

APPENDIX A- ADMINISTRATIVE INFORMATION

TABLE OF CONTENTS

APPENDIX A- ADMINISTRATIVE INFORMATION.....	1
TABLE OF CONTENTS	1
1. General Information	2
A. Colorado Vendor Self Service	2
B. Offeror inquiries	2
C. Modifications and/or Supplemental Information to the Solicitation	2
D. Public Opening of Proposals	3
E. Pricing	3
F. Documents After Award	3
G. Incurring Costs	3
H. Confidentiality of Solicitation Process	3
I. Solicitation cancellation and/or Rejection of Offeror Proposals	4
J. News Releases and Announcements	4
K. Protested Solicitations and Award	4
2. Offeror proposal information	5
A. Proposal Submission Deadline	5
B. General Information for the Proposal Response	5
C. Timeliness of Proposal Submission.....	6
D. Legally Binding Offer.....	6
E. Offeror Proposal Content.....	6
F. Certification of independent price determination	6
G. Proposal Response Material Ownership	7
H. Submission of Confidential or Proprietary Information.....	7
I. Online Proposal Submission Instructions	8
J. Modifications or Withdrawal of Proposals	8
K. Mistakes and Minor Informalities in Offeror Proposals.....	8
L. Modifications to State Contract	8
M. Conflicts of Interest and Ethics.....	9
N. Service Disabled Veteran Owned Small Businesses (SDVOSB).	10
O. Performance Outside of Colorado or the United States	10
P. Vendor Assistance	10

1. GENERAL INFORMATION

A. Colorado Vendor Self Service

- i. This solicitation is being published on [Colorado Vendor Self Service](#) (Colorado VSS), so that Offerors who have an interest may submit a proposal in accordance with the terms of this solicitation.
- ii. Vendors can self-register for this system free of charge, or may click on “Public Access” on the website to view solicitation documents and modifications without registering. Vendors are encouraged but not required to register prior to or at the time they submit their response. The State also recommends that interested vendors check Colorado VSS on a regular basis throughout this solicitation process.
- iii. **Proposals must be submitted through VSS.**

B. Offeror inquiries

- i. Offerors may submit written inquiries via email concerning this solicitation to obtain clarifications. The State may not accept inquiries after the date and time indicated in the Schedule of Activities. Send all inquiries to the Procurement Contact identified in the Schedule of Activities within the main body of this RFP. Inquiries must be clearly marked with the RFP number and title. Where appropriate, inquiries should include references to any relevant Section/paragraph of the solicitation.
- ii. Responses to Offeror’s inquiries will be published collectively, as a modification on Colorado VSS. Offerors shall not rely on any verbal statements that alter any specification or other term or condition of the solicitation. Such changes are valid only if provided in writing by the Procurement Contact.

C. Modifications and/or Supplemental Information to the Solicitation

- i. Any modifications, amendments or supplemental information to the solicitation will be published on Colorado VSS. A modification notice will be

published on Colorado VSS in the event that it becomes necessary to revise any part of this solicitation.

- ii. It is the Offeror's sole responsibility to check Colorado VSS on a regular basis, prior to the proposal submission deadline, as this is the primary means for communicating any clarifications or changes to solicitation content, timeline and/or requirements.

D. Public Opening of Proposals

A public proposal opening will be held virtually. Additional information regarding the public opening, including the date, time, and format of the opening, can be found in the Schedule of Activities within the main body of this RFP.

E. Pricing

- i. Proposed pricing must remain firm during the initial term of the Contract.
- ii. Pricing must include any fees associated with the delivery of the goods or services, including, but not limited to, shipping and installation.

F. Documents After Award

Prior to Contract execution, the awarded Offeror must provide the State with Proof of Good Standing with the Colorado Secretary of State and an insurance certificate documenting coverage according to the Model Contract found as an attachment to this solicitation. Offerors do not need to submit these documents unless they are awarded this solicitation.

G. Incurring Costs

Offerors are solely responsible for all costs incurred as a result of responding to this solicitation, which may include, but is not limited to, meetings, presentations, or negotiations.

H. Confidentiality of Solicitation Process

- i. Following the proposal submission deadline, individuals/entities may request from the Procurement Contact a list of the names of the responding Offerors.

All other information related to the solicitation process will remain confidential until award.

- ii. Following the Notice of Intent to Award, all Offeror proposals will be open to public inspection with the exception of information determined by the State to be a trade secret or confidential or proprietary. Reference §24-72-200.1 et seq., C.R.S., as amended, Colorado Open Records Act.
- I. Solicitation cancellation and/or Rejection of Offeror Proposals
 - i. In accordance with §24-103-301, C.R.S., and the related Procurement Rules, the State may cancel this solicitation, or any and all proposals may be rejected in whole or in part, without penalty, at any time before a Contract is executed, when it is in the best interest of the State. The reason and documentation supporting the decision to cancel the solicitation or reject proposal(s) shall remain confidential for the lesser of six months or until a Contract(s) is awarded by the State. Reference Procurement Rule R-24-101-401-05.
 - ii. If the solicitation is cancelled after, proposals are received, the proposals that have been opened shall be retained in the procurement record, or if unopened, they will be disposed of, or returned to the Offerors upon request, at the Offerors' expense.
- J. News Releases and Announcements

Offerors shall not issue any news releases, communications or announcements of any kind pertaining to this solicitation, without prior written approval by the State.
- K. Protested Solicitations and Award

An aggrieved party may file a protest concerning a material issue(s), at any phase of solicitation, including but not limited to, specifications, award or a disclosure of information marked confidential in the proposal. The protest shall be submitted to the Colorado Department of Public Safety Official within ten (10) business days

after such aggrieved person knows, or should have known, of the facts giving rise thereto. Reference §24-109-102, C.R.S., as amended, and Procurement Rule R-24-109-102-01, et seq. Protests should be submitted in writing via email to Tammy Lichvar at tammy.lichvar@state.co.us.

2. OFFEROR PROPOSAL INFORMATION

A. Proposal Submission Deadline

See the Schedule of Activities within the main body of this RFP.

B. General Information for the Proposal Response

- i. Offerors are encouraged to review the solicitation and any related appendices and attachments in their entirety to assure understanding of and compliance with the requirements that may be included in these documents.
- ii. A proposal should be thorough, but not exhaustive, and it should address the requirements set forth in this solicitation and should provide sufficient details to allow the Evaluation Committee to determine whether the proposal demonstrates an understanding of the State's requirements and contracting terms and conditions; the ability to meet the State's needs, including the experience and resources necessary to carry out the work; and costs that are reasonable and consistent with the industry.
- iii. The Offeror's proposal and all attachments shall Comply with the standards of Section 508 of the Rehabilitation Act of 1973, (29 USC § 794). The Offeror may not have an opportunity to re-draft their proposal and attachments to make them accessible to persons with vision impairments after the proposal submission deadline and in the event that the Department has evaluator(s) serving on an Evaluation Committee requiring accessibility, the Department may disqualify an Offeror's proposal from evaluation.

C. Timeliness of Proposal Submission

- i. Proposals received after the submission deadline shall not be opened and shall be rejected as a late proposal, unless otherwise permitted by the Procurement Official in accordance with Procurement Rule R-24-103-201-10.
- ii. Responsibility for ensuring that an Offeror's proposal is received on time rests with the Offeror. Reasonably foreseeable problems inherent in the delivery of proposal are not extraordinary circumstances permitting acceptance of late proposals.

D. Legally Binding Offer

- i. An Offeror's proposal submitted in response to this solicitation shall constitute a binding offer. The signature of the Offeror shall indicate acknowledgment of this condition. Signature shall be that of a person legally authorized to execute contractual obligations. The proposal, including pricing, shall allow for a minimum of 180 calendar days for acceptance by the State, unless otherwise specified in this solicitation. Reference Procurement Rule R- 24-103-201-11(d).

E. Offeror Proposal Content

- i. The contents of the proposal of the awarded Offeror will become contractual obligations under the awarded Contract. Failure of the awarded Offeror to accept these obligations may result in cancellation of the award to that Offeror.

F. Certification of independent price determination

By its signature on the cover page, the Offeror certifies that the prices and other terms in the proposal have been arrived at independently without any consultation, communication, agreement with, or knowledge of the contents of the proposal by any other competing Offerors. For purposes of this paragraph, "consultation, communication, agreement with, or knowledge" does not include knowledge of prices or terms gained through availability of established price lists or catalogues made available to the public by the competing Offerors. No attempt

has been made or will be made by the Offeror to induce any other person or firm to submit or not to submit a proposal for restricting competition. Reference §6-4-101, C.R.S., et seq., (Colorado Antitrust Act of 1992) as amended.

G. Proposal Response Material Ownership

All material submitted in response to this solicitation becomes the property of the State.

H. Submission of Confidential or Proprietary Information

- i. The State of Colorado is subject to the requirements of §24-72-200.1, C.R.S., et seq., Colorado Open Records Act.
- ii. An Offeror may submit, as a part of its proposal, a written request for classification of certain portions of the proposal as a trade secret or other confidential or proprietary information. Material for which the Offeror is requesting confidentiality shall be readily identifiable and separated from other portions of the proposal to facilitate public inspection of the non-confidential portion of the proposal. Commingling of confidential and non-confidential information is not acceptable. Neither price information nor any information that will be included in a resulting Contract will be considered confidential.
- iii. The Offeror must include the rationale for any request to classify portions as a trade secret or confidential or proprietary, including references to the authority that allows for such treatment.
- iv. In no event shall an entire proposal be classified as confidential. The Procurement Official or his or her designee shall determine if the information identified in the Offeror's request is exempt from disclosure in accordance with §24-72-204, C.R.S., and shall inform the Offeror in writing of his or her determination. If the Offeror does not agree with the determination, the Offeror may protest the determination in accordance with article 109 of the

Colorado Procurement Code and the terms of this solicitation. Reference Procurement Rule R-24-101-401-03.

- v. Any additional Offeror information, which may be part of the evaluation/negotiation process and for which an Offeror claims confidentiality, is subject to the same requirements and processes identified above.
- I. Online Proposal Submission Instructions
 - i. For this solicitation, proposals will be accepted using an online submission application. Hard copy submissions will not be accepted. **Proposals must be submitted through VSS.**
 - ii. The solicitation submission application is only for proposal submission. All inquiries, questions, comments, or concerns should be submitted to the Procurement Contact via email and not through the solicitation submission application.
- J. Modifications or Withdrawal of Proposals

An Offeror may modify or withdraw its proposal by written notice to the Procurement Contact prior to the established proposal submission deadline. Withdrawal of an Offeror's proposal following the proposal submission deadline and prior to award, may be allowed, in the State's discretion. Withdrawal of an Offeror's proposal after award is not allowed. Reference Procurement Rules R-24-103-201-08 and R-24-103-201-09.
- K. Mistakes and Minor Informalities in Offeror Proposals

In certain circumstances, an Offeror may correct a mistake(s) in its proposal and/or the State may waive minor informalities. Reference Procurement Rule R-24-103-201-08.
- L. Modifications to State Contract
 - i. A draft Contract is included in Exhibit D to this solicitation.

- ii. Offerors are instructed to review the attached draft Contract and submit any proposed modifications or redlines with their proposal. The decision to reject, accept, or further negotiate any requested changes will be at State's discretion. If an Offeror normally seeks counsel on Contract terms, they are advised to do so before submitting a proposal in response to this solicitation.
 - iii. In the event an Offerors requested modifications violate State law, regulation, or policy, or would otherwise not be justifiable as being in the best interest of the State, the State may make a determination that an Offeror's proposal is no longer responsive and therefore ineligible for award.
- M. Conflicts of Interest and Ethics
- i. The Offeror must disclose in its proposal any potential or actual conflict of interest in connection with a response to this solicitation. A conflict of interest may include, but is not limited to, access to any non-public information by the Offeror regarding the solicitation or its subject matter.
 - ii. The Offeror acknowledges that even the appearance of a conflict of interest may be harmful to the State's interests. The Offeror shall disclose in its proposal whether there currently is, or potentially could be, the appearance of a conflict of interest regarding this solicitation, its staff, any proposed subcontractors or partners, or any related business with the State.
 - iii. Requirements set forth in this Section are continuing requirements throughout the solicitation process and, for the awarded Offeror, the Contract term, including any extensions. Reference §24-18-201, C.R.S., et seq. (Proscribed Acts Related to Contracts and Claims); §24-50-507, C.R.S.(Conflict of Interest); §18-8-301, C.R.S., et seq. (Bribery and Corrupt Influence); §18-8-401, C.R.S., et seq. (Abuse of Public Office); §6-4-101, C.R.S., et seq., (Colorado Antitrust Act of 1992); §24-109-105, C.R.S .(Debarment and Suspension); and Procurement Rule R-24-101-107-01 (Ethics).

- N. Service Disabled Veteran Owned Small Businesses (SDVOSB).
SDVOSB Offerors must submit documentation of certification issued through the U.S. Small Business Administration in their proposal. §24-103-905 C.R.S. sets a SDVOSB goal of at least 3% of all contracts by dollar value be awarded to SDVOSBs who must be incorporated or organized in Colorado or they must maintain a place of business or have an office in Colorado and must be officially registered and verified as a SDVOSB by the United States Small Business Administration.
- O. Performance Outside of Colorado or the United States
Awarded Offeror, per Section 24-102-206, C.R.S., prior to contracting shall disclose in a written statement whether it anticipates performing or subcontracting any services under the contract, where such subcontracted services will be performed under the contract, including any subcontracts, and whether any subcontracted services under the contract or any subcontracts are anticipated to be performed outside the United States or the state. If the prospective vendor anticipates services under the contract or any subcontracts will be performed outside the United States or the state, the vendor shall provide in its written statement a provision setting forth why it is necessary or advantageous to go outside the United States or the state to perform the contract or any subcontracts.
- P. Vendor Assistance
Any vendors needing support responding to solicitations may contact the Colorado Supplier Diversity Navigator at the [Statewide Equity Office of Supplier Diversity](#). Services provided include assistance with responding to solicitations, interpretation of solicitation documents, technical assistance referrals, availability of resources, construction bond assistance through the Construction [Statewide Bond Assistance Program](#), and free business directory listings and verifications through the [Colorado Supplier Diversity Directory](#). The office can be reached during normal business hours by calling 303-866-5765 or emailing DPA_SupplierDiversityHelp@state.co.us.