City of Franklin Instructions for Response Submittal

Purchasing Office Solicitation No.: 2014-017

1. Solicitation identified: These Instructions for Response Submittal apply to the following procurement:

   employee pension plan legal counsel

   Purchasing Office Solicitation No.: 2014-017

2. Solicitation packet component documents: These Instructions for Response Submittal accompany the following documents which, in total, represent the complete solicitation packet:

   a. Notice to Service Providers;
   b. Instructions for Response Submittal (this document);
   c. Request for Qualifications;
   d. Response Submittal Form;
   e. Affidavit of Non-Collusion;
   f. Affidavit of Title VI Compliance;
   g. City of Franklin Standard Procurement Terms and Conditions;
   h. City of Franklin Procurement Agreement form; and
   i. Indemnification Agreement.

3. Location of opening of response submittals: The opening of response submittals will be held in the City of Franklin Purchasing Office (see address below, under "Delivery of response submittals"), or at another location within the City of Franklin City Hall. If the location of the opening of response submittals is other than at the Purchasing Office, such location shall be posted on the front door of the Purchasing Office at least five (5) minutes prior to the appointed time of such opening of response submittals.

4. Who may attend openings of response submittals: City of Franklin openings of response submittals are open to the public. Respondents are specifically welcome to attend.

5. Withdrawal of response submittals; expiration of submittal validity (see also "Errors and omissions" below):

   a. Prior to the response submittal deadline, submitted responses may be withdrawn upon the request of the submitting party. At the request of the submitting party, withdrawn response submittals may be returned unopened to the submitting party but only at the submitting party's expense. Such a request to withdraw a response submittal and such a request to return a withdrawn response submittal must be in writing, shall be addressed to the Purchasing Office, must be received by the Purchasing Office prior to the response submittal deadline, and may be submitted via either e-mail (purchasing@franklintn.gov) or fax (615/550-0079).

   b. After the response submittal deadline, submitted responses may not be withdrawn.

   c. Prior to award, all response submittals as submitted shall be considered valid and may be accepted by the City at least through **May 31, 2014** and until the date indicated on the potential service provider's completed Response Submittal Form as the "last date that submittal is valid and may be accepted by the City."

d. Upon award, the accepted response submittal shall be considered valid for the term of award (see Request for Qualifications).

6. Submittal timing: Response submittals are to be delivered *no earlier than* five (5) City of Franklin business days before the submittal deadline. Response submittals delivered either more than five (5) City of Franklin business days before the submittal deadline or at any time after the submittal deadline shall be rejected and not evaluated.

7. Response submittals rejected on account of timing: Respondents whose response submittals are rejected on account of timing shall be notified by the City of such rejection as soon as practicable. Response submittals rejected on account of timing may be retrieved by the respondent at the respondent's expense. The City shall promptly cause to be destroyed and discarded any and all response submittals rejected on account of timing and not retrieved by the respondent within five (5) City of Franklin business days of the respondent being notified of the rejection.

8. Response submittal to be sealed: Each response submittal shall be submitted inside one (1) or more sealed container(s).

9. Response submittal to include one (1) set of original documents plus two (2) complete duplicate sets: Please submit one (1) set of documents with original signatures plus two (2) complete duplicate sets.

10. Response submittal contents: Included with the response submittal are to be the following:

    a. Response Submittal Form, executed in full;
    b. Detailed respondent-supplied statement of qualifications responsive to Request for Qualifications;
    c. Identification, listing and description of any exceptions to the procurement solicitation;
    d. Contact information for required references (see Request for Qualifications);
    e. Standard Procurement Terms and Conditions of the City of Franklin, with the respondent's contact information inserted;
    f. Respondent's proposed agreement or contract, if any, the terms and conditions of which shall be not inconsistent with the City's Standard Procurement Terms and Conditions (note that initial responses to this procurement solicitation are not to include a proposed scope of services, and are not to indicate a proposed fee for services to be rendered);
    g. Affidavit of Non-Collusion, executed in full; and
    h. Affidavit of Title VI Compliance, executed in full.

11. Response submittal container label: The outside face of the response submittal container(s) shall be labeled with the following information:

    a. the respondent's name and address; and

    b. the following text:

    SEALED SUBMITTAL
    City of Franklin solicitation no. 2014-017 (employee pension plan legal counsel)
    NOT TO BE OPENED EXCEPT AT SUBMITTAL OPENING **February 18, 2014, 2:00 p.m. Central Time**

12. Delivery of response submittals:

    a. Response submittals are to be addressed and delivered to:

    City of Franklin Purchasing Office
    Franklin City Hall, Suite 107
    109 3rd Ave. South
    Franklin, TN 37064

    b. Response submittals must be printed on paper and signed. A response submittal may be mailed via U.S. Mail or shipped or hand-delivered via courier. Response submittals submitted to the City electronically (e.g., via e-mail or fax) are not permitted and shall be rejected.

    c. A response submittal is not considered delivered unless and until it has been received by the City of Franklin Purchasing Office at the physical location listed above. A response submittal that is en route via U.S. Mail or courier, or delivery of a response submittal to another City office or location, does not in and of itself constitute delivery of that response submittal to the City of Franklin Purchasing Office.

    d. The Purchasing Office shall exclusively determine whether a response submittal was received by the submittal deadline, and shall use the most accurate time piece available in its office as an aide to doing so.

13. Tabulation of response submittals; notice of intent to award: The tabulation of response submittals received, as prepared by the City, may also indicate a recommendation as to the selection of the response submittal recommended for award, in which case the tabulation of response submittals received also functions as the City's notice of intent to award. Respondents may request a copy of the tabulation of response submittals received by contacting the City's Purchasing Office (see contact information below) at any time on or after the tentative date of release of the City's tabulation of response submittals received and notice of intent to award (see Request for Qualifications).

14. Awards to be made by BOMA: Purchases shall be awarded by the City of Franklin's Board of Mayor and Aldermen. See Request for Qualifications for tentative date of award. Purchases shall be awarded to the best qualified responsive and responsible potential service provider. The awards shall be memorialized in writing, using the City's Procurement Agreement form.

15. Other documents to be required of successful service provider: Prior to award of the procurement by the City, the successful service provider (that is, the potential service provider who is recommended be awarded the purchase) shall provide the following documents:

    a. Respondent-supplied agreement or contract, if any, by and between the City and the respondent to be awarded the procurement, the final terms and conditions of which are mutually acceptable to both parties, executed for the respondent;
    b. Indemnification Agreement, executed in full;
    c. Certificate of Insurance that meets or exceeds the City's Insurance Requirements;
    d. City of Franklin Procurement Agreement form, executed for the respondent; and
    e. If the respondent prefers to be paid by direct deposit (such as "ACH" or "Electronic Funds Transfer") as opposed to credit card, and if the respondent has not been paid by the City by means of direct deposit within the last two (2) years, then the respondent shall submit a completed City of Franklin Vendor Information Form and IRS Form W-9 (both of which forms are available upon request from the Purchasing Office).

16. City's right to reject response submittals, waive formalities: The City of Franklin reserves the right to reject any and all response submittals, and to waive formalities.

17. Errors and omissions (see also "Withdrawal of response submittals; expiration of submittal validity" above):

    a. Errors made by the respondent on the Response Submittal Form or elsewhere in the respondent's submittal packet that are discovered by the respondent prior to submittal shall be corrected by the respondent. If such a correction results in altering but not replacing one or more documents, then the respondent's representative shall initial each such correction in non-erasable ink.

    b. Errors made by the respondent on the Response Submittal Form or elsewhere in the respondent's submittal packet that are discovered by the respondent after submittal but prior to the response submittal deadline may be corrected by the respondent but only by submitting such replacement documents as necessary to make the correction. Such a submittal of replacement documents shall be labeled "SEALED AMENDED SUBMITTAL" and shall otherwise be submitted pursuant to the same instructions above as for the submittal of the original submittal documents. Such a submittal of replacement documents shall not be submitted electronically, and shall not be submitted after the submittal deadline.

    c. Uncorrected errors made by the respondent on the Response Submittal Form or elsewhere in the respondent's submittal packet shall be considered on a case-by-case basis by the City. Uncorrected errors made by the respondent may be deemed by the

City to be so severe as to make the submittal non-responsive. At the discretion of the City, respondents may be permitted to clarify a submittal, but no submittal shall be altered or amended by the respondent after submittal. In the case of a discrepancy between the respondent's unit price for a particular line item as quoted in any pricing proposal and the unit price calculated by dividing the respondent's extension price for that same line item by the quantity indicated for that same line item, then the respondent's unit price for that line item as quoted in the pricing proposal shall prevail.

d. Omissions from a respondent's submittal packet shall be considered on a case-by-case basis by the City. Omissions may be deemed by the City to be so severe as to make the submittal non-responsive. At the discretion of the City, respondents may be permitted to clarify a submittal, but no submittal shall be altered or amended by the respondent after submittal.

18. Questions, requests for clarifications, and requests to revise the procurement solicitation; addenda: To ask questions, to request clarifications about any aspect of this procurement solicitation, or to request revisions to the procurement solicitation prior to the deadline for optional submittal in writing of questions seeking to revise or clarify any aspect of the procurement solicitation, please contact:

City of Franklin Purchasing Office (see address above)
purchasing@franklintn.gov
Tel: 615/550-6692
Fax: 615/550-0079

Depending upon the inquiry, the City may request that the question, request for clarification, or request for revision be submitted in writing, whereupon the City may make all vendors known or thought to be interested in the solicitation aware of the inquiry and of the City's response thereto.

Addenda to this procurement solicitation may be issued. Prior to submitting its response, it is the responsibility of each respondent to confirm whether any addenda to this procurement solicitation have in fact been issued by the City. To do so, please contact the City's Purchasing Office (see contact information above).

19. Communication with City during procurement phase: Any questions about either the content of or the procurement process pertaining to this procurement solicitation should be addressed as described above. Until the procurement award has been made, vendors shall not communicate about either the content of or the procurement process pertaining to this procurement solicitation with any official, employee or other representative of the City except through the City's Purchasing Office. The City reserves the right to disqualify any vendor that initiates unauthorized communication with the City during the procurement phase.

20. Vendor protest: A vendor who feels the need to object to either a deficiency of this procurement solicitation or a proposed award pertaining to this procurement solicitation are encouraged, as soon as possible, to express their concerns to and seek remedy from the Purchasing Manager (see contact information above). Vendors who are not satisfied with, or who choose not to pursue, such an informal resolution of their concerns and who feel compelled to lodge a formal protest about some aspect of a City procurement not pertaining to new construction shall do so pursuant to the City's Vendor Protest Procedure for City procurements not pertaining to new construction, a mandatory administrative procedure which all aggrieved actual or prospective vendors must utilize and exhaust prior to seeking judicial review or remedy. For a copy of the City's Vendor Protest Procedure for City of Franklin procurements not pertaining to new construction, please contact the City's Purchasing Office (see contact information above) or click on the following link: http://www.franklintn.gov/index.aspx?page=806.