

Park City Municipal Corporation (“PCMC” or “City”)

REQUEST FOR PROPOSALS (NON-BID) FOR

Comprehensive Chemical Management Software Solution

Respondents or their agents are instructed not to contact City employees, agents or contractors of the City, selection committee members, the Mayor’s office or staff, members of the City Council, or attempt to externally manipulate or influence the procurement process in any way, other than through the instructions contained herein, from the date of release of this RFP to the date of execution of the agreement resulting from this solicitation. City, in its sole discretion, may disqualify a Respondent for violation of this provision.

REQUEST FOR PROPOSALS (NON-BID)

PCMC is inviting proposals from qualified persons or firms (Respondent) to provide a comprehensive chemical management software solution for up to three (3) thousand Safety Data Sheets (SDS) which are electronically maintained and automatically updated, with software training and support for up to 700 users. Desired software solution will permit instantaneous and reliable online access to the SDS library via multiple platforms, including laptop/desktop computers, smart phones, web browsers, and tablets. The selected web-based software solution will have the capability to easily search, print, refresh, back up, and create reports from the SDS library, as well as integrate into potential future systems which may be acquired by PCMC, such as learning management and risk management systems.

Additional desired features include QR code capabilities, Tier 2 reporting, secondary container labelling, chemical approval workflows, and API integration.

Vendor's in-house capability to provide a comprehensive on-site physical inventory to establish/confirm baselines as an additional feature is a desired feature but is separate from this request for proposals.

PROPOSALS DUE: By July 31, 2023, at 5 p.m. Mountain Daylight Time. Submit proposals electronically via email to mike.mccomb@parkcity.org Proposals will be opened after the submission deadline.

In the event of difficulty submitting proposals electronically, proposals can be dropped off at the office of the City Recorder, located at 445 Marsac Avenue, Third Floor – Executive Department, Park City, UT 84060. Proposals submitted to the City Recorder should be delivered on a zip drive. No paper copies should be submitted.

RFP AVAILABLE: The RFP will be available on July 17, 2023 on the PCMC website. Any modifications to the RFP or responses to questions submitted will be added as an addendum to the RFP posted on PCMC Website. It is the responsibility of Respondents to regularly check for addenda.

QUESTIONS: All questions regarding this RFP must be submitted by email to mike.mccomb@parkcity.org by **5pm Mountain Daylight Time, July 28, 2023. Please do not submit the same question multiple times.**

PRE-PROPOSAL MEETING: A virtual pre-proposal meeting will be held at 1 pm Mountain Daylight Time on July 24, 2023. Attendance is strongly encouraged for all Respondents. Requests for reasonable accommodation at the pre-proposal meeting may be made no later than 48 hours in advance to the Project Contact above. Accommodation may include alternative formats, interpreters, and other auxiliary aids.

PROJECT LOCATION: Park City, Utah and online

PROJECT DESCRIPTION (brief): Comprehensive chemical management software solution

PROJECT DEADLINE (if applicable): October 31, 2023

OWNER: Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060

CONTACT: Mike McComb, Safety Committee Chair
mike.mccomb@parkcity.org

Proposals will remain valid for 90 days after submission. PCMC reserves the right to reject any or all proposals received for any reason. Furthermore, PCMC reserves the right to change dates or deadlines related to this RFP. PCMC also reserves the right to waive any informality or technicality in proposals received when in the best interest of PCMC.

I. Introduction.

PCMC is inviting proposals from qualified persons or firms (Respondent) to provide a comprehensive chemical management software solution for up to three (3) thousand Safety Data Sheets (SDS) which are electronically maintained and automatically updated, with software training and support for up to 700 users. Desired software solution will permit instantaneous and reliable online access to the SDS library via multiple platforms, including laptop/desktop computers, smart phones, web browsers, and tablets. The selected web-based software solution will have the capability to easily search, print, refresh, back up, and create reports from the SDS library, as well as integrate into potential future systems which may be acquired by PCMC, such as learning management and risk management systems.

Additional desired features include QR code capabilities, Tier 2 reporting, secondary container labelling, chemical approval workflows, and API integration.

Vendor's in-house capability to provide a comprehensive on-site physical inventory to establish/confirm baselines as an additional feature is a desired feature but is separate from this request for proposals.

II. Contents of Proposal and Evaluation Criteria.

A. Minimum Qualifications: Multiple years of experience in chemical compliance, SDS authoring, and Software-as-a-Service platform development with incorporated cybersecurity protections.

Proposals will be evaluated on the criteria listed below. Proposals are limited to 15 pages.

If Respondent proposes to use a third party (subcontractor, subconsultant, etc.) for completing all or a portion of the scope of work requirements, state the

name and identify the portion of the scope of work to be completed by a third party.

- B. Each member of the selection committee shall use the evaluation criteria and percentage weights below to establish their own ranking of the Respondents. The committee shall then use these individual rankings to establish an aggregate ranking of all the acceptable proposals.

General and Specialized Experience – (30%): (a) Respondent's ability, capacity, and skill to perform or provide the required services; (b) Respondent's demonstrated ability with respect to quality, availability, and adaptability of the supplies or contractual services; (c) Respondent's organizational and financial history.

Past Performance and Experience of Proposed Personnel - (20%);

Plan of Operation/Performance - (50%): (a) quality of Respondent's operation/performance plan; (b) Respondent's plan to contribute to City's defined goals.]

The selection committee will consider all documents, the presentation/interview if applicable, the response to the RFP, information gained while evaluating responses, and any other relevant information to make its determination. The committee will select the Respondent which, in the committee's sole judgment, is best able to provide a comprehensive chemical management software solution.

NOTE: Price may not be the sole deciding factor.

PCMC reserves the right to reject any and all proposals for any reason. Proposals lacking required information will not be considered. The award of a contract may be subject to approval by City Council.

III. Government Records Access and Management Act.

All submittals will be treated as public records in accordance with the requirements of the Government Records Access and Management Act, Title 63G, Chapter 2 of the Utah Code ("GRAMA") unless otherwise designated by the Respondent pursuant to Utah Code § 63G-2-309, as amended. The burden of claiming an exemption from disclosure shall rest solely with each Respondent. Respondent shall submit any materials for which Respondent claims a privilege from disclosure marked as "Confidential" and accompanied by a statement from Respondent supporting the exemption claim. PCMC shall make reasonable efforts to notify Respondent of any GRAMA requests for documents submitted under an exemption claim. Respondent waives any claims against

PCMC related to disclosure of any materials pursuant to GRAMA. Please note the following:

- a. Respondent must not stamp all materials confidential. Only those materials for which a claim of confidentiality can be made under GRAMA, such as trade secrets, pricing, non-public financial information, etc., should be stamped.
- b. Respondent must submit a letter stating the reasons for the claim of confidentiality for every type of information that is stamped "Confidential." Generally, GRAMA only protects against the disclosure of trade secrets or commercial information that could reasonably be expected to result in unfair competitive injury. Failure to timely submit a written basis for a claim of "Confidential" may result in a waiver of an exemption from disclosure under GRAMA.
- c. For convenience, a Business Confidentiality Request Form ("BCR Form") is attached to this RFP as **Attachment 1**. Respondent must submit a completed BCR Form at the time of submission of any proposal.

IV. Ethics.

By submission of a proposal, Respondent represents and agrees to the following ethical standards:

REPRESENTATION REGARDING ETHICAL STANDARDS: Respondent represents that it has not: (1) provided an illegal gift or payoff to a city officer or employee or former city officer or employee, or his or her relative or business entity; (2) retained any person to solicit or secure this contract upon an agreement or understanding for a commission, percentage, or brokerage or contingent fee, other than bona fide employees of bona fide commercial selling agencies for the purpose of securing business; (3) knowingly breached any of the ethical standards set forth in the City's conflict of interest ordinance, Chapter 3.1 of the Park City Code; or (4) knowingly influenced, and hereby promises that it will not knowingly influence, a city officer or employee or former city officer or employee to breach any of the ethical standards set forth in the City's conflict of interest ordinance, Chapter 3.1 of the Park City Code.

V. Selection Process.

Proposals will be evaluated on the criteria listed in Section IV, Contents of Proposal and Evaluation Criteria, above.

The selection process will proceed on the following anticipated schedule:

- a. A selection committee comprised of qualified persons, which may include City staff or representatives from other public and private stakeholders, will open, review and evaluate all proposals in mid-August 2023.
- b. The selection committee may conduct interviews with the highest ranked Respondents. If applicable, interview requirements will be provided to those Respondents selected for further consideration. Anticipated in early September 2023, if necessary.
- c. Final selection of the top-ranked proposal and preparation of contract in mid-September 2023.
- d. Contract execution.

Following completion of the evaluation and establishment of the ranking, negotiations for contract purposes may be initiated with the top ranked Respondent. In the event that an agreement is not reached, PCMC may enter into negotiations with the next highest-ranked Respondent.

VI. PCMC Standard Agreement Required.

- a. The successful Respondent will be required to enter into PCMC'S standard Professional Services Agreement. A form of the standard agreement is attached to this RFP as **Exhibit "A"** and incorporated herein.
- b. **ANY REQUEST FOR CHANGES RELATED TO INDEMNIFICATION OR INSURANCE PROVISIONS CONTAINED IN PCMC'S STANDARD AGREEMENT MUST BE SUBMITTED NO LATER THAN THE PROPOSAL/SUBMITTAL DEADLINE. ANY REQUESTED CHANGES TO PCMC'S STANDARD INSURANCE AND INDEMNIFICATION PROVISIONS MAY BE APPROVED IN THE SOLE DISCRETION OF PCMC.**

A Respondent must be authorized to do business in Utah at the time of contract execution. If Respondent's address is within the 84060 zip code, a valid PCMC business license is required.

VII. General Provisions.

- a. No Representations or Warranty. It is the responsibility of each Respondent to carefully examine this RFP and evaluate all of the instructions, circumstances and conditions which may affect any proposal. Failure to examine and review the RFP and other relevant documents or information will not relieve Respondent from complying fully with the requirements of this RFP. Respondent's use of the information contained in the RFP is at Respondent's own risk and no

representation or warranty is made by PCMC regarding the materials in the RFP.

- b. Cost of Developing Proposals. All costs related to the preparation of the proposals and any related activities are the sole responsibility of the Respondent. PCMC assumes no liability for any costs incurred by Respondents throughout the entire selection process.
- c. Equal Opportunity. PCMC will make every effort to ensure that all Respondents are treated fairly and equally throughout the advertisement, review and selection process. The procedures established herein are designed to give all parties reasonable access to the same basic information.
- d. Proposal Ownership. All proposals, including attachments, supplementary materials, addenda, etc., will become the property of PCMC and will not be returned to the Respondent.
- e. Modification of RFP. PCMC reserves the right to cancel or modify the terms of this RFP and/or the project at any time and for any reason preceding the contract execution. PCMC will provide written notice to Respondents of any cancellation and/or modification.
- f. Financial Responsibility. No proposal will be accepted from, or contract awarded to, any person, firm or corporation that is in arrears to PCMC, upon debt or contract, or that is a defaulter, as surety or otherwise, upon any obligation to the PCMC, or that may be deemed irresponsible or unreliable by PCMC. Respondents may be required to submit satisfactory evidence demonstrating the necessary financial resources to perform and complete the work outlined in this RFP.
- g. Local Businesses. PCMC's policy is to make reasonable attempts to support local businesses by purchasing goods and services through local vendors and service providers, subject to Federal, State, and local procurement laws.

VIII. Exhibits

A. Provider Professional Services Agreement – Cyber Minor

Attachment 1

REQUEST FOR PROTECTED STATUS

(Business Confidentiality Claims under Utah's Government Records Access and Management Act ("GRAMA"), Utah Code § 63G-2-309)

I request that the described portion of the record provided to Park City Municipal Corporation be considered confidential and given protected status as defined in GRAMA.

Name: _____

Address: _____

Description of the portion of the record provided to Park City Municipal Corporation that you believe qualifies for protected status under GRAMA (identify these portions with as much specificity as possible) (attach additional sheets if necessary): _____

The claim of business confidentiality is supported by (please check the box/boxes that apply):

- () The described portion of the record is a trade secret as defined in Utah Code § 13-24-2.
- () The described portion of the record is commercial or non-individual financial information the disclosure of which could reasonably be expected to result in unfair competitive injury to the provider of the information or would impair the ability of the governmental entity to obtain the necessary information in the future and the interest of the claimant in prohibiting access to the information is greater than the interest of the public in obtaining access.
- () The described portion of the record would cause commercial injury to, or confer a competitive advantage upon a potential or actual competitor of, a commercial project entity as defined in Utah Code § 11-13-103(4).

REQUIRED: Written statement of reasons supporting a business confidentiality claim as required by Utah Code § 63G-2-305 (1) –(2) (attach additional sheets if necessary):

NOTE: Claimant shall be notified if the portion of the record claimed to be protected is classified as public or if the determination is made that the portion of the record should be disclosed because the interests favoring access outweigh the interests favoring restriction of access. Records claimed to be protected under this business confidentiality claim may not be disclosed until the period in which to bring the appeal expires or the end of the appeals process, including judicial appeal, **unless the claimant, after notice, has waived the claim by not appealing the classification within thirty (30) calendar days.** Utah Code § 63G-2-309(2).

Signature of Claimant: _____

Date: _____