

CITY OF AUSTIN
Section C.
AUSTIN PUBLIC HEALTH
STANDARD SOLICITATION INFORMATION

1. EQUAL OPPORTUNITY:

- A. **Equal Employment Opportunity:** No Grantee, or Grantee's agent, shall engage in any discriminatory employment practice as defined in Chapter 5-4 of the City Code. No Application submitted to the City shall be considered, nor any Purchase Order issued, or any Agreement awarded by the City unless the Applicant has executed and filed with the City Purchasing Office a current Non-Discrimination Certification. Non-compliance with Chapter 5-4 of the City Code may result in sanctions, including termination of the agreement and the Grantee's suspension or debarment from participation on future City agreements/contracts until deemed compliant with Chapter 5-4.
- B. **Americans with Disabilities Act (ADA) Compliance:** No Grantee, or Grantee's agent, shall engage in any discriminatory practice against individuals with disabilities as defined in the ADA, including but not limited to: employment, accessibility to goods and services, reasonable accommodations, and effective communications.

2. SOLICITATION:

Review of Documents: Applicants are expected to examine all documents that make up the Solicitation. Applicants shall promptly notify the City of any omission, ambiguity, inconsistency or error that they may discover upon examination of the Solicitation. Applicants must use a complete Solicitation to prepare Applications. The City assumes no responsibility for any errors or misrepresentations that result from the use of incomplete Solicitations.

3. WRITTEN EXPLANATIONS OR CLARIFICATIONS:

Any material information given to one Applicant concerning a Solicitation will be furnished as an Addendum to all Applicants who have been issued a Solicitation. Any explanation, clarification, interpretation or change to the Solicitation made in any other manner is not binding upon the City, and Applicants shall not rely upon such explanation, clarification, interpretation or change. Oral explanations or instructions given before the award of the Agreement are not binding. Requests for explanations, clarifications or interpretations must be emailed to the Single Point of Contact.

4. PREPARATION OF APPLICATIONS:

- A. **Alternate Applications:** Alternate Applications will be rejected unless the Solicitation authorizes the submission of Alternates.
- B. **Application Preparation Costs:** All costs directly or indirectly related to the preparation of an Application to a Request for Grant Application or any oral presentation required to supplement and/or clarify an Application which may be required by the City shall be the sole responsibility of the Applicant.
- C. **Exceptions:** Exceptions that are taken to any portion of the Solicitation may jeopardize acceptance of the Application.
- D. **Proprietary Information:**
 - i. All material submitted to the City becomes public property and is subject to the Texas Public Information Act, Chapter 552, Texas Government Code, upon receipt.
 - ii. If an Applicant does not desire proprietary information in the Application to be disclosed, each page must be identified and marked proprietary at time of submittal. The City will, to the extent allowed by law, endeavor to protect such information from disclosure. The final decision as to what information must be disclosed, however, lies with the Texas Attorney General.
 - iii. Failure to identify proprietary information will result in all unmarked sections being deemed nonproprietary and available upon public request

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- E. **Signature:** The Applicant must sign each document in the Solicitation requiring a signature. Any change made to the Application must be initialed by the Applicant.
- F. **Taxes:** Purchases of Goods or Services for City use are usually exempt from City, State, and most Federal Taxes. Applications should not include exempted taxes. The successful Applicant should request a Tax Exemption Certificate from the Purchasing Office. Under no circumstances shall the City be liable to pay exempt taxes under any Contract.

5. **SUBMISSION OF APPLICATIONS:** Applicants are required to submit all application materials into the Partnergrants database as specified on the Offer Sheet of the Solicitation. **No paper copies will be accepted.** Additional instructions on how to submit an application in Partnergrants will be provided at the website for this solicitation.

A. **Acceptance of Applications:**

i. **RFQS Application due by 12 pm on August 31, 2020.**

ii. Application must be submitted in the Partnergrants database prior to the due dates and times outlined. The time of the submission in Partnergrants is the official time of record. It is the sole responsibility of the Applicant to ensure timely submittal of the all parts of the Application. The City will not be responsible for failure of service on the part of internet service or any other form of delivery service chosen by the Applicant.

B. **Rejection of Application:** The City reserves the right to reject any or all Applications and to waive any minor informality in any Application or solicitation procedure (a minor informality is one that does not affect the competitiveness of the Application).

C. **Withdrawal of Applications:** Applications may be withdrawn by email to the RFGA Authorized Contact Person at any time.

D. **For any questions regarding the Submission or Withdrawal of an Application, contact the RFGA Authorized Contact:**

Natasha Ponczek Shoemake, Contract Management Specialist III

E-Mail: APHCompetitions@AustinTexas.gov

6. **EVALUATION FACTORS AND AWARD FOR APPLICATIONS, PROPOSALS AND RESPONSES:**

Competitive Selection: This procurement will comply with applicable City of Austin Policy. The successful Applicant(s) will be selected by the City on a rational basis. Evaluation factors outlined in Section E of the Solicitation shall be applied to all eligible, responsive Applicants in comparing applications and selecting the successful Applicant. Award of an agreement may be made without discussion with Applicants after applications are received. Applications should, therefore, be submitted on the most favorable terms.

7. **RESERVATIONS:** The City expressly reserves the right to:

- A. specify approximate quantities in the Solicitation;
- B. extend the Solicitation closing date and time;
- C. waive as an informality, minor deviations from specifications provided they do not affect competition or result in functionally unacceptable Goods or Services;
- D. waive any minor informality in any Application or Solicitation procedure (a minor informality is one that does not affect the competitiveness of the Applicant);
- E. add additional terms or modify existing terms in the Solicitation;
- F. reject an Application containing exceptions, additions, qualifications or conditions not called for in the solicitation;
- G. reject an Application received from an Applicant who is currently debarred or suspended by the City or

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State;

- H. reject an Application received from an Applicant who is currently debarred or suspended by the Federal Government (Applicable if project receives Federal funding);
- I. reject an Application that contains fraudulent information;
- J. reject an Application that has material omissions;
- K. reject or cancel any or all Applications;
- L. cancel a Solicitation
- M. reissue a Solicitation;
- N. procure any item by other means;
- O. consider and accept alternate Applications, if specified in the Solicitation, when most advantageous to the City; and/or
- P. reject an Application because of unbalanced unit prices;

8. **NEGOTIATIONS OF PROPOSALS:** The City reserves the right to negotiate all elements which comprise the Applicant's Proposal to ensure that the best possible consideration be afforded to all concerned.

9. **AGREEMENT INCORPORATION:** Applicant should be aware that the contents of the successful Application will become a part of the subsequent agreement documents. Failure of the successful Applicant to accept this obligation may result in the cancellation of any award. Any damages accruing to the City because of the successful Applicant's failure to contract may be recovered from the successful Applicant.

10. **INTERESTED PARTIES DISCLOSURE:**

As a condition to entering the Agreement, the Business Entity constituting the Applicant must provide the following disclosure of Interested Parties to the City prior to the award of a contract with the City on Form 1295 "Certificate of Interested Parties" as prescribed by the Texas Ethics Commission for any contract award requiring council authorization. The Certificate of Interested Parties Form must be completed on the Texas Ethics Commission website, printed, and signed by the authorized agent of the Business Entity with acknowledgment that disclosure is made under oath and under penalty of perjury. The City will submit the "Certificate of Interested Parties" to the Texas Ethics Commission within 30 days of receipt from the successful Applicant. The Applicant is reminded that the provisions of Local Government Code 176, regarding conflicts of interest between the bidders and local officials remains in place. See the website for the Link to [Texas Ethics Commission Form 1295 process and procedures:](https://www.ethics.state.tx.us/filinginfo/1295/)
<https://www.ethics.state.tx.us/filinginfo/1295/>

11. **POST APPLICATION DOCUMENTS REQUIRED FROM SUCCESSFUL APPLICANT:**

- A. **Certificates of Insurance:** The Applicant shall provide Certificates of Insurance in the amounts and for the coverages required to Austin Public Health in conjunction with the Terms and Conditions of the Agreement and prior to delivery of services. (See also "Insurance" in Section 0400 of the Solicitation).
- B. **Bonds:** When Bonds are required, the Applicant must provide the bonds prior to the execution of the Contract. The Applicant shall provide the Bonds, in the amounts and on the conditions required, within 14 calendar days after notification of award, or as otherwise required by the Solicitation.
- C. **Chapter 176 Conflict of Interest Disclosure:** In accordance with Chapter 176 of the Texas Local Government Code, Applicant must file a Conflict of Interest Questionnaire with the Office of the City Clerk no later than 5:00 P.M. on the seventh (7th) business day after the commencement of contract discussions or negotiations with the City or the submission of an Application, or other writing related to a potential Contract with the City. The questionnaire is available on line at the [website for the City Clerk:](http://www.austintexas.gov/departments/conflict-of-interest-questionnaire)
<http://www.austintexas.gov/departments/conflict-of-interest-questionnaire>. There are statutory penalties for failure to comply with Chapter 176.
- D. **Compliance with Texas HB1295** Agreements that require City Council approval are also subject to Texas House Bill (HB) 1295. In order to comply with the HB1295, the Applicant must file *Form 1295-Certificate of Interested Parties* and provide a copy of the filed form to the City of Austin prior to execution of the City agreement. City staff will provide the Applicant with detailed instructions for filing Form 1295

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post-award. Form 1295 must be filed electronically on the Texas Ethics Commission's website (https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm). When the Agreement is routed for execution, the City's Purchasing Department will verify the filed Form 1295 certificate online.