

Request for Proposals

for

**GPS Management System for
Landfill Grade and Compaction**

for the

City of Sioux Falls, South Dakota

Guidelines and Requirements for Submittal

Request No. 16-0148

Prepared by: City of Sioux Falls
Sioux Falls Regional Sanitary Landfill

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Section 1 Introduction and Instructions

1.1 Purpose of the RFP

This Request for Proposal (RFP) is issued by the City of Sioux Falls acting through its Sanitary Landfill Division and Purchasing Office (hereinafter referred to as the "City"). The purpose of this RFP is to solicit proposals for GPS Management System for Landfill Grade and Compaction for the City.

1.2 Contact Person, Telephone, Fax Number, and Email

David Dekker, Purchasing Specialist, Finance department, is the point of contact for this RFP. Unauthorized contact regarding the RFP with other City employees may result in the Offeror being disqualified.

David Dekker, Purchasing Specialist, Finance department

Phone: 605-367-8833

Email: ddekker@siouxfalls.org

1.3 RFP Schedule of Events

This schedule of events represents the City's best estimate of the schedule that will be followed for this RFP. If a component of this schedule, such as the deadline for receipt of proposals, is delayed, the rest of the schedule will be shifted by the same number of days.

The approximate RFP schedule is as follows:

- RFP issued: August 5, 2016
- Preproposal conference: August 17, 2016
- Deadline for questions: August 19, 2016
- Proposals due: September 1, 2016
- Interviews, if necessary: Week of September 19, 2016
- City issues Notice of Intent to Award a Contract approximately: Week of October 3, 2016
- City issues contract approximately: Late October/early November

1.4 Return Mailing Address and Deadline for Receipt of Proposals

Offerors must submit one (1) electronic version in Microsoft Word or PDF format (on CD or USB drive) and five (5) hard copies of the proposal in a sealed envelope or package with one labeled as an original.

One Cost Proposal is to be submitted in a separate sealed envelope or package clearly labeled “Cost Proposal.”

Envelopes or packages containing proposals must be clearly addressed as described below to ensure proper delivery and to avoid being opened by the City before the deadline for receipt. Envelopes or packages must be addressed as follows:

City of Sioux Falls Engineering Office
Attention: David Dekker, Purchasing Specialist
RFP No. 16-0148
224 West Ninth Street
P.O. Box 7402
Sioux Falls, SD 57117-7402

Proposals must be received by the Engineering Office at the location specified no later than **2 p.m., Central standard time, on Thursday, September 1, 2016**. Proposals will not be publicly read at the opening.

Proposals may not be delivered orally, by facsimile transmission, by other telecommunication, or electronic means.

Offerors assume the risk of the method of dispatch chosen. The City assumes no responsibility for delays caused by any delivery service. Postmarking by the due date will not substitute for actual proposal receipt by the City. An Offeror's failure to submit its proposal prior to the deadline will cause the proposal to be rejected. Late proposals or amendments will not be opened or accepted for evaluation.

1.5 Questions and Addenda

Questions regarding this RFP shall be submitted in writing to David Dekker, Purchasing Specialist, 224 West Ninth Street, P.O. Box 7402, Sioux Falls, SD 57117-7402, or email to ddekker@siouxfalls.org. Answers to questions will be posted on the City's website, www.siouxfalls.org, within 48 hours. The deadline for questions is 2 p.m., Central standard time, Friday, August 19, 2016.

If deemed necessary, addenda to the RFP will be issued and will be emailed to the proposers. No addenda will be issued after 5 p.m., Tuesday, August 23, 2016.

Responding Offerors are expected to raise any questions, exceptions, or additions they have concerning the RFP document. If a respondent discovers any significant ambiguity, error, conflict, discrepancy, omission, or other deficiency in this RFP, they

should immediately notify the above-named individual of such error in writing and request modification or clarification of the RFP document.

Responding Offerors are prohibited from communicating in any other manner about this project with any other City employee from the date of issuance of this proposal until the final selection, unless otherwise directed by the Purchasing Manager. Other means of communications or contact may disqualify the submitting Offeror.

1.6 Notice Provided

The Request for Proposal and any amendments to the RFP will be posted on the following website: www.siouxfalls.org.

1.7 Preproposal Conference

A preproposal conference will be held at City Hall, 224 West Ninth Street, Sioux Falls, SD 57104, First Floor Conference Room, at 9 a.m. on Wednesday, August 17, 2016. Representatives of the City will be present to discuss the Request for Proposal. Offerors interested in submitting a proposal are encouraged to attend and participate in the conference. The City will issue 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 legally binding or legally effective.

1.8 Letter of Interest

Offerors interested in receiving any notices related to this RFP are required to contact the Purchasing Specialist with the name of their firm, contact person, mailing address, telephone number, fax number, and email address. The sole purpose of the Letter of Interest is to provide the City with a contact person to receive any notices related to the RFP. Submission of a Letter of Interest is not a requirement for submitting a proposal to this RFP. The City must receive the Letter of Interest from the Offeror by Friday, August 19, 2016.

Section 2 Scope of Work

2.1 Introduction

The City is requesting proposals for a GPS Management System for Landfill Grade and Compaction for the Sioux Falls Regional Sanitary Landfill.

2.2 General Billing Requirements

The City seeks an efficient billing process. The City requires invoicing to each account, as requested, at no additional charge to the City. The billing format will be reviewed and approved by the contract administrator prior to the final contract agreement. Offeror must thoroughly describe their ability to accept and process orders using purchase

orders or purchasing cards. Offerors must also discuss their ability to receive online payment via purchase card, receive an electronic funds transfer from the City, and/or a seamless electronic interface to City accounting systems.

The City **will not** accept fuel surcharges, delivery charges, or any other miscellaneous fees and/or surcharges.

Offerors are invited to provide any other information that they feel is relevant to this RFP process; for example, would the Offeror provide any additional services at no cost to the City or assist the City in evaluating its existing needs and future needs.

2.3 Background

The Sioux Falls Regional Sanitary Landfill (hereinafter referred to as the “Landfill”) is located approximately five miles west of Sioux Falls, SD, and is the largest landfill in the state of South Dakota. The Landfill serves a population of approximately 260,000 in a five- (5-) county region, which includes, Minnehaha, Lake, Lincoln, McCook, and Turner Counties. The Landfill started accepting municipal solid waste (MSW) in 1979 and currently has a projected closure date of 2080.

The Landfill property encompasses approximately 709 acres—260 acres permitted for MSW and 60 acres permitted for Construction and Demolition Waste (C and D). The Landfill currently operates with numerous permits and has an active landfill gas collection and control system in which LFG is collected and sold to a nearby ethanol plant.

2.4 Project Overview

The City is issuing this RFP to identify a GPS Management System for Landfill Grade and Compaction that best addresses the requirements and objectives of the City. When RFP responses have been received and evaluated, the City may require the top proposals to present and demonstrate their product’s capabilities during a preliminary trial period. An agreement will then be negotiated with the successful Offeror for implementation of their AMI solution.

2.5 Submittal Requirements

The following shall be completed by the selected Offeror:

The submittal must contain the following information:

Cover Letter and Table of Contents. Provide name and address of the Offeror and project contact person with address, telephone number, and email address. Acknowledge receipt of any addenda if applicable. In an **Executive Summary**, summarize your understanding of the project scope and services being required. Provide a statement indicating your ability to provide timely services for this project and to meet the requirements of the proposed schedule. Indicate your acceptance of the

requirements of this RFP. Provide a one-page summary of the benefits you believe the City would receive from selecting you.

The Offeror's offer must be good for 120 days.

References. Offeror shall provide a list with contact information of at least two agencies/customers that have implemented your GPS Management System for Landfill Grade and Compaction in the past three years.

Understanding of Project. State your understanding of what the project entails.

Statement of Work and Project Approach. Discuss how your organization will accomplish the scope of work. Include details of how and when you will interact with staff, the process to develop a GPS Management System for Landfill Grade and Compaction, how the Offeror plans to complete each task, and ensure compliance with all applicable local, state, and federal regulations.

2.6 Minimum Offeror Qualifications

Offeror shall address the following:

- Offeror has been a GPS Management System for Landfill Grade and Compaction for minimum of four years.

Offerors who offer flexibility of an own and operate solution, a fully hosted solution, or combination of both capabilities (depending on application) is preferred. Please specify clearly which one option you are offering.

2.7 Price and Business Relationship Proposal

Include pricing information in this section.

The City expects pricing to include:

- All standard hardware and software, including the pieces that will be installed in the four units. A minimum of three software licenses will be required.
- Annual maintenance charges that will keep the software up to date.
- All training sessions that are required in this RFP; this includes annual ongoing training of the software/hardware updates.
- Integration, deployment, and training services—City requires qualified personnel on site for training, go live, and follow-up.
- Any other items required to meet system requirements as described in sections of this RFP.

- Offerors shall also provide a list and estimated cost of any equipment or materials that are required to be purchased by City.

A demonstration is required before full implantation. The City would test the system and units for a period of two days with one day in one of the City's bulldozers and the other day in the City's compactor to ensure it meets all requirements. This demonstration will begin with the highest rated supplier at the end of the presentations and continue, if necessary, to the next highest score. Demonstration would also include office backend tools and testing to ensure capability with existing City software.

Section 3 System Requirements

3.1 Overview

The Landfill is seeking proposals for a GPS Management System for Landfill Grade and Compaction that must be an integrated system of software, computer, GPS receiving, and communication equipment to provide the Landfill owner and operator with a tool to design lifts, slopes, benches, interim surface levels, pipe systems, roadways, new cell construction, and monitor compactor effort and results to aid the operator to achieve the best construction results possible.

The system will need to be installed in four pieces of equipment.

- 2016 Bomag BC772RB-4 (Compactor)
- 2014 Caterpillar 836K (Compactor)
- 2014 Caterpillar D8T (Dozer)
- 2013 Caterpillar D8T (Dozer)

The Landfill envisions equipping two bulldozers and two compactors with a system that provides the operator with the feedback for waste placement and grade control. The system should incorporate ad-hoc data sharing between on-site machines so that the bulldozer doesn't place waste in areas that haven't achieved compaction and the compactor operator is presented with a graphical representation of areas that have achieved partial or complete compactions as well as area that have uncompacted waste.

The Landfill prefers that those submitting a proposal be familiar with the landfill to ensure the most reliable and cost-effective system is being bid.

3.2 General Requirements

Software designed specifically for landfill construction and compaction management, including pass after pass surface measurement to determine when the compactor achieves no appreciable compaction for the latest pass.

An office computer to allow engineering interface with the mobile equipment, including solutions for density after manual scale volume input, rate of closure cost, equipment movement per day or shift, every foot of forward or reverse movement, idle hours, and hour's system is run per shift or day.

RTK GPS system to interface with the software provided within the system to determine and display in the office and on each mobile equipped unit the position of mobile equipment NEZ +/- 0.10 foot or less.

Communication system provided to link the mobile equipment to the office system if needed. (Familiarity with Sioux Falls Regional Sanitary Landfill is critical.)

Reference real-time from each mobile equipment monitor and real-time position to the landfill design and/or construction plan.

Computer screen in cab for mobile equipment shall show wheel tracks, not grids for compaction improvement results, per pass, with appropriate color changes based on actual surface deflection measurement.

Wheel tracks on compactor systems shall change color based on deflection or vertical position change, not pass counting.

Operating Temp: minus 22 to 158 degrees Fahrenheit inside the cab.

Storage Temp: minus 40 to 185 degrees Fahrenheit within an enclosure.

All computer, GPS, and radio mobile equipment shall be ruggedized for specific use in machinery applications.

System shall allow management to design grade and slope of current face, tiers, daily fill to/from levels easily from GPS system office software, and transmit to mobile equipment over radio link.

Offeror should explain the information is downloaded from machine to the base if the system were to not communicate properly. How long is information stored and transmitted back to the base? Can the information be retrieved at a later date and time?

3.3 Software Requirements

Server requirement shall be the Windows 2012 version or newer and be able to run in a virtual (VMWare) environment.

Desktop software shall be able to run on Windows 8 or Windows 10 64-bit platform.

AutoCAD support is required.

The software shall have the ability to control grade and show compaction patterns as color-coded wheel tracks to indicate path of travel and compaction.

The software should also show the operator the boundaries for planned airspace, including grade and slope of the planned total air space.

The software for the compactor and bulldozer should start up automatically in the morning, be ready to operate, and shall save data automatically at the end of each day.

The software system shall at the end of each day:

- Automatically update the true terrain model of the existing grades.
- Capable of computing daily cover material needed.
- Compile data to generate a report that will indicate the daily machine activity.
- Calculate available air space and the daily compacted volume of trash.
- The reporting function should be user customizable.

In your response, please detail how often you update your software and how often you roll out updated versions of the software.

3.4 Hardware Requirements

The computers to be located within the landfill equipment unit shall be capable of providing real-time compaction, grade control, and 3D positioning data to:

- The equipment operator.
- The office computer.
- A supervisory field unit.

The landfill equipment monitors shall be 10" or larger.

The system should incorporate ad-hoc data sharing between on-site machines so that the bulldozer doesn't place waste in areas that haven't achieved compaction and the compactor operator is presented with a graphical representation of areas that have achieved partial or complete compactions as well as areas that have uncompacted waste.

All field equipment shall be capable of interfacing with the office main computer through radio, Wi-Fi, or cellular data link for further processing of compaction, position data, and archiving.

Mobile units should also have a USB port to accept a keyboard for manual data entry and/or a USB memory device.

Storage—Minimum 1GB RAM, 32GB SATA Drive (primary) with a minimum 4GB FLASH (secondary).

3.5 User Capabilities

System shall be capable of marking special loads or avoidance zones (asbestos, wellheads, gas lines, leachate lines, etc.).

System shall have the ability for the operator to establish and record points with user-defined text descriptions and position data.

The vendor's proposal should include CAD software to perform survey, engineering, and landfill design task.

This software should import data from the mobile assets, data collectors, and other sources to do all the necessary calculations, quickly and easily produce landfill fill plan designs, generate contours (DTM), and calculate volumes.

The software should have an integrated 3D Visualizer in order to view the project as an interactive 3D model.

3.6 System Training Requirements

The GPS equipment/software provider must provide an initial three days of time allotted for the training of Landfill Equipment Operators, managers, and Engineering staff on all of the equipment provided for the GPS Management System for Landfill Grade and Compaction.

An additional two days of follow-up training shall be held six to eight weeks after the initial training period to allow for the correction of problems any staff is encountering with the software or hardware.

The City would request that upon installing major software updates, the Offeror sends a representative to the Landfill to do two sessions of training so all Landfill personnel can take part in learning the software updates. This would coincide with the update taking place and be at the discretion of the Landfill Superintendent.

Section 4 Product Warranties

The Offeror shall provide detailed warranty information with its proposal, including warranties for all hardware, software, etc. A complete description of all warranty coverage shall be included in the proposal.

Please describe fully the duration and extent of equipment warranties and indicate if loaner equipment is offered when repairs are required.

Describe the manufacturer's technical support, software and firmware updates, troubleshooting, and technician proximity and availability.

All hardware provided for the GPS Management System for Landfill and Compaction shall have a minimum of a one-year warranty.

The GPS equipment/software provider will provide a minimum of one year of telephone support or support via the Internet at no charge.

Section 5 Special Notifications

The City and the Landfill are regulated by public law, statutes, and other federal, state, and local regulations. Unless otherwise specified, it shall be the Offeror's responsibility to identify the applicable federal, state, and local laws and regulations and apply the procedures as required.

5.1 Health and Safety Plan and Site-Specific Health and Safety Plans

i. Health and Safety (General)

In the course of conducting activities pursuant to this Scope of Work, the Offeror may be required to perform on-site work, inspections, or observations. The Offeror shall develop and implement health and safety and emergency response programs/plans for activities that involve employee exposure or the reasonable possibility for employee exposure to health and safety hazards. The Offeror shall review all information provided and develop the necessary documents that contain the health and safety criteria, procedures, and practices sufficient to protect on-site personnel, the environment, and potential off-site receptors from chemical and physical hazards. The Offeror shall be responsible for the health and safety of its employees.

ii. Safety Procedures

All work, inspections, and observations conducted on City property will be completed in a safe manner in accordance with local, state, and federal laws. All contractors must wear proper PPE and notify the Landfill Superintendent or designated staff person(s) when arriving and leaving the site. All contractors will need to provide the location of any work, inspections, and/or observations prior to commencing any work on City property.

iii. Health Risk

The Offeror shall immediately report to the Landfill Superintendent, via telephone or in person, any data or results generated during this Scope of Work that may indicate any potential imminent health risk or violation of federal, state, or local laws. Following this notification, a written notice with supporting documentation shall be prepared and delivered within three (3) days. Upon request of the Landfill Superintendent, the Offeror shall provide all pertinent data within three (3) weeks of the notification.

The Offeror shall identify potentially significant health and safety problem areas as they arise while providing the technical support required by this Scope of Work.

iv. Questions from the Public

The Offeror shall refer all questions from the public to the Sioux Falls Regional Sanitary Landfill Superintendent.

v. Scope of Work Guidance

The Offeror is cautioned to take no guidance from any source during the course of this effort, which deviates from the requirements stated in the Scope of Work. The Offeror shall immediately notify the Sioux Falls Regional Sanitary Landfill Superintendent of any such requests.

5.2 Federal Requirements

The Offeror must identify and comply with all known federal requirements that apply to the proposal, the evaluation, or the contract.

Section 6 Review of Proposals and Selection of Finalists

6.1 Selection Criteria

Upon receipt of the proposals, an evaluation team will determine the top proposals deemed most qualified based on the below criteria. The evaluation team will rely on the qualitative information contained and presented in the proposals and reference checks in making the decision to select the most qualified Offeror to provide services for the City. Selection criteria will be based on:

Evaluation Criteria (100-Point Potential Score)

- Compliance with requirements of this request for proposal and proposed solution that best fits the City's technical, operational, and budgetary needs, both currently and in the future. **30 points**

- Simplicity and ease of installation throughout the entire process. **25 points**
- Training program. **20 points**
- Total cost to deploy proposed solution. **25 points**

Upon review of the proposals, the Offerors will be ranked. The highest ranking Offeror(s) may be invited in for an interview or start negotiations with the City. If an agreement cannot be reached with the highest ranked Offeror, we will move to the second ranked Offeror. The same process will be repeated with the other ranked Offerors if no such agreement can be reached. The City reserves the right to not select an Offeror as part of this process if an agreement cannot be reached with any company.

Depending on the number of proposals received, the City reserves the right to shortlist the proposals and eliminate the lowest ranking proposals for consideration.

6.2 Oral Presentations

Offerors determined to be reasonably acceptable for award **may** be required to provide an on-site presentation of the proposed solution for the evaluation committee.

If presentations are needed, the City will schedule a date, time, and location with each of the Offerors if necessary.

Offerors will be responsible for all costs associated with providing the demonstration.

6.3 Special Conditions

Excluding proprietary information, the successful Offeror’s proposal and contract are deemed public records and shall be available to the public upon request. In addition, the City shall maintain a “Register of Proposals for this Contract,” which shall contain the names of companies who submitted a proposal and the name of the company who was awarded the contract; however, the proposals of the submitting Offerors not awarded the contract are nonpublic records and will remain confidential.

Section 7 General Contract Information

7.1 Contract Type

This contract is a fixed price contract. The initial contract price will be based upon prices submitted by the Offeror, subject to contract negotiations with the City and shall be firm for the life of the contract.

7.2 Proposal as a Part of the Contract

Part or all of this RFP and the successful proposal may be incorporated into the contract.

7.3 Additional Terms and Conditions

The City reserves the right to add, delete, or modify terms and conditions during contract negotiations. These terms and conditions will be within the scope of the RFP and will not affect the proposed evaluations.

7.4 Supplemental Terms and Conditions

Proposals, including supplemental terms and conditions, will be accepted, but supplemental conditions that conflict with those contained in this RFP, or that diminish the City's rights under any contract resulting from the RFP, will be considered null and void. The City is not responsible for identifying conflicting supplemental terms and conditions before issuing a contract award. After award of contract:

1. If conflict arises between a supplemental term or condition included in the proposal and a term or condition of the RFP, the term or condition of the RFP will prevail; and
2. If the City's rights would be diminished as a result of application of a supplemental term or condition included in the proposal, the supplemental term or condition will be considered null and void.

7.5 Contract Approval

This RFP does not, by itself, obligate the City. The City's obligation will commence when the Mayor signs the contract. Upon written notice to the contractor, the City may set a different starting date for the contract. The City will not be responsible for any work done by the contractor, even work done in good faith, if it occurs prior to the contract start date set by the City.

7.6 Taxes and Taxpayer Tax Identification

The contractor must provide a valid Tax Identification Number as a provision of the contract.

1. State and Use Taxes:

Work for this project is subject to state sales tax and use taxes on materials and equipment. Said taxes shall be included in the contract price. Refer to Supplementary Conditions for additional information.

2. Contractor's Excise Taxes:

Contractor's excise taxes will be due and payable by the proposer to the South Dakota Department of Revenue. To verify collection and reporting requirements, call 605-367-5800.

Section 8 Standard Proposal Information

8.1 Authorized Signature

An individual authorized to bind the Offeror to the provisions of the RFP must sign all proposals.

8.2 City Not Responsible for Preparation Costs

The City will not pay any cost associated with the preparation, submittal, presentation, or evaluation of any proposal.

8.3 Conflict of Interest

Offerors must disclose any instances where the Offeror or any individuals working on the contract has a possible conflict of interest and, if so, the nature of that conflict (e.g., employed by the City of Sioux Falls). The City reserves the right to cancel the award if any interest disclosed from any source could either give the appearance of a conflict or cause speculation as to the objectivity of the Offeror's proposal. The City's determination regarding any questions of conflict of interest is final.

8.4 Offeror's Certification

By signature on the proposal, the Offeror certifies that it complies with:

1. The laws of the state of South Dakota.
2. All applicable local, state, and federal laws, codes, and regulations.
3. All terms, conditions, and requirements set forth in this RFP.
4. A condition that the proposal submitted was independently arrived at without collusion.
5. A condition that the offer will remain open and valid for the period indicated in this solicitation, and any condition that the Offeror and/or any individuals working on the contract do not have a possible conflict of interest (e.g., employed by the City of Sioux Falls).

If any Offeror fails to comply with the provisions stated in this paragraph, the City reserves the right to reject the proposal, terminate the contract, or consider the Offeror in default.

8.5 Offer Held Firm

Proposals must remain open and valid for at least **120 days** from the deadline specified for submission of proposals. In the event award is not made within **120 days**, the City

will send a written request to all Offerors deemed acceptable for award asking Offerors to hold their price firm for a longer specified period of time.

8.6 Amendments to Proposals and Withdrawals of Proposals

Offerors may amend or withdraw proposals prior to the deadline set for receipt of proposals. No amendments will be accepted after the deadline unless they are in response to the City's request. After the deadline, Offerors may make a written request to withdraw proposals and provide evidence that a substantial mistake has been made. The procurement officer may permit withdrawal of the proposal upon verifying that a substantial mistake has been made, and the City may retain the Offeror's bid bond or other bid type of bid security, if one was required.

8.7 Alternate Proposals

Offerors may not submit alternate proposals for evaluation.

8.8 Evaluation of Proposals

All proposals will be reviewed to determine if they are responsive to the requirements of this solicitation. An evaluation committee will evaluate responsive proposals. The evaluation will be based solely on the evaluation factors set forth in this RFP. The evaluation will consider information obtained subsequent to any discussions with Offerors determined to be reasonable for award and any demonstrations, oral presentations, or site inspections, if required in this RFP.

8.9 Right of Rejection

The City reserves the right to reject any proposals, in whole or in part. Proposals received from debarred or suspended Offerors will be rejected. The Purchasing Office may reject any proposal that is not responsive to all of the material and substantial terms, conditions, and performance requirements of the RFP.

The Purchasing Office may waive minor informalities that:

- Do not affect responsiveness.
- Are merely a matter of form or format.
- Do not change the relative standing or otherwise prejudice other offers.
- Do not change the meaning or scope of the RFP.
- Are insignificant, negligible, or immaterial in nature.
- Do not reflect a material change in the work.
- Do not constitute a substantial reservation against a requirement or provision.

The City reserves the right to reject any proposal determined to be nonresponsive and to reject the proposal of any Offeror determined to be nonresponsive. The City also reserves the right to refrain from making an award if it determines it to be in its best interest.

8.10 Clarification of Offers

In order to determine if a proposal is reasonably acceptable for award, communications by the Purchasing Office or the proposal evaluation committee are permitted with any Offeror to clarify uncertainties or eliminate confusion concerning the contents of a proposal and determine responsiveness to the RFP requirements. Clarifications may not result in a material or substantive change to the proposal. The initial evaluation may be adjusted because of a clarification under this section.

8.11 Contract Negotiation

After final evaluation, the Purchasing Office may negotiate with the Offerors of the highest ranked proposals. Negotiations, if held, will be within the scope of the request for proposals and limited to those items that would not have an effect on the ranking of proposals. If any Offeror fails to provide the necessary information for negotiations in a timely manner, or fails to negotiate in good faith, the City may terminate negotiations and negotiate with the Offeror of the next highest ranked proposal.

If contract negotiations are commenced, they will be held at City Hall, 224 West Ninth Street, Sioux Falls, SD—a date and time to be determined.

If contract negotiations are held, the Offeror will be responsible for all costs including its travel and per diem expenses.

8.12 Failure to Negotiate

If the selected Offeror:

- Fails to provide the information required to begin negotiations in a timely manner.
- Fails to negotiate in good faith.
- Indicates it cannot perform the contract within the budgeted funds available for the project.
- If the Offeror and the City, after a good-faith effort, cannot come to terms.

The City may terminate negotiations with the Offeror initially selected and commence negotiations with the next highest ranked Offeror.

8.13 Notice of Intent to Award—Offeror Notification of Selection

After the completion of contract negotiations, the Purchasing Office will issue a written Notice of Intent to Award and send copies to all Offerors. The Notice of Intent to Award will set out the names and addresses of all Offerors and identify the proposal(s) selected for award. The scores and placement of other Offerors will not be part of the Notice of Intent to Award.

Successful Offerors named in the Notice of Intent to Award are advised not to begin work, purchase materials, or enter into subcontracts relating to the project until both the successful Offeror and the City sign the contract.

Any Offeror who is aggrieved in connection with the award of a contract may protest. The protesting Offeror shall file a written statement with the Purchasing Office during normal business hours within seven calendar days of the date the Mayor signed the bid award document.