

REQUEST FOR PROPOSALS

Sealed proposals will be received by the City of Foley at 407 East Laurel Avenue, Foley, Alabama 36535 **or** P.O. Box 1750, Foley, Alabama 36536 until 2:00 p.m. CST on Thursday, July 7, 2022 for:

JAIL CONTROL SYSTEM (REBID) PD-070722

at which time and place they will be publicly opened and read. Specifications may be obtained at Foley City Hall, 407 East Laurel Avenue, Foley, Alabama, 36535, by calling (251) 943-1545, or, the request for proposal may be downloaded from the City's website at <http://www.cityoffoley.org>.

A **pre-proposal meeting** will be held at the Foley Police Department (200 E Section Ave, Foley, AL 36535) at 10:00 a.m. CST on Wednesday, June 22, 2022. Please note that attendance for this pre-proposal meeting is mandatory if the Bidder did not attend the previous pre-proposal meeting on April 6, 2022. Only proposals received from attendees who attended a pre-proposal meeting will be considered. In order to receive access to the plans of the jail, vendors will be required to present a Confidentiality and Non-Disclosure Agreement signed by the company principal agent at the pre-proposal meeting.

To be eligible for consideration, proposals must be submitted on complete original proposal forms found in the Request for Proposal package. **The specifications and all executed proposal forms must be submitted in a sealed envelope, clearly marked, identifying the proposal and the date of the proposal opening. The Bidder's Alabama State Contractor's License Number shall be on the outside of the envelope. If hand delivering, the bid envelopes must be "Date and Time" stamped at the receptionist's desk when the bid packages are turned in.** It shall be the sole responsibility of the company to assure receipt of the proposal at Foley City Hall prior to the published time for the proposal opening.

The City of Foley reserves the right to accept or reject any or all proposals and to waive technical errors if, in the City's judgment, the best interests of the City will thereby be promoted.

Logan Eberly
Purchasing Agent
City of Foley, Alabama



REQUEST FOR PROPOSAL FORM

PROPOSALS TO BE OPENED AT: 2:00 P.M. CST
DATE: Thursday, July 7, 2022

Sealed proposals will be received by the City of Foley, Alabama, at its office in Foley until the above date and time, and then opened as soon thereafter as practicable.

Logan Eberly
Purchasing Agent

SPECIFICATIONS: SEE ATTACHED

If you are unable to furnish an item as specified and desire to offer a substitute, give full description of the item. No errors will be corrected after proposals are opened. Substitutions will be treated as "approved equivalent or equal" which is discussed in paragraph 1.05 of the proposal documents GENERAL CONDITIONS. Please refer to Paragraph 1.05 prior to offering any substitutions. No prices shall include State or Federal Excise Tax. Tax exemption certificates furnished upon request. City reserves the right to accept or reject all proposals or any portion thereof.

We are in a position to complete this project per the attached proposals within _____ days after receipt of notice to proceed. Any attachment hereto is made and becomes a part of this inquiry and must be signed by the company.

I hereby affirm I have not been in any agreement or collusion among companies or prospective companies in restraint of freedom of competition, by agreement to bid at fixed price or to refrain from bidding, or otherwise. I am not currently engaged in, nor will engage in, any boycott of a person or entity based in or doing business with a jurisdiction with which the State of Alabama can enjoy open trade.

THIS BID MUST BE NOTARIZED

Sworn to and subscribed before me this the _____ day of _____, 2022.

FIRM: _____

BY: _____

Signature accepted in ink only

STREET ADDRESS: _____

CITY: _____ STATE: _____

NOTARY PUBLIC

BIDS MADE OUT IN PENCIL WILL NOT BE ACCEPTED.

TERMS: _____
FOR CASH PAYMENT WITHOUT REGARD TO DATE OF REMITTANCE

ALL COMPANIES MUST USE OUR PROPOSAL FORM(S). NAME AND ADDRESS, BID NAME, OPENING DATE AND TIME MUST BE PRINTED ON THE OUTSIDE OF THE SEALED ENVELOPE. EACH PROPOSAL MUST BE IN SEPARATE ENVELOPES.



COMPANY INFORMATION:

| | | |
|---|--|--|
| Company Name: | | |
| State of Alabama Contractor / General Contractor License Number: | | |
| Submitted By: | | |
| Mailing Address: | | |
| Telephone Number: | | |
| E-Mail Address: | | |
| Ethics Disclosure: | Are you a City of Foley Appointed Official? Are you a City of Foley Employee? Are you the spouse of a City of Foley Appointed Official or Employee? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No |

ADDENDUM ACKNOWLEDGEMENT:

Company acknowledges receipt of the following addendums and has incorporated the requirements of such addendums into this Request for Proposal.

(List all addendums issued for this proposal.)

| No. | Date |
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Proposal Specifications

A. Purpose for RFP: The City of Foley Police Department is seeking proposals from qualified firms to furnish and provide all equipment, materials, goods, labor, and services necessary to provide replacement/upgrade of a jail control system at the City of Foley Jail, which is located at 200 E Section Ave, Foley, AL 36535. The City is seeking a turnkey solution that allows for the purchase, delivery, and installation of the equipment, training of staff on the operation of the system, and future maintenance and support. The City reserves the right to add locations to any resulting contract. The City invites any qualified vendors to respond to this RFP by submitting a proposal for Access Control System consistent with the terms and conditions herein set forth. Final scope of services will be negotiated with the vendor who submits the selected proposal.

A **pre-proposal meeting** will be held at the Foley Police Department (200 E Section Ave, Foley, AL 36535) at 10:00 a.m. CST on Wednesday, June 22, 2022. **Please note that attendance for this pre-proposal meeting is mandatory if the Bidder did not attend the previous pre-proposal meeting on April 6, 2022.** Only proposals received from attendees who attended a pre-proposal meeting will be considered. Attachment A (Pre-Proposal Meeting Registration Form) must be completed and emailed to Logan Eberly at leberly@cityoffoley.org to confirm attendance to the pre-proposal meeting. In order to receive access to the plans of the jail, vendors will be required to present a Confidentiality and Non-Disclosure Agreement (Attachment B) signed by the company principal agent at the pre-proposal meeting.

B. Background Information: The City of Foley Jail is a 55 bed facility housing both male and female inmates. The current system controls the lights, outlets, door locks, intercom, and sally port doors located in the jail and around the justice center. The current system was installed in 2000 and is a MTI (Montgomery Technologies, Inc) ProVision. The jail is utilizing a Genetec Omnicast system for video surveillance and, though not required, preference could be given to a replacement system that is compatible with the Genetec camera system. The current access and lighting control board is malfunctioning and must be reset at least once a day resulting in a total blackout. Obviously, this is not ideal for a jail setting. There are currently no known issues with the hardware that is controlled by the access system.

C. Scope Of Work: The City of Foley is soliciting proposals from qualified firms for the replacement of our current Jail Control System. The following specifications are provided for your review and consideration. At the mandatory pre-bid meeting, the auxiliary electrical plans for the jail will be provided to the Contractors.

- Current system controls:
 - 97 (all) lights (controlled by 12 switches/buttons)
 - 4 outlets
 - 42 door locks
 - 41 intercoms
 - 4 sally port doors

- It is the expectation that interested companies have significant experience working in detention or high security environments managing retrofit and renovation projects in occupied and operational facilities with multiple team members to accomplish all required trades while maintaining safety and security at all facilities. The company should have a minimum of 5 years' experience.
- All existing equipment, housings, wiring, lock components, access swipe/touch pads and power supplies as feasible shall remain and shall be incorporated into the new system head end equipment. Rework shall be conducted as necessary to adapt to the new system if feasible.
- Existing control systems are currently installed and must be maintained throughout the project as much as possible. These systems are critical to the security of the facility. Transitions to the new equipment must be planned and scheduled in advance with limited disruption to security and the daily operations of the facility.
- Any hardware that must be replaced will be the latest models available and eligible for extended support. Hardware support must be available 24 hours a day, 7 days a week, 365 days a year with a 6 (six) hour onsite response time for a minimum of 3 years.
- All software will be the latest versions available and eligible for extended support.
- All client software will be able to run on the latest Microsoft Windows desktop 64-bit operating systems (Windows 10 or higher) and Microsoft Windows Server 64-bit operating systems (Server 2019 or higher).
- Contractor shall provide a dedicated project manager and maintain dedicated engineering on staff.
- Contractor will maintain sufficiently trained and certified staff to support all hardware and software issues within a minimum 6 hr. call-to-service window.
- Successful Contractor must either provide or have the ability to subcontract wiring and cabling services and perform project management. Such personnel should include fully licensed Electrical Contractors and Contractors with Low Voltage Certifications. Contractor or subcontractors should possess Security and Locksmith licensure. Contractor should also be an authorized partner of whichever product/solution that is being proposed.
- Any existing transport cabling in the facility (Fiber, Copper) shall be fully tested, verified and qualified before use. Should existing transport be found deficient Contractor will install new transport runs.
- The City of Foley IT Department, Police Department, and Engineering will be actively involved with the Vendor during the design, configuration, installation, and testing process. The system will be configured with their full input and to their specifications.
- Training will be completed on-site with the various end user groups.
- All project areas will be cleaned and clear of Contractor debris.
- Please provide an estimated hourly rate for service after project completion to install new and/or move existing hardware that is not considered to be under any type of warranty or part of the finished control system, including installation or relocation of camera equipment.
- City of Foley is requesting a price for an annual maintenance/service agreement to be included in the price breakdown of this proposal.

- The Contractor will be responsible for the disposal of all the existing equipment and materials (including wiring) that will be replaced.
- The City will soon be utilizing virtual servers, so no physical servers will be necessary for any operating systems compatible with a VMware environment.
- The City anticipates spending no more than \$130,000 on this project.

D. Current Issues: The following issues should be addressed during the Control Access System upgrade:

- System has to be reliable and not require regular rebooting to be operational.
- 3 PC control stations are required to access the system from multiple points within the jail. These will need to be replaced by either stationary or portable devices (iPad).
- Need a form of non-radio communication with dispatch from jail.
- Need to test all existing hardware and make sure it is operational at the time of install.
- Need additional microphone in dispatch.
- Dispatch needs access to open all four sally port doors.
- Front door intercom needs to connect to dispatch.
- From discussions with the current vendor, it is suspected that there is a ground fault or multiple faults somewhere in the existing wiring or in existing devices that is causing the main controller to require regular rebooting.
- The control boards are designed to show if doors are secured (locked) or open. Currently, there are multiple doors showing opened when they are closed and vice versa. The system needs to accurately represent the status of devices which it controls.

E. Summary of Proposal Scope: The proposal shall be for completely assembled and tested additions to the existing security automation systems. In addition, the proposal should include the following:

- all costs for any specialty back boxes or detention grade conduit
- submittal development, project coordination, engineering and programming
- head end termination at equipment rack locations
- operator station setup, system start-up, system testing, owner training, and final documentation
- freight to the project site
- support to be provided by integrator and directly from manufacturer if needed

All parts and details of services or features not specifically mentioned which are regularly furnished in order to complete this type of work will be furnished at proposed pricing and shall conform in quality, workmanship, and service to that provided by the practice as specified in the RFP.

All cabling will be clearly labeled and run in cable races where appropriate. Cabling will be detention grade and secured in pods.

The vendor shall provide a project documentation binder to include a description of the system, final floor plans showing equipment locations, functional system block diagrams, and equipment manuals.

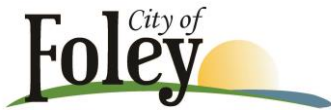
- F. Contractor use of facilities:** All Contractor employees working inside the City of Foley jail shall be subject to a background check. The Contractor shall submit a list of employees including full name, SSN, and DOB. If any criminal record is found on any individual they may or may not be allowed to work in the Jail depending upon the type of charges on their record. The Contractor shall submit a list of employees with the requested information a minimum of one (1) week prior to construction activity beginning.

The Contractor work crew shall be accompanied at all times by a staff member of Foley Police Department. The Contractor shall be limited to one work crew. The Contractor shall determine the crew size required to accomplish the work per the schedule above. All Contractor tools must be accounted for at all times.

The Contractor may utilize the jail sally port entrance to off-load tools and materials, however vehicles shall be moved to the parking lot promptly following unloading. The City will provide limited staging and material storage. All staging, storage and delivery needs shall be submitted to, approved by, and coordinated with the City. The Contractor shall, on a daily basis, keep the premises and surrounding area free from accumulation of materials and debris. All work areas must be cleaned up prior to the end of the work shift. **Work inside the Control Room will be limited to Monday through Friday 6:00 AM to 10:00 PM, excluding Tuesdays and Thursdays that are designated Municipal Court dates. A court schedule will be provided.**

- G. Subcontractors:** All subcontractors shall be disclosed within the RFP submission and will be subject to the same background check as the general contractor prior to working within the jail.
- H. Mapping:** All cable runs, and any other equipment must be mapped using VISIO or similar network mapping software. The labeling on the map will be consistent with the labeling on the cabling. This documentation will be turned over to the City of Foley IT Department prior to final approval of the project.
- I. Training:** After installation is complete, there will be up to a total of fifteen (15) hours of on-site training at no cost to the City of Foley. At a minimum, this training will consist of three (3) hours for IT personnel, two - four (4) hour sessions on two separate days for end users, and four (4) hours for Administrators. The training for end users will be conducted on two (2) separate days to accommodate all shifts. Times will be determined by the City of Foley Police Department.
- J. Quality Assurance:** The only change orders that will be considered or accepted are those initiated by the City of Foley.

All items of equipment including wire and cable requirements shall be designed by the vendor to function as a complete system and shall be accompanied by the vendor's complete service notes and drawings detailing all interconnections.



Successful Contractor will supply only non-proprietary equipment. For equipment to be considered non-proprietary, it shall be manufactured by a company that has produced a product line of compatible products for at least five years and shall have a minimum of two distributors with annual sales over one hundred thousand dollars.

Provide only non-proprietary software. For software and software vendors to be considered non-proprietary it must have a minimum of five system integrators proficient in the programming, integration, and maintenance of the manufactured software.

The vendor supplying the equipment shall show satisfactory evidence, upon request, that a fully equipped service organization capable of furnishing adequate inspection and service to the system, including replacement parts, is maintained at all times. The vendor shall produce evidence that he/she has had a fully experienced and established service organization with at least five years of operational experience and proven satisfactory installations during that time.

Furnish and install only new equipment and materials required (less than one year from manufacturer), unused without blemish or defect.

All equipment of the same type shall be the product of one manufacturer.

All work shall conform to the National Electric Code (NEC) and to the applicable National Fire Protection Association (NFPA) codes.

All work shall conform to all federal, state, and local ordinances.

Where applicable, all fixtures, equipment and materials shall be approved or listed by the following:

- Factory Mutual Laboratories (FM)
- Underwriters Laboratories (UL)
- National Electrical Manufacturers Association (NEMA)
- Include all items of labor and material required to comply with such standards and codes.
- All equipment cabinets and racks shall be labeled with an UL508A listing mark. This labeling must be provided by the Vendor at their assembly facility. No third party listings shall be considered.

K. Warranty: Minimum of three (3) years (from the time of final project sign-off) no cost warranty (travel, parts & labor) will be provided for the entire system and components.

L. References: All Contractors shall include a list of three references, from local governments and similar projects only, who could attest to the firm's knowledge, quality of work, timeliness, diligence, flexibility, and overall expertise. Include names, contact persons, and phone numbers of all references on the attached Reference Form. References may or may not be reviewed or contacted at the discretion of the City. Typically, only references of the top ranked short listed Contractors are contacted. The City reserves the right to contact references other than, and/or in addition to, those furnished by a Contractor.



M. General Requirement: To be eligible for consideration, Contractor's bids must be submitted on complete original forms found in this bid packet. All executed bid forms and documents must be submitted in a sealed envelope. The outside of the sealed envelope should be clearly marked, identifying the project name, date and time of the bid opening, the contractor's name and current State of Alabama General Contractors license number. It shall be the sole responsibility of the bidder to assure receipt of the bid at Foley City Hall prior to the published time for the bid opening. If hand delivering, the bid envelope must be "Date and Time" stamped at the receptionist's desk when the bid package is turned in.

If bid exceeds the amount established by the State Licensing Board for General Contractors, Contractor must be licensed under the provisions of Title 34, Chapter 8, Code of Alabama, 1975, and must possess a current State of Alabama General Contractors Board Certification. Contractor shall provide evidence of such by including a copy of his or her current license in the sealed envelope in which the proposal is delivered. Furthermore, any Contractor that desires to bid as prime Contractor must be authorized to perform the type of work required for this project as listed in the major classifications of license per Section 230-X-1-.27 of the State of Alabama Licensing Board for General Contractors Administrative Code.

All public works bidders must file with their bids either a cashier's check drawn on an Alabama bank or a bid bond executed by a surety company duly authorized and qualified to make bonds in the State of Alabama and made payable to the City of Foley in the amount of five (5%) percent of the Contractor's bid but in no event more than \$10,000.

If awarded the bid and prior to beginning work, the Contractor is required to have a current City of Foley Business License.

Awarded Contractor must provide proof of liability insurance by furnishing a Certificate of General Liability Insurance, Workers Compensation Insurance and Proof of Automobile General Liability Insurance. The liability insurance must be maintained for the life of the project or contract. The contractor shall add the City of Foley as an additional insured on their liability policy for the life of the project or contract. The contractor's insurance is to be the primary coverage over any insurance the City of Foley may have.

A Performance Bond and Payment Bond must be executed upon bid award with a penalty equal to one hundred (100%) percent of the amount of the contract price.

If the project amount submitted by the selected bidder is \$50,000.00 or greater, a background check will be performed per City of Foley Ordinance No. 1029-08, General Conditions, Section 1.14 and bid award will be contingent upon successful background check results.

N. Bid Pricing: The City of Foley is exempt from payment of all Federal, State, and Local Taxes. Vendor can be provided with a tax exempt form if it is required.

- O. Award:** Upon receipt of proposals, it will be the decision of the City of Foley to award or not award the project. The City reserves the right to reject any or all proposals and to waive technical errors, if, in the City's judgment, the best interest of the City will thereby be promoted.

The City of Foley also reserves the right to (i) determine selection process (The City of Foley will select a company which offers the proposal that is deemed to be in the City's best overall interest; provided however, The City of Foley also reserves the right to make award or no award if this is in the best interest of The City of Foley, in the City's sole discretion); and (ii) give consideration to special or unique features which may be offered by a company. Price alone may not be the sole determining factor in the selection process. All decisions will be made solely at the discretion of The City of Foley.

- P. Contract:** Any contract resulting from this proposal shall consist of the following documents: the General Terms and Conditions and the Specifications, both of which are contained in the Request for Proposal, together with the Contractor's response, which consists of this document, the price, schedule and other related documents attached hereto or submitted with the Request for Proposal.

- Q. Contract Period:** The Contractor shall submit their anticipated schedule with their proposal. A Notice of Award will be issued to formally accept the proposal, but a Notice to Proceed will not be issued until all parts are in hand and company is ready for installation to begin. The project shall commence within 15 days after the issuance of the Notice to Proceed. City of Foley would like for the project to begin no later than September 1, 2022. Once installation begins, there will not be any allowance for work stoppages due to labor or lack of materials. The contracted time will be mutually agreed upon between the City of Foley and the Contractor during the contract process.

It is mutually agreed between the parties hereto that time is of the essence in regards to this Contract, and in the event the construction of the Work is not completed within the time agreed upon in the contract, it is agreed that from the compensation otherwise to be paid to the Contractor, the first party may retain the sum of **One Hundred & Fifty Dollars (\$150.00)** for each day thereafter, Saturdays, Sundays and holidays included, that the work remains uncompleted, which sum shall represent the actual damages which the Owner will have sustained per day by failure of the Contractor to complete the work within the time stipulated, and this sum is not a penalty, being the stipulated damages the first party will have sustained in the event of such default by the second party.

If a working day is lost due to scheduled court days or unforeseen issue that arises at the jail, these days will be taken into consideration relating to the required completion period. In the event that the contract working days are exceeded without proper notification of lost days due to scheduled court days or other unforeseen event, the City may choose to enforce liquidated damages.



Upon Contractor's completion of pay items, a joint, final site inspection will be conducted between the Contractor, IT Department, Engineering Department, and Foley Police Department. Any discrepancies will be addressed and resolved prior to issuing final payment. The final sign off shall come from the Corrections Department Commanding Officer after full consultation with the IT Department to determine project completion

- R. Assignment of Contract:** A contract shall not be assignable in whole or in part without the written consent of the City of Foley.
- S. Modification of Contract:** The RFP and any subsequent contract constitute the entire agreement between the Contractor and the City of Foley. No alteration, amendment, or modification in the provisions of the contract shall be effective unless it is put in writing, signed by all parties and attached.
- T. Cancellation of Contract:** City of Foley reserves the right to cancel and terminate any resulting contract, with a 30-day written notice to the Contractor. Any contract cancellation notice will not relieve the Contractor of the obligation to deliver and/or perform on all services prior to the effective date of cancellation. Cancellation of the contract would become effective the thirty-first day after notification. Data for cancellation of the contract will be gathered by the City of Foley. The opinion of the City of Foley as to lack of performance will be final and without appeal.
- U. Additional Information:** If the Bidder employs persons in the State of Alabama, the bidder must comply with Section 31-13-9, Code of Alabama 1975, and shall provide proof of enrollment in the E-Verify program with their bid. A copy of the signed Memorandum of Understanding (MOU) generated upon completion of enrollment in the E-Verify program is acceptable. *(See General Conditions, Item 1.17 for more information.)*

All questions related to this proposal must be documented through email and should be sent to Logan Eberly at leberly@cityoffoley.org no later than 72 hours prior to the scheduled proposal opening. No questions will be addressed by any means other than email. Answers will be emailed to all companies in the event that clarification is required. If further clarification is needed about a change within the proposal, an Addendum will be emailed stating the change. All addendums must be acknowledged in the "Addendum Acknowledgment" section located on page 3 of this request for proposal.



V. Instructions to Companies: To be eligible for consideration, proposals must include forms found in the Request for Proposal package. **The entire proposal and all executed forms must be submitted in a sealed envelope, clearly marked, identifying the project name, date and time of the bid opening, the company name and address.** It shall be the sole responsibility of the company to assure receipt of the proposal at the Foley City Hall prior to the published time for the proposal opening. If hand delivering, the proposal envelope must be "Date and Time" stamped at the receptionist's desk when the proposal package is turned in.

Proposals should be sent to one of the following addresses:

U.S. Postal Service

City of Foley
Attn: Purchasing Agent
P.O. Box 1750
Foley, AL 36536

Physical Address

City of Foley
Attn: Purchasing Agent
407 E. Laurel Avenue
Foley, AL 36535



References

All Contractors shall include a list of three references, from local governments and similar projects only, who could attest to the firm's knowledge, quality of work, timeliness, diligence, flexibility, and overall expertise.

REFERENCE 1:

| | |
|----------------------------|--------|
| Name of Client/Company: | |
| Contact Person: | |
| Address: | |
| Phone: | Email: |
| Type of services provided: | |

REFERENCE 2:

| | |
|----------------------------|--------|
| Name of Client/Company: | |
| Contact Person: | |
| Address: | |
| Phone: | Email: |
| Type of services provided: | |

REFERENCE 3:

| | |
|----------------------------|--------|
| Name of Client/Company: | |
| Contact Person: | |
| Address: | |
| Phone: | Email: |
| Type of services provided: | |



Proposal Checklist

Items that should be included in Proposal:

- Request for proposal form (PDF page 2)
- Company information page (PDF page 3)
- Licensing & Permitting Software proposal description to include information on brand, make, model of proposed solution and plan to address current issues.
- Proposed schedule and installation plan and timeframe.
- Pricing should be broken down by item should include:
 - One time fees
 - Training charges
 - Annual service/maintenance fees
 - Optional hourly rates for additional work not associated with this project
 - Suggested spare parts to have on hand for maintenance repairs
- Describe how training will be conducted.
- References (PDF page 13)
- Proposal checklist (PDF page 14)
- Proof of E-Verify Documentation in the form of signed Memorandum of Understanding (MOU)

This list is not intended to be all inclusive, but a guide to creating your proposal.

Company: _____

Submitted By: _____

State of Alabama Contractor's License Number: _____

Address: _____

Phone: _____



GENERAL CONDITIONS

To insure acceptance, all Contractors submitting proposals to the City of Foley shall be governed by the following conditions, attached specifications, and proposal form(s) unless otherwise specified. Proposals **not** submitted on the proposal form(s) provided may be rejected, and proposals **not** complying with these conditions will be subject to rejection.

1.0 Intent of Specifications:

It is the intent of the specifications attached hereto to set forth and describe certain item(s) or service(s) to be purchased by the City of Foley including all materials, equipment, machinery, tools, apparatus, and means of transportation (meaning freight costs) necessary to provide these items or services.

1.01 Legal Requirements:

All applicable provisions of Federal, State, County and local laws including all ordinances, rules and regulations shall govern the development, submittal and evaluation of all bids received in response to these specifications, and shall govern any and all claims between person(s) submitting a bid response hereto and the City of Foley, by and through its officers, employees and authorized representatives. A lack of knowledge by the Contractor concerning any of the aforementioned shall not constitute a cognizable defense against the legal effect thereof.

1.02 Sealed Bids:

The specifications and all executed forms must be submitted in a sealed envelope. All proposals must be signed by an authorized representative of the Contractor. In the event more than one proposal opening is scheduled for the same date and time, do not include proposals concerning different sets of specifications within the same envelope. **The face of the envelope shall be plainly marked identifying the Contractor's license number and opening date and time.** It shall be the sole responsibility of the Contractor to assure receipt of bid at the Purchasing Office prior to the published time for the proposal opening. No proposal will be opened that is received after closing time for receipt of proposals, nor will any offers by telephone, fax, or any electronic means be accepted.

1.03 Exceptions to Specifications:

During the drafting of written specifications, a sincere effort is made to describe products and services best suited to the needs of the City; however, in order that fair consideration is given in evaluating proposals, all exceptions to or deviations from the specifications as written must be noted and fully explained. The Mayor and City Council are the final authority in determining the acceptability of any exceptions to specifications.

1.04 Discounts:

Terms offering a discount for prompt payment will be considered in determining the low cost proposal. The discount period shall begin whenever (1) the conditions of the specifications have been fully met and the product or service judged acceptable to the City of Foley or (2) a correct invoice and other required documents have been received, whichever is later. Discounts offered for a period of less than thirty (30) days will not be considered in determining the low cost proposal.

1.05 Approved Equivalent or Equals:

Any manufacturer's names, trade names, brand names, model numbers, etc. listed in the specifications are for information only and not intended to limit competition. The Contractor may offer any brand for which he is an authorized representative that meets or exceeds the specifications as written. If the proposal is based on an "approved equivalent or equal" item, supportive information in the form of manufacturer's printed literature or brochures, sketches, diagrams and/or complete specifications must accompany the proposal. The Contractor must explain in detail the reasons why the proposed equivalent or equal will meet specifications and not be considered an exception thereto. The City of Foley reserves the right to determine acceptance of proposed equivalent or equal item.

- 1.06 Proposal Withdrawals:
Proposals may be withdrawn by written request received from Contractor prior to the time fixed for opening but no proposal may be withdrawn after closing time for receipt of proposals for a period of sixty (60) days. Negligence on the part of the Contractor in preparing the proposal confers no right for the withdrawal of the proposal after it has been opened.
- 1.07 Rejection of Proposal:
The City of Foley reserves the right to accept or reject any or all proposals, to award proposals on a split-order basis, to waive any minor bid irregularities, technicalities, or informalities, and to re-advertise for proposals when deemed in the best interest of the City of Foley.
If there is any reason for believing that collusion exists among the Contractors, any or all proposals may be rejected, and those participating in such collusion may be barred from submitting bids or proposals on the same or other work with the City of Foley.
- 1.08 Delivery:
Proposal quotations shall include all freight cost to Foley, Alabama to point(s) specified herein or specified at the time the purchase order is placed. No title to the item(s) ordered nor any risk of loss shall be passed to the City of Foley until after receipt of delivery has been acknowledged by an authorized representative of the City of Foley.
- 1.09 Taxes:
The City of Foley, a Municipal Corporation, is a tax exempt entity per Section 40-23-4(11), Code of Alabama 1975. The City of Foley is exempt from all state and local sales taxes. This should **not** be construed to mean that Contractors or suppliers doing business with the City of Foley are exempt from paying tax (General Conditions, Section 1.11 Permits and Taxes).
- 1.10 Licenses, Registration and Certificates:
A City of Foley Business License must be obtained within ten days of project award. Each Contractor must provide proof of State required competency certifications whenever applicable to engage in the business of contracting (or special contracting if the work to be performed necessitates a particular type of specialty Contractor) in the City of Foley.
- 1.11 Permits and Taxes:
The Contractor shall procure all permits, pay all charges, fees and taxes and give all notices necessary and incidental to the due and lawful prosecution of the work.
- 1.12 Compliance with Federally Funded Programs:
The successful Contractor shall assure the City of compliance with any and all special provisions (if applicable) contained in the contract being proposed. These provisions may include but are not limited to maintaining a Drug-Free Workplace, compliance with Clean Air and Water Laws and Regulations, and compliance with Equal Opportunity and Non-Segregated Facilities guidelines.
- 1.13 Proof of Liability & Worker's Comp Insurance:
If applicable, Proof of Liability and/or Worker's Comp Insurance must be included in the bid packet. If a company is not covered by Worker's Comp Insurance, labor and material charges should be separated on the bid/proposal. This should be done in order for the City to determine the Worker's Comp rate (in accordance with the City's current Worker's Comp fee schedule) that will be deducted from payment to the company performing the work.
- 1.14 Background Check:
The bid award of "Public Works" projects over \$50,000 will be contingent upon the results of a background check of the successful low Contractor as stated in Ordinance No. 1029-08. According to this ordinance, the City of Foley will take criminal histories into account when deciding whether a low Contractor is qualified to do work for the City.

1.15 Disqualification:

The City can disqualify a company based upon the results of a background check or if the company has been prohibited from contracting with another government agency as stated in Ordinance No. 1029-08.

If, in the opinion of The City of Foley, a sealed bids or proposals contains false or misleading statements or references that do not support a function, attribute, capability, or condition as contended by Company, the sealed bid or proposal may be disqualified from further consideration.

1.16 Expenses:

Expenses for developing sealed bids or proposals and addressing information requests herein are solely and entirely the responsibility of Company and shall not be chargeable in any manner to the City of Foley.

1.17 Alabama Immigration Law (Beason-Hammon Alabama Taxpayer and Citizen Protection Act):

Contractor must be in compliance with Alabama's Immigration Law, otherwise known as the Beason-Hammon Alabama Taxpayer and Citizen Protection Act, Act No. 2011-535, Section 31-13-9, Code of Alabama 1975. If the Contractor employs persons in the State of Alabama, the Contractor must provide documentation with this bid that they are enrolled in the E-Verify program. Additionally, the Contractor should be advised that if they employ persons (anywhere), award of the contract is conditioned on the Contractor not knowingly employing, hiring for employment or continuing to employ an unauthorized alien within the State of Alabama. Any awarded contract will contain a provision whereby the Contractor promises not to violate federal immigration law.

Any subcontractor who works with the general Contractor who has been awarded contracts by the City must be enrolled in E-Verify. It is the responsibility of the general Contractor to have a system in place to ensure subcontractors' compliance.

Proof of E-Verify documentation will be in the form of a copy of the signed Memorandum of Understanding (MOU) generated upon completion of the E-Verify program.

1.18 Local Bid Preference:

The City of Foley has accepted the local bid / proposal preference guidelines established in Act 2015-293 and allows these guidelines to be utilized when appropriate, on a case by case basis. The local preference area has been established per Resolution 15-2369-RES and is defined as the area within the police jurisdiction of the City of Foley. Bid / proposal awards may be made to local vendors in this area if their submission is within 5% of a lower bid / proposal submitted by a vendor outside of this area and a 10% preference is extended if the lower Contractor is located outside the state.

1.19 Contractor Tax Credits/Incentives/Rebates:

Should a Contractor seek tax credits, incentives or rebates for energy efficiency programs or any other such program through the Federal or State Government, the Contractor shall inform the City of its intent to apply and shall negotiate terms with the City.

“The City of Foley encourages all vendors to list job openings with Job Services of Alabama.”