%
Cost (one-time and on-going)	20%
Service Level Agreements and Ongoing Support	20%
Implementation	20%
<b>Total</b>	<b>100%</b>

**Final Round Best and Final:** The City may choose to request a Best and Final Offer during the proposal evaluation process.

The City reserves the right to request additional information or clarifications from all Proposers and to allow corrections of errors or omissions.

**5.2 Other Considerations.** The City reserves the right to request additional information or consider historical information and facts, whether gained from the Proposal, references, or any other source, in the evaluation process, including Proposer's past working or business relationship with the City, if any. The City further reserves the right to consider a Proposer's background, personnel, experience, financial and other references, management practices, exceptions to the RFP or subsequent contract, and any working relationships, past or present, a Proposer may have with its other clients.

**5.3 Opened Proposal.** A submittal may not be opened before the closing date for the purpose of changing or amending the submittal or to correct an error in the submittal terms or conditions. If the submittal is opened before the closing date by anyone other than the City, the submittal may be rejected in its entirety by the City.

**5.4 Additional Information.** At your option, provide in your Qualifications any contractual language, terms, conditions, considerations, or contingencies your company would request or require to be included in the negotiated contract between the City and the selected submitter, should your company be awarded a contract. Approval of such language, terms, conditions, considerations, or contingencies offered by a submitter remains with the City and in all cases the City's decision is final.

**5.5 Right to Accept or Reject.** The City reserves the right to reject any or all submittals, to waive informalities and accept the submittal that the City believes is the most advantageous to the public interest and in keeping with the local government project procedures. The RFP does not commit the City to award a contract, issue a purchase order, or pay any costs incurred in the preparation of a submission in response to this RFP.

**5.6 Solicitation to Remain Subject to Acceptance.** All solicitations will remain subject to acceptance for one hundred twenty (120) days after opening without acting.

**5.7 City Council Approval Required.** The City of New Braunfels City Council must approve the respondent selected to provide the services requested in this RFP. The City reserves the right to authorize contract negotiations to begin without further discussion with respondents submitting a response. Therefore, each Proposal should be submitted as completely and accurately as possible. The City reserves the right to request additional data, oral discussions, or presentations in support of the written Proposal.

**5.8 Respondent's Obligation Regarding Evaluation:**

- a) **Submission of Information.** Submitters are cautioned that it is each respondents sole responsibility to submit information related to the evaluation categories, and the City is under no obligation to solicit such information if it is not included with the Proposal. Failure of a respondent to submit such information may cause an adverse impact on the evaluation of the specific Proposal.
- b) **Submitter Review of RFP.** Submitters are responsible for examining and being familiar with all specifications, terms, conditions, provisions, and instructions of the RFP and their responses. Failure to do so will be at the respondents' risk and will not be a determinative factor when awarding the contract for services.

**5.9 Oral Non-Binding.** Any non-written representations, explanations, or instructions given by City staff or City agents are not binding and do not form a part of, or alter in any way, the RFP, a written agreement pertinent to the RFP, or the awarding of the contract.

**5.10 Lobbying Prohibited.** Proponents are prohibited from directly or indirectly communicating with City Council members regarding the Proponent's qualifications or any other matter related to the eventual award of a contract for the services requested under this RFP. Proponents are prohibited from contacting city staff members regarding their qualifications or the award of a contract, unless in response to an inquiry from a staff member. Any violation will result in immediate disqualification of the proponent from the selection process.

## SECTION 6 AWARD OF CONTRACT

**6.1. SUCCESSFUL PROPOSER'S DOCUMENTS:** The successful Proposer will provide its proposal and any negotiated amendments to the proposal to the Office of the Purchasing Manager as an electronic Word file.

**6.2. CONTRACT AWARD:** The selection of a Proposer and the execution of a contract, while anticipated, are not guaranteed by the City. The City reserves the right to determine which proposal is in the City's best interest and to award the contract on that basis, to reject any and all proposals, waive any irregularities of any proposal, negotiate with any potential Proposer (after proposals are opened) if such is deemed in the best interest of the City.

**6.3. CITY COUNCIL APPROVAL:** The City Council will consider the final contract for approval unless the award amount is less than \$50,000.00. In the event the total amount of the contract is less than \$50,000.00, the contract will be awarded administratively.

### 6.4. FINAL CONTRACT:

- A. The selected Proposer will assume responsibility for all services offered in its proposal, whether such services are provided by a subcontractor or joint venture arrangement. The successful Proposer will be considered the sole point of contact about contractual matters, including payment of all charges resulting from the contract.
- B. The successful Proposer will be required to enter a written contract with the City. The City's legal terms and conditions for this contract are included herein.
- C. This RFP and the successful Proposer's proposal, or any part thereof, may be incorporated into and made a part of the final contract. The City reserves the right to negotiate the terms and conditions of the contract with the successful Proposer.
- D. Be advised that exceptions to any portion of the RFP may jeopardize acceptance of your proposal. If exceptions are taken to the City's Agreement, this will be clearly indicated and a full explanation given for each exception. It is required that the proposal enumerate the specific clauses that the Proposer wishes to amend or delete and suggest alternative wording in the proposal. In view of the length of time involved in obtaining the approval of legal counsel, Proposers are cautioned not to state that the Proposer's proposal is subject to the Proposer's standard terms and conditions or that the final terms and conditions are subject to negotiation after award. This may result in the proposal being deemed non-responsive, in which no further consideration or evaluation will be made.