City of Franklin, Tennessee Instructions for Proposers

Purchasing Office Solicitation No.: 2018-016

1. Solicitation identified: These instructions apply to the following procurement:

   third-party administrator services for workers compensation self-insurance program

   Purchasing Office Solicitation No.: 2018-016

2. Solicitation package component documents: These Instructions for Proposers accompany the following documents which, in total, represent the complete solicitation package:

   a. Notice to Proposers;
   b. City of Franklin Instructions for Proposers (this document);
   c. City of Franklin Request for Proposals;
   d. Appendix 1: pertinent exposure information (included in solicitation package);
   e. Appendix 2: five-year loss run history (available upon request made to the City Purchasing Office via e-mail addressed to purchasing@franklintn.gov);
   f. City of Franklin Proposal Submittal Form;
   g. City of Franklin Affidavit of Non-Collusion;
   h. City of Franklin Affidavit of Title VI Compliance;
   i. City of Franklin Standard Procurement Terms and Conditions;
   j. City of Franklin Procurement Agreement form; and
   k. City of Franklin Indemnification Agreement.

3. Location of opening of proposals: The opening of proposals will be held in the City of Franklin Purchasing Office (see address below, under "Delivery of proposals"), or at another location within the City of Franklin City Hall. If the location of the opening of proposals 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 before the appointed time of such opening of proposals.

4. Who may attend openings of proposals: City of Franklin openings of proposals are open to the public. Proposers are specifically welcome to attend.

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

   a. Before the proposal submittal deadline, submitted proposals may be withdrawn upon the request of the submitting party. At the request of the submitting party, withdrawn proposals may be returned unopened to the submitting party but only at the submitting party's expense. Such a request to withdraw a proposal and such a request to return a withdrawn proposal must be in writing, shall be addressed to the Purchasing Office, must be received by the Purchasing Office before the proposal submittal deadline, and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

   b. After the proposal submittal deadline, submitted proposals may not be withdrawn.

   c. Before award, all proposals and associated pricing as submitted shall be considered valid and may be accepted by the City at least through June 30, 2018 and until the date

indicated on the proposer's Proposal Submittal Form as the "last date that proposal and associated pricing is valid and may be accepted by the City."

d. Upon award, the accepted proposal and associated pricing shall be considered valid for the term of award (see Request for Proposals).

6. Submittal timing:

   a. Proposals to be delivered by submittal deadline: Proposals shall be delivered *no later than* the submittal deadline.

   b. Proposals delivered too early: The City requests that proposals be delivered *no earlier than* five (5) City of Franklin business days before the submittal deadline. Proposals delivered more than five (5) City of Franklin business days before the submittal deadline may be rejected and not evaluated.

   c. Proposals delivered too late: Proposals delivered after the submittal deadline shall be rejected and not evaluated.

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

8. Proposal to be signed and sealed: Each proposal shall be printed on paper, signed and submitted inside one (1) or more sealed container(s). Proposals submitted to the City electronically (e.g., via e-mail or fax) are not permitted and shall be rejected.

9. Submittal to include one (1) set of original bid documents: Please submit one (1) set of bid documents on paper with original signatures. No duplicate copies, either printed on paper or in electronic or digital medium, are required.

10. Set of original proposal documents to be easily scanned: The set of proposal documents on paper with original signatures shall:

    a. be loose-leaf or, if necessary, bound only by means of one or more paper clips or binder clips;
    b. have no hole-punches;
    c. include no staples;
    d. contain no tabs;
    e. be printed using black or other dark ink on white or near-white 8.5-inch by 11-inch standard office paper; and
    f. be single-sided throughout (except any pre-printed documentation which may be double-sided).

11. Proposal submittal contents: Included with the proposal are to be the following components:

    a. City of Franklin Proposal Submittal Form, executed in full;
    b. Detailed vendor-supplied description of proposed product(s) and/or service(s);
    c. Identification, listing and description of any exceptions to the procurement solicitation;
    d. Contact information for minimum of three (3) references (see Request for Proposals);
    e. City of Franklin Standard Procurement Terms and Conditions, with the vendor's contact information inserted;
    f. Vendor'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;
    g. City of Franklin Affidavit of Non-Collusion, executed in full; and
    h. City of Franklin Affidavit of Title VI Compliance, executed in full.

12. Proposal container label: The outside face of the proposal container(s) shall be labeled with the following information:

    a. the proposer's name and address; and

    b. the following text:

    SEALED PROPOSAL
    City of Franklin solicitation no.
    2018-016 (third-party administrator
    services for workers compensation
    self-insurance program)
    NOT TO BE OPENED EXCEPT AT
    PROPOSAL OPENING April 26,
    2018, 2:00 p.m. Central Time

13. Delivery of proposals:

    a. Proposals are to be sealed, addressed and delivered to:

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

    b. Sealed proposals may be mailed via U.S. Mail or shipped or hand-delivered. Proposals submitted to the City electronically (e.g., via e-mail or fax) are not permitted and shall be rejected.

    c. A proposal 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 proposal that is in route via U.S. Mail or courier, or delivery of a proposal to another City office or location, does not in and of itself constitute delivery of that proposal to the City of Franklin Purchasing Office.

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

14. Tabulation of proposals; notice of intent to award: The tabulation of proposals received, as prepared by the City, may also indicate a recommendation as to the selection of the proposal that best meets the needs of the City, in which case the tabulation of proposals received also functions as the City's notice of intent to award. Proposers may request a copy of the tabulation of proposals 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 proposals received and notice of intent to award (see Request for Proposals).

15. Awards to be made by BOMA: Purchases shall be awarded by the City of Franklin's Board of Mayor and Aldermen. See Request for Proposals for tentative date of award. Purchases shall be awarded to the proposer who submits the proposal that best meets the needs of the City. The awards shall be memorialized in writing, using the City's Procurement Agreement form.

16. Other documents to be required of successful proposer: Before award of the procurement by the City, the successful proposer (that is, the vendor who is recommended be awarded the purchase) shall provide the following documents:

    a. Vendor-supplied agreement or contract, if any, by and between the City and the proposer to be awarded the procurement, the final terms and conditions of which are mutually acceptable to both parties, executed for the vendor;
    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 vendor; and
    e. If the vendor prefers to be paid by direct deposit (such as "ACH" or "Electronic Funds Transfer") as opposed to credit card, and if the vendor has not been paid by the City by means of direct deposit within the last two (2) years, then the vendor 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).

17. City's right to reject proposals, waive formalities: The City of Franklin reserves the right to reject any and all proposals, and to waive formalities.

18. Errors and omissions (see also "Withdrawal of proposals; expiration of submittal validity" above):

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

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

c. Uncorrected errors made by the vendor on the Proposal Submittal Form or elsewhere in the vendor's submittal shall be considered on a case-by-case basis by the City. Uncorrected errors made by the vendor may be deemed by the City to be so severe as to make the submittal non-responsive. At the discretion of the City, vendors may be permitted to clarify a submitted proposal, but no submittal shall be altered or amended by the vendor after submittal. In the case of a discrepancy between the vendor's unit price for a particular line item as quoted in the proposal and the unit price calculated by dividing the vendor's extension price for that same line item by the quantity indicated for that same line item, then the vendor's unit price for that line item as quoted in the proposal shall prevail.

d. Omissions from a vendor's submittal 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, vendors may be permitted to clarify a submitted proposal, but no submittal shall be altered or amended by the vendor after submittal.

19. 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 before 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 choose to announce, typically in the form of an addendum, both the inquiry and the City's response thereto.

20. Addenda: Addenda to this procurement solicitation may be issued. Before submitting its response, it is the responsibility of each respondent to determine whether any addenda to this procurement solicitation have in fact been issued by the City. To do so, please browse to the Business Opportunities webpage of the City's website (http://www.franklintn.gov/), or contact the City of Franklin Purchasing Office (purchasing@franklintn.gov; 615-550-

6692). Other than by posting addenda on the City's website, the City does not anticipate notifying prospective respondents of the issuance of addenda.

21. 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.

22. Vendor protest: Vendors who feel the need to object either to a deficiency of this procurement solicitation or a to 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/government/finance-administration/purchasing-office/vendor-protest-procedure.