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## RFP SUMMARY

<b>RFP NUMBER</b>	<b>12064</b>												
<b>RFP TITLE</b>	<b>Early Childhood Funding</b>												
<b>DEADLINE FOR BID SUBMISSIONS</b>	<b>12:00 P.M. (NOON) CDT, Wednesday August 16, 2023</b> <b>Proposals received after the deadline will not be considered.</b>												
<b>SCOPE</b>	The City of Madison is seeking proposals from qualified organizations to provide early childhood programming and services in the City. Services and programming should primarily serve children ages birth to five years old.												
<b>FUNDS AVAILABLE:</b>	\$510,000 annually within a 3-5 year contract												
<b>Application Form and Guidelines</b>	Available at: <a href="#">Community Development Division Funding Opportunities Website</a>												
<b>E-MAIL PROPOSAL TO:</b>	<a href="mailto:CDDapplications@cityofmadison.com">CDDapplications@cityofmadison.com</a> All proposals must be submitted electronically in Word or PDF format. Please put <b>CDD Early Childhood Funding RFP</b> in email subject line.												
<b>DIRECT ALL INQUIRES TO:</b>	Monty Marsh Early Care and Education Manager <a href="mailto:mmarsh@cityofmadison.com">mmarsh@cityofmadison.com</a> <b>City of Madison Community Development Division</b> <b>Phone: 608-267-4995</b>												
<b>RFP CALENDAR</b>	<p>Please Note: These dates are for planning purposes. They represent the City’s desired timeline for implementing this project. Any revision to the Due Date for submission of proposals will be made by addendum. All other dates may be adjusted without notice, as needs and circumstances dictate.</p> <table border="1"> <thead> <tr> <th>Date</th> <th>RFP Activity</th> </tr> </thead> <tbody> <tr> <td><b>July 10, 2023</b></td> <td>Release of RFP</td> </tr> <tr> <td><b>12:00 PM (CST) July 31, 2023</b></td> <td>An optional virtual workshop to answer questions from proposers. Contact <a href="mailto:mmarsh@cityofmadison.com">mmarsh@cityofmadison.com</a> for registration link.</td> </tr> <tr> <td><b>12:00 p.m. (CST) August 16, 2023</b></td> <td><b>DEADLINE FOR SUBMISSION OF PROPOSALS</b></td> </tr> <tr> <td><b>2:30 p.m. (CST) September 14th, 2023</b></td> <td>Applicant Presentations (3-5 minute summary of proposal) to Early Childhood Care and Education Committee <i>Virtual 2:30PM</i></td> </tr> <tr> <td><b>October 17, 2023</b></td> <td>Common Council Approval</td> </tr> </tbody> </table>	Date	RFP Activity	<b>July 10, 2023</b>	Release of RFP	<b>12:00 PM (CST) July 31, 2023</b>	An optional virtual workshop to answer questions from proposers. Contact <a href="mailto:mmarsh@cityofmadison.com">mmarsh@cityofmadison.com</a> for registration link.	<b>12:00 p.m. (CST) August 16, 2023</b>	<b>DEADLINE FOR SUBMISSION OF PROPOSALS</b>	<b>2:30 p.m. (CST) September 14th, 2023</b>	Applicant Presentations (3-5 minute summary of proposal) to Early Childhood Care and Education Committee <i>Virtual 2:30PM</i>	<b>October 17, 2023</b>	Common Council Approval
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	<b>October 18, 2023</b>	Notification of Award
	<b>January 1, 2024</b>	Anticipated contract start date

## SECTION 1: SCOPE OF WORK

### 1.1. Purpose

The Community Development Division (CDD) of the City of Madison seeks to create a foundation for Madison residents to readily access high-quality early care and learning environments, for child care providers to have the training to support the physical and emotional development of young children, and for children to have access to culturally responsive providers. The City is therefore seeking proposals to provide programming and services to the early childhood care and education community and workforce, defined as early care professionals and regulated programs primarily serving children ages birth to 5 years old.

In 2023, CDD seeks to continue its commitment to increase access to high-quality early care and education programs, build staff capacity and retention for established centers, and create opportunities to provide technical assistance for parties interested in establishing new child care operations.

The City of Madison's Community Development Division's programming is reviewed through the lens of its impact on poverty, racial equity, and social justice. Organizations that can demonstrate capacity to provide programming and services that will have an impact in those areas are encouraged to apply. This may look different from program to program, depending on the methods, curriculum, programming, etc. used in the program. Proposals should demonstrate a commitment to equity and inclusion by active promotion of diversity (racial, socio-economic, ability, etc.) at all levels of the program and the implementation of strategic responses.

### 1.2. Background

In 2019, the City of Madison adopted the goal of Children and Youth Development as: A continuum of quality, affordable early childhood education and care, elementary school-age care, and programs that support positive youth development for middle and high school aged youth during out-of-school time that is available for low-income children and youth, especially those of color.

The COVID-19 public health crisis significantly impacted the childcare industry that was operating on razor thin margins prior to the pandemic. Child care providers had to make ongoing health and safety determinations between closing their doors or potentially putting staff, children and families at risk. Some providers chose to close for an extended period while others closed briefly or remained open, often operating below capacity. Unfortunately, some programs permanently closed their doors due to the losses in revenue and staffing.

As child care providers continue to return to operating without significant health and safety concerns, they find themselves facing a financial cliff as COVID-19 relief funding is coming to an end. Additionally, providers are unable to find the of qualified staff necessary to enroll students to their licensed capacity. The experienced early childhood workforce has decreased even further with positions being filled by those new to the field in front line teaching positions, as well as, those in leadership roles.

The Child Care Unit staff engaged the Madison community through discussions, on-site visits and an online survey to assess both the current landscape and most urgent needs. Community feedback indicated that funding should be prioritized to address of increasing family access to high-quality programs, building staff capacity to support challenging behaviors, staff retention, and developing dedicated technical assistance for those interested in establishing or expanding new child care operations. Providers overwhelmingly indicated that increasing access to high-quality care for children who face multiple barriers and dedicated technical assistance for new or expanding child care providers would be impactful and beneficial. In addition, most indicated that increasing skills and capacity for staff working in child care programs to serve children with multiple barriers is a high priority. Additionally, feedback indicated additional questions about what this support would look like and how it would be implemented.

### 1.3. Funding Requirements

Proposers may submit proposals that address:

- 1. Direct provision of care for children ages birth to 5 years old:** This includes providing full-time or part-time child care at a regulated center, community facility or other location. Organizations offering care for children older than five years old can apply for funding under this RFP as long as the primary focus of care is for children under six years old and 25% or more of enrollment is from families identified as low-income. Funding for school-age care (children six years old and older) was released in RFP # 12301-2023 - Building Human Capital: School-Age Child and Youth Development Programs with a deadline for submission by 4:30 P.M. (CDT), Tuesday, May 15, 2023.  
Preference is given to accredited group programs; programs offering flexible schedules; 2<sup>nd</sup> and 3<sup>rd</sup> shift care; programs in geographically underserved areas of Madison; and programs that serve infants and toddlers, or serve high proportion of children with high barriers to success. All applicable laws and rules regarding regulation of facilities and care for children must be followed. See administrative rules published by the Wisconsin Department of Children and Families for applicable regulations: <https://dcf.wisconsin.gov/ccregulation>.
- 2. Technical Assistance provided for individuals or organizations seeking to open a new program or expand the capacity at current programs:** This includes consultation in programs on specific topics and services related to regulations, building inspections and City of Madison ordinances, and support for providers of diverse populations. Contracted agencies will provide onsite technical assistance, develop policies, and facilitate meetings with outside agencies as deemed necessary by the contracted agency and CDD.
- 3. Support for program level and community wide Social Emotional Development and Mental Health Consultation:** This work will include support for Pyramid Model Community Wide implementation including proposals for Pyramid Model program coaching, facilitation of required trainings and administration of support services including provisions for classroom support staff. This work must include collaborations with Infant and Early Childhood Mental Health service providers across multiple communities and align with state investments in this field. Proposals may include additional support and consultation for the early childhood workforce in developing the necessary skills and regulation to work with children including additional methods for building workforce skills. Additionally, this work may also include the facilitation of reflective practice or affinity groups that will enhance the diversity of the early care workforce. Contracted agencies could work in large settings, open to the early childhood community and also be utilized

to provide more specialized training to a specific set of programs or individuals to be determined necessary with approval of CDD Child Care Unit staff.

**NOTE:** If an applicant is proposing to include multiple methods of services or programs, for example, on-site child care programming and separately provide consultation services for other programs, two applications should be submitted separately. If an agency is proposing to do the same service at multiple locations, for example, child care at two different locations, one proposal may be submitted. The proposal should clearly delineate details for each location. Please contact Monty Marsh at [mmarsh@cityofmadison.com](mailto:mmarsh@cityofmadison.com) with questions about submitting proposal that include multiple methods of service.

*Strong proposals will include the following components:*

- Specific methods for accomplishing one or more of the stated goals (see section 1.4)
- Clear explanation of the evidence, research or documentation of promising practice that supports the chosen method in the proposal
- Inclusion of methods that will serve children and families with high barriers to success and/or the professionals that care for them
- Clear demonstration of capacity of the proposer to meet one or more of the stated goals
- Clear documentation of the qualifications of the staff to provide the services proposed. If training or technical assistance for professionals in the early care and education field is proposed, the Registry Professional Development Approval System requirements for training and consultation are followed. Please see qualifications here:
  - Trainers: <https://wiregistry.org/trainers/>
  - Consultants: <https://wiregistry.org/technical-assistance-professionals/>
- Reasonable and specific estimates of the number of individuals or programs impacted by the proposal including demographic information about the population who will be served (ages, locations of the city, race, income levels, etc.)
- A method that is within the above-mentioned options for accomplishing the goals: direct provision of care, consultation or training
- A commitment to equity as demonstrated by the promotion of diversity (racial, socio-economic, ability, etc.) at all levels of the program and the implementation of strategic responses to create inclusive environments

## **1.4. Measurements of Success**

### **Goals**

CDD seeks to fund programs that utilize evidenced-based or promising practices and that employ a holistic or collaborative approach. The programs should contribute to one or more of the following goals:

1. Increase access to high quality child care for children who face multiple barriers to success (i.e. children living in poverty or facing housing insecurity, children with special needs, English language learners, etc.)
2. Create opportunities for dedicated technical assistance for developing new child care programs including increasing support for initial regulation, navigating building inspection and other areas, and funding for staff training and retention support
3. Eliminate the use of suspension and expulsion as a behavior management tool
4. Increase skills and capacity for individuals working in child care programs to serve children with multiple barriers to success

### **Community Indicators of Success**

The following are community-wide indicators of social change the City seeks to improve with this funding. Individual programs and services cannot typically show direct correlation to System Level Indicators. Rather, they can show progress at the program or service level using Population Level Indicators that have been shown to contribute to community or system-level outcomes. For example, a program could not show that its work alone contributed to a child graduating from high school. However, it could show that the child was meeting developmental milestones, which has been shown to contribute to success later in life.

#### *Systems level indicators*

- Increased collaboration and coordination between early childhood service providers
- Expansion of the capacity of all early childhood professionals to serve children with high barriers to success
- Reduction in the expulsion rate of children in child care
- Reduction in turnover of the early care and education workforce
- Development of new programs and support for expansion of currently regulated providers

#### *Population level indicators*

- Increased number of children served by high-quality child care programs including, but not limited to,
  - Infants and toddlers
  - Children and families participating in child care assistance programs
  - Is in a geographically underserved area of Madison
  - Weekend, flexible and evening care options
  - Providers who speak home languages of children and families
- Increase in family and group providers participating in City of Madison Accreditation
- Increased child care capacity throughout the City

## **1.5. Funds Available**

The total amount of funding available for early childhood care and education programming and services for this RFP is anticipated to be \$510,000. The City of Madison's 2024 budget will be deliberated upon and adopted in the fall of 2023. The response to this RFP will inform CDD's budget recommendations in 2023.



There is not a predetermined number of proposals that CDD will fund. Further, no allocation of funding within the three methods of services/programming has been predetermined. However, in line with current funding and recommendations from the City's Early Childhood Care and Education Committee, it is anticipated that a large majority of the funding will be used for direct provision of care for children ages birth to 5 years old.

#### *Collaborative Proposals*

Joint proposals that request funding for multiple agencies participating in a collaborative effort are encouraged under this RFP. Agencies should submit a single, joint proposal rather than several connected proposals. One fiscal agency must be identified and a Memorandum of Understanding/Agreement must be in place prior to contracts being signed. Joint proposals are appropriate when:

- Joint funding would increase program capacity or enable the existence of a program that would not otherwise be possible due to cost burden, staffing capacity, access to participants, or another similar reason
- Joint funding will decrease administrative burden for agencies involved and/or the City of Madison
- Joint funding strengthens the collaboration of agencies involved, the neighborhood, community, or connections between partners in the early childhood community

#### *Contract Agreements*

Recommendations for funding as a result of this RFP process will be three years in length with an option for two additional years of funding pending inclusion and approval in the City of Madison operating budgets, and demonstrated ability to meet contract goals. Reports for programming and services provided will be submitted to CDD quarterly.

These funds and resultant contracts will be subject to all city ordinances and rules governing purchase of service contracts, including but not limited to equal opportunity and benefits provisions and insurance requirements.

**Criteria for evaluation**

<b>Criteria</b>	<b>Point Value</b>
<b>Organizational Capacity</b>	
Organization’s mission, vision, values and history aligns with the programming and services they are proposing to provide as well as CDD’s goals of serving children with high barriers to success.	5
Proposer demonstrates thorough organizational experience providing early childhood services or programming successfully. The services or programming are high quality, consistent and can show some outcomes for the individuals served. The provided demographic information about current services or programming demonstrates a commitment to serving vulnerable populations.	10
Proposer has existing or will hire qualified and experienced staff that is reflective of the population served.	5
The organization demonstrates a commitment to the community they serve through engagement, feedback and a history of adapting to the needs of the people they serve using qualitative or quantitative data to inform their decisions. They also demonstrate a connection with the broader early childhood community in Madison.	10
The organization infuses within its programming and services a racial equity and social justice lens to ensure inclusion and participation by community members. The proposal offers at least one clear example of this in practice.	5
<b>Subtotal</b>	<b>35</b>
<b>Programs and Services</b>	
The proposal outlines a method of programming or services in early childhood that contributes to one or more of the goals stated in section 1.4. The proposed programming or services are clear, achievable and contribute to the availability of affordable, stable, quality early childhood education and care.	20
The proposal offers clear and convincing evidence, research or documentation of a promising practice that supports the programming or services they are proposing.	5
The population proposed to be served is both reasonable in number and is representative of the targeted population (i.e. children living in poverty or facing housing insecurity, children with special needs, English language learners, etc.).	5
The proposal clearly describes a method for implementing a commitment to equity and diversity in the programming or services provided.	5
The proposed timeline for service delivery is reasonable and consistent with the needs of the community served.	5
<b>If the proposal is a collaboration</b> , formal agreements for collaboration must be in place including how decisions will be made and how services will be delivered.	<b>NOT SCORED</b>

<b>Subtotal</b>	<b>40</b>
<b>Measurement of Success</b>	
The proposal addresses at least one System Level Indicator from section 1.4 and clearly connects the proposed programming and services to that Indicator.	5
The proposal addresses at least one Population Level Indicator from section 1.4 and clearly connects the proposed programming and services to that Indicator.	5
The proposal clearly lays out metrics to assess and evaluate progress or outcomes for the individuals served. The tools, screeners or assessments proposed are appropriate for the population served.	15
<b>Subtotal</b>	<b>25</b>
<b>TOTAL</b>	<b>100</b>

## SECTION 2: PROPOSAL SUBMISSION REQUIREMENTS

### 2.1 Response Format

1. Applicant agencies will utilize the provided application. The response to the RFP should be complete and comprehensive but succinct. The total number of pages should not exceed fifteen (15) with all attachments including budget. Attachments or documents not specifically required should not be submitted.
2. **Proposal must be submitted by e-mail**, in Microsoft Word or PDF format provided.

### 2.2 Required Information and Content of Proposals

Please include only the required submittals specified below.

- A. RFP Application form  
Available on the [Community Development Division Funding Opportunities Website](#)
- B. Designation of Proprietary and Confidential Information – Attachment A  
Complete the form included in this document, if applicable.

## SECTION 3: GENERAL RFP ADMINISTRATIVE INFORMATION

### 3.1. Point of Contact

The RFP contact identified below is the sole point of contact regarding the RFP from the date of release of the RFP until selection of the successful proposer.

Monty Marsh, Early Care and Education Manager  
City of Madison Community Development Division  
Phone: 608-267-4995  
Email: [mmarsh@cityofmadison.com](mailto:mmarsh@cityofmadison.com)

All communications relating to this RFP must be directed to the designated contact for this RFP. All bidders, proposers, protestors or individuals acting on their behalf are hereby prohibited from attempting to persuade or influence any City agents, employees or any member of the relevant selection team, for or against a specific cause related to a pending solicitation, unless otherwise directed by the RFP contact.

### **3.2. Inquiries and Clarification of Specifications**

Proposers shall carefully examine the bid and contract documents, correlate their observations with the RFP specifications, and exercise their own judgment as to the nature and scope of the work required. If applicable, visit the Department's website, [CDD Funding Opportunities](#). Consider federal, state and local laws and regulations that may affect cost, progress, performance or furnishing of the work.

Proposers shall immediately notify the RFP contact of any questions, exceptions, clarification of any ambiguity, error, conflict, discrepancy omission or other deficiency or additions they have concerning the RFP document. Failure to do so will be at bidder's own risk.

This RFP will serve as the basis for or will become part of the resulting agreement. No plea of ignorance of conditions or difficulties that exist or may hereafter arise in the execution of the work under this contract as a result of failure to make necessary examinations and investigations, shall be accepted as an excuse for any failure or omission on the part of the bidder to fulfill the requirements of the contract.

### **3.3. Contracting Agency**

The contract resulting from this RFP will be administered by Community Development Division, City of Madison.

### **3.4. Addenda / Official Communication**

During the solicitation process for this RFP, all official communication between the City and proposers will be made via the [Community Development Division Funding Opportunities Website](#). The City will post such notices, which will include, but not be limited to, addenda for any modifications to administrative or performance requirements, clarifications to requirements, and the announcement of the apparent winning proposer(s). It shall be the responsibility of the proposers to regularly monitor this website for any such postings. Failure to retrieve such addenda and include the appropriate provisions in response, may result in your proposal being disqualified.

### **3.5. Oral Presentations / Site Visits / Pre-Bid Meetings**

Proposers are asked to attend a virtual applicant's workshop on July 31, at 12 PM. Additionally, applicants may provide a 3-5 minute oral presentation of their proposal to members of the Early Childhood Care and Education Committee on September 14, 2023 at 2:30 PM via zoom.

Applicants may be asked to make their facilities available for a site inspection as part of this request for proposal process. Any presentations, meetings or site visits will be at the proposer's expense.

### **3.6. Acceptance/Rejection of Proposals**

1. The City reserves the right to accept or reject any or all proposals submitted, in whole or in part, and to waive any informalities or technicalities, which at the City's discretion is determined to be in the best interests of the City. Further, the City makes no representations that a contract will be awarded to any proposer responding to this request. The City expressly reserves the right to reject any and all proposals responding to this invitation without indicating any reasons for such rejection(s).
2. The City reserves the right to postpone due dates and openings for its own convenience and to withdraw this solicitation at any time without prior notice.

### **3.7. Incurring Costs**

This request for proposals does not commit the City to award a contract, pay any costs incurred in preparation of proposals, or to procure or contract for services or equipment.

### **3.8. Proposer Qualifications**

The City of Madison may make such investigations as it deems necessary to determine the ability of the proposer to perform the work, and the proposer shall furnish to the City all such information and data for this purpose, as the City may request. The City reserves the right to reject any proposal if the evidence submitted by, or investigated of, such proposer fails to satisfy the City that the proposer understands the full scope of work and is properly qualified to carry out the obligations of the contract and to complete the work contemplated herein.

### **3.9. Proposal Content**

The evaluation and selection of a Contractor and the contract will be based on the information submitted in the vendor's proposal plus any additional information required. Additional information may include references, on-site visits or oral presentations. Failure to respond to each of the requirements in the RFP may be the basis for rejecting a response.

Elaborate proposals (e.g. expensive artwork, news stories, letters of support) beyond information required to present a complete and effective proposal, are not necessary or desired. Information provided by the applicant in addition to the required proposal may not be considered in the evaluation of the proposal.

### **3.10. Withdrawal or Revision of Proposals**

1. A proposer may, without prejudice, withdraw a proposal submitted at any point in the process by requesting such withdrawal in writing (email is sufficient) to the RFP contact.
2. Proposals may not be modified or altered after the deadline.

### 3.11. Sample Contract Documents

A sample CDD Purchase of service Contract is available on the [CDD Other Funding Opportunities webpage](#).

### 3.12. Designation of Proprietary Information

Proposers are hereby notified that all information submitted in response to this RFP may be accessible to the public through the Community Development Division website and/or made available for public inspection according to public records laws of the State of Wisconsin or other applicable public record laws. Therefore, proposers are encouraged to refrain from submitting information that cannot be open for public inspection. However, if proposers must include information deemed confidential and proprietary by the proposer, proposer must comply with these instructions:

1. All restrictions on the use or inspection of data contained within a proposal shall be requested prior to submission of the proposal itself. Written requests for confidentiality shall be submitted to the RFP contact by the proposer prior to the proposal submission date.
2. Requests shall use the following process:
  - Email or phone the RFP contact to discuss your concern.
  - Any information to be considered confidential or proprietary must clearly be stated on the attached “Designation of Confidential and Proprietary Information” form. (RFP Form E).
  - Any information to be considered confidential or proprietary must be separated from the rest of the proposal. Co-mingling of confidential/proprietary and other information is not acceptable.
  - Applicants may be asked to submit a written request for information to be considered confidential or proprietary. Provide specific information related to the claim for confidential and proprietary information including: RFP section, page number, topic and specific concern that supports claim.
3. Allocation requests always become public information through the selection committee process. Information usually cannot be kept confidential unless it involves a trade secret as defined in S.134.90(1)(c), Wis. Stats. Any information that will be included in any resulting contract cannot be considered confidential. A proposal, in its entirety, will not be considered confidential and/or proprietary.
4. Proprietary information submitted in a proposal, or in response to the RFP, will be handled in accordance with the applicable Wisconsin State Statute(s). However, the City cannot ensure that the information will not be subject to release if a request is made under applicable public records laws. The City will not provide advance notice to a proposer prior to release of any requested record.
5. The Selected Contractor agrees to hold the City harmless for any damages arising out of the release of any material unless they are specifically identified. In the event the designation of confidentiality of this information is challenged, the Selected Contractor also agrees to

provide legal counsel or other necessary assistance to defend the designation of confidentiality and, further, agrees to hold the City harmless from any penalties, costs, damages and fees, including attorneys fees, awarded to the requestor and ordered to paid by the City, in any such legal action.

6. To the extent permitted by law, it is the intention of the City to withhold the contents of the proposal from public view until such times as competitive or bargaining reasons no longer require non-disclosure, in the opinion of the City. At that time, all proposals will be available for review in accordance with the Wisconsin Open Records Law.

### **3.13. Proposal Evaluation and Award**

#### **1. PRELIMINARY EVALUATION**

Submitted proposals will be reviewed for completeness and compliance with RFP guidelines. All incomplete RFP submissions may be determined nonresponsive and removed from further consideration. To be considered complete, RFPs shall include all required submittals and shall be signed and dated. In the event that no submissions meet all of the RFP requirements, the City of Madison reserves the right to continue the evaluation of the proposals that most closely meet the requirements.

#### **2. PROPOSAL EVALUATIONS, INTERVIEWS AND/OR SITE VISITS**

The City's designated RFP Selection Committee will make the final selection and recommendation following the evaluation of the proposals which may include presentations, site visits and interviews, if deemed necessary, with some or all of the proposers. However, the City may make preliminary selection(s) on the basis of the original proposals only, without negotiation, interviews and/or site visits with any proposers. If presentations, interviews and/or site visits are conducted, the Selection Committee may choose to assign additional points for these processes or re-evaluate, re-rate and/or re-rank the finalists' proposals based upon the written documents submitted and any clarifications offered in the interviews.

#### **3. BEST AND FINAL OFFER**

The designated Selection Committee may request best and final offers from one or more proposers determined to be reasonably susceptible to being selected for award for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Proposers shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. If best and final offers are requested, they will be evaluated against the stated criteria, scored and ranked. The City reserves the right to negotiate the terms of the contract, including the award amount, with the selected proposer(s) prior to entering into a contract. If contract negotiations cannot be concluded successfully with the selected proposer(s), the City may negotiate a contract with the next highest scoring proposer.

#### **4. CLARIFICATION OF PROPOSALS**



During the evaluation of proposals, the City reserves the right to contact any or all proposers to request additional information for purposes of clarification of RFP responses, reject proposals which contain errors, or at its sole discretion, waive disqualifying errors or gain clarification of error or information.

5. PRICE AND/OR COST ANALYSIS

The City reserves the right to conduct a price and/or cost analysis to determine if the price is fair and reasonable. If only one responsive proposal is received, a detailed price and/or cost analysis may be requested of the single proposer. Proposers shall cooperate as needed with the City's efforts to perform said analyses.

6. NEGOTIATION

The City reserves the right to negotiate final fees and scope of services with the selected Contractor.

7. PROCESS

At any phase, the City reserves the right to terminate, suspend or modify this selection process; reject any or all submittals; and waive any informalities, irregularities or omissions in submittals, all as deemed in the best interests of the City.

8. COMMUNICATION WITH SELECTION COMMITTEE

Proposers may not contact members of the Selection Committee at any time during the evaluation process, except at the City of Madison CDD request.

9. RIGHT TO REJECT PROPOSALS AND NEGOTIATE CONTRACT TERMS

The City reserves the right to reject any and all proposals and to negotiate the terms of the contract, including the award amount, with the selected proposer(s) prior to entering into a contract. If contract negotiations cannot be concluded successfully with the selected proposer(s), the City may negotiate a contract with the next preferred proposer.

## ATTACHMENT A

### DESIGNATION OF CONFIDENTIAL AND PROPRIETARY INFORMATION

Proposers are hereby notified that all information submitted in response to this RFP may be made available for public inspection according to public records laws of the State of Wisconsin or other applicable public record laws. Therefore, proposers are encouraged to refrain from submitting information that cannot be open for public inspection. However, if proposers must include information deemed confidential and proprietary by the proposer, proposer must comply with these instructions:

1. Requests for confidentiality must be submitted prior to the proposal submission date to the City of Madison Purchasing Office.
2. Requests for confidentiality must use this designated form. Failure to include this form in the bid/proposal response may mean that all information provided as part of the bid/proposal response will be open to examination and copying. The City considers other markings of confidential in the bid/proposal document to be insufficient.
3. Any information to be considered confidential or proprietary must be separated and packaged from the rest of the proposal. Co-mingling of confidential/proprietary and other information is not acceptable.

Prices always become public information when bids/proposals are opened or when negotiations have been completed and the contract has been awarded. Other information usually cannot be kept confidential unless it involves a trade secret as defined in S.134.90(1)(c), Wis. Stats. Any information that will be included in any resulting contract cannot be considered confidential. A proposal, in its entirety, will not be considered confidential and/or proprietary.

Other information cannot be kept confidential unless it is a trade secret. Trade secret is defined in s. 134.90(1)(c), Wis. Stats. as follows: "Trade secret" means information, including a formula, pattern, compilation, program, device, method, technique or process to which all of the following apply:

1. The information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.
2. The information is the subject of efforts to maintain its secrecy that are reasonable under the circumstances.

In the event the designation of confidentiality of this information is challenged, the undersigned hereby agrees to provide legal counsel or other necessary assistance to defend the designation of confidentiality and agrees to hold the City of Madison harmless for any costs or damages arising out of the City's agreeing to withhold the materials.

The attached material submitted in response to Bid/Proposal # \_\_\_\_\_ includes proprietary and confidential information which qualifies as a trade secret, as provided in s. 19.36(5), Wis. Stats., or is otherwise material that can be kept confidential under the Wisconsin Open Records Law. As such, we ask that certain pages, as indicated below, of this bid/proposal response be treated as confidential material and not be released:

Section	Page No.	Topic	Specific law that supports confidentiality of information

Company Name \_\_\_\_\_

Enter Name: \_\_\_\_\_

By entering your initials in the box,  You are electronically signing your name and agreeing to the terms above.

Date: \_\_\_\_\_

