

Ark-Tex Council of Governments (ATCOG)

Request for Proposals (RFP)

for

Radio Infrastructure Equipment and Installation

Issued on January 24, 2021

Submission of 1 (one) electronic proposal due by 12:00pm (CST) on Friday, March 5, 2021, to Mary Beth Rudel at mrudel@atcog.org, subject line: Radio Equipment RFP

**Ark-Tex Council of Governments
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Texarkana, Texas 75503
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RFP Events Timetable

<u>ACTION</u>	<u>DATE</u>
Public media notification of RFP	January 24, 2021
RFP packets made available for distribution	January 24, 2021
Proposal deadline:	March 5, 2021
Proposals must be received & date-stamped by <u>12:00pm</u> via email sent to Mary Beth Rudel: mrudel@atcog.org	
Proposal review and evaluation process begins	March 8-12, 2021
Selection and negotiation with winning proposer, subject to Board approval	March 15-25, 2021
Final Selection, Agreement/Contract for Deliverables and Services Initiated	March 26, 2021

General Information

A. Request

Ark-Tex Council of Governments (ATCOG) is requesting proposals, priced on a fixed price basis, from qualified sources, to provide and install/demolish radio equipment and infrastructure at multiple sites in Lamar, Franklin, and Red River Counties.

B. Purpose

The purpose in soliciting a Request for Proposals (RFP) is to improve emergency communications in the counties listed above.

C. Pre-Proposal Site Visits

Site visits can be arranged upon request by contacting Whitney Fezell, Homeland Security Program Coordinator, via email: wfezell@atcog.org.

D. Deadline for Submission

The deadline for submission of proposals is 12:00pm (CST), Friday, March 5, 2021.

E. Submission Requirements

Submit 1 (one) electronic copy to:

Mary Beth Rudel

mrudel@atcog.org

Subject line: Radio Equipment RFP

F. Contact Person

All questions concerning this RFP packet should be directed to Mary Beth Rudel via email at mrudel@atcog.org. Questions and answers will be posted for all interested parties to view at <https://atcog.org/doing-business-with-atcog/>.

G. Contract Type

The winning proposal will be offered a standard agreement/contract from Ark-Tex Council of Governments. Multiple contracts may be awarded.

H. Timeline

The successful proposer agrees to begin providing services within ten (10) consecutive business days (M-F) upon notice of approval from the Texas Statewide Interoperability Coordinator, which will be requested immediately after the notice for contract award has been provided. Should the work not begin within the specified time, then vendor negotiations may be terminated.

Equipment must be properly installed and tested by July 1, 2021 for projects in Franklin and Lamar Counties. Projects in Red River County must be completed by July 1, 2022.

I. Limitations and Reservations

ATCOG reserves the right to accept or reject any and all proposals received as a result of this request, to negotiate with all qualified sources, or to cancel in part or in its entirety this RFP, if found to be in the best interest of ATCOG. This RFP does not commit ATCOG to award a contract, to pay any costs incurred for the preparation of proposals or to procure or contract for any services.

ATCOG specifically reserves the right to vary the provisions set forth herein any time prior to the execution of a contract where such variance is deemed to be in the best interest of the needs of ATCOG. While every effort has been made to ensure the accuracy and completeness of the information in this RFP, ATCOG recognizes that the information is not exhaustive in every detail and that all work and materials may not be expressly mentioned in the requirements of the RFP. Therefore, it is the responsibility of the proposer to include in their proposal all software and hardware requirements which are necessary for the full performance of the equipment. If selected for negotiations, proposer may be required to prepare and submit additional information prior to final vendor(s) selection, in order to reach terms for the provision of services, which are agreeable to both parties.

J. Modification and Renewals

ATCOG reserves the right to negotiate a modification in connection with any executed agreement/contract funded through this RFP without repeating the RFP process for a period of up to five (5) years from the original proposal initiation. Vendor modifications and renewals shall be considered based upon the vendor's ability to meet ATCOG needs.

K. Signatures

A proposal shall be signed by the business's official authorized to bind that business and shall contain a statement to the effect that the proposal is a firm bid

for a thirty (30) day period from the date that the proposal is received by ATCOG. The proposal shall also provide the name, title, address and telephone number of the individual(s) with authority to negotiate during the period of proposal evaluation.

L. Evaluation Criteria

The selection of a proposal is to be made after a careful evaluation of the proposals received. Each proposal will be evaluated for acceptability with emphasis on the various factors enumerated in the evaluation table. Each factor is assigned a numerical score. The scores will be used to determine vendor(s) with whom negotiations may be conducted. Evaluations will be based upon the criteria table on page 11 for which up to 100 points may be awarded. Total evaluation values of less than 70 points will invalidate a proposal.

M. Protest Rights

All protest or complaints regarding this RFP process shall be referred to the ATCOG Grievance Procedures for resolution. Procedures are outlined beginning on page 8 of this RFP.

N. Conflict of Interest

To avoid any real or apparent conflict of interest in the procurement of this RFP, no ATCOG employee or their family member may vote on or financially benefit from any award connected with this request.

O. Open Records

All proposals and their accompanying attachments become the property of ATCOG upon submission and are subject to the Texas Open Records Act.

1. If the respondent considers any portion of its proposal to be privileged or confidential by statute or judicial decision, including trade secrets and commercial or financial information, clearly identify those portions.
2. Proposals will be opened in a manner that avoids disclosure of the contents to competing proposers and keeps the proposals secret during negotiations. All proposals are open for public inspection after the contract is awarded, but trade secrets and confidential information in the proposals are not open for public inspection.
3. ATCOG will honor the respondent's notation of trade secrets and

confidential information and decline to release such information initially. The final determination of whether a particular portion of the proposal is in fact a trade secret or commercial or financial information that may be withheld from public inspection will be made by the Texas Attorney General.

4. In the event a public information request is received for a portion of the proposal that has been noted as being confidential information, the respondent will be notified of the request and the respondent will be required to justify its legal position in writing to the Texas Attorney General pursuant to Section 552.305 of the Government Code. In the event that it is determined by opinion or order of the Texas Attorney General that such information is in fact not privileged and confidential, then such information will be made available to the requester.
5. Marking the entire proposal CONFIDENTIAL/PROPRIETARY is not in conformance with the Texas Open Records Act.

P. Subcontracting

The services of any vendor(s) awarded from this RFP must be delivered by the vendor named on the proposal. Subcontracting will not be allowed, unless prior authorization from ATCOG is given.

Q. Submission Requirements

To be considered responsive and receive an evaluation, a proposal must include all items listed on the RFP Submission Checklist on page 12.

Procurement Grievance Procedures

A. Definitions

1. A grievance is defined as a dispute regarding an alleged improper interpretation, application, or a violation of an individual's terms and conditions regarding the Request For Proposal/Bid/Information or Invitation For Bid/Proposal (RFP, RBP, RFI, OR IFB, IFP) process.
2. A "party of interest" is the person or persons making the appeal and any person whom might be required to take action, or against whom action might be taken to resolve the claim.
3. Workdays are those days when administrative offices are scheduled to be open.

B. Purpose

The purpose of this procedure is to secure, at the lowest possible level, equitable solutions to the problems, which may from time to time arise affecting individuals. Both parties agree that these proceedings will be kept confidential as may be appropriate at any level of the procedure.

It is the policy of this agency to respond promptly to any complaints or grievances, which may arise.

C. Procedure – General

1. Failure by the Administration at any step of this procedure to communicate the decision on a grievance within the specified time limits shall permit the aggrieved to proceed to the next step.
2. The time limits specified may be extended by mutual agreement and shall be exclusive of discretionary leave and scheduled vacation.
3. Failure by the aggrieved at any step of the procedure to appeal a grievance to the next step within the specified time limits shall be acceptance of the decision rendered at that step.

D. Action and Appeal

Level 1

The grievance must be discussed with the Program Coordinator within ten (10) calendar workdays after the individual(s) first knew or should have known of the event or series of events causing the complaint. If the matter is not resolved by the Program Coordinator within ten (10) calendar workdays, then the aggrieved shall present the grievance in writing proceeding to Level 2.

Level 2

If the outcome of the conference at Level 1 is not to the individual's satisfaction, the individual(s) must submit a grievance in writing with a request to meet with the Deputy Director/Procurement Officer within ten (10) calendar workdays. The grievance shall specify:

- The matter at issue or in dispute.
- The reason for grieving.
- The remedy sought.

The document shall contain all points to be included in the grievance. Facts not contained in the document may be introduced at appeal levels and in the procedure only with consent of all interested parties.

The meeting shall be held within ten (10) calendar workdays or at a mutually agreed time, after the Deputy Director/Procurement Officer receives the request to discuss the complaint.

The Deputy Director/Procurement Officer will then investigate the matter fully and render a decision within ten (10) calendar workdays.

Level 3

If the grievance is not resolved to the individual's satisfaction at Level 2, then the individual may appeal to the Executive Director in writing within ten (10) calendar workdays. The Executive Director will render a decision within ten (10) calendar workdays and will be final.

In cases where a Conflict of Interest may be viewed, an individual shall appeal to the Board of Directors within ten (10) calendar workdays after receipt of the final decision made by the Executive Director.

The appeal shall be submitted in writing within ten (10) calendar workdays through the Secretary to the Board who shall obtain all related papers from each Level and forward the appeal to the Board President.

The Board President will designate a committee of three (3) of its own members to determine only whether the decision was reasonable on the basis of record and not capricious or irresponsible. The Board committee will give its report to the Board of Directors for the final decision. The Board's final decision shall be rendered, in writing, to the parties involved.

Evaluation Table and Proposal Rating Summary

For Office Use Only

Name of Proposal/Proposer: _____

Evaluation Criteria	Possible Points	Points Given
Proposer's ability to provide specification criteria in narrative format and explanation.	35	
Reasonableness of proposed price/cost	50	
Proposer's ability to provide references of other organizations provided this type of service	15	
Total Points	100	

Proposal Recommendations: _____

Justification: _____

Evaluator's Signature

Date

RFP Submission Checklist

- Required Elements in Response Format (page 13-14)
- Certification of Compliance with Required Elements (page 15)
- Assurances (page 16)
- Prohibited Telecommunications and Video Surveillance Services and Equipment Certification (page 17)
- Submission of 1 (one) electronic proposal by 12:00pm (CST) on Friday, March 5, 2021, to Mary Beth Rudel at mrudel@atcog.org, subject line: Radio Equipment RFP

Required Elements in Response Format

All interested parties shall submit the following information to be considered responsive, as well as demonstrate its capabilities to provide, perform and complete the following tasks:

1. Provide a cover letter that contains, at a minimum, the following information: statement of interest; certification that the information and data submitted is true and complete to the best knowledge of the individual signing the letter; respondent's name, address, telephone number, fax number and email address of the individual to contact regarding the submittal; and an authorized partner shall sign the letter.
2. Provide price quotes for equipment, software, installation/demolition as well as maintenance and support.

Proposer should provide three (3) and five (5) year price quote options for upfront payment of all reoccurring fees, licenses, and warranties. It is highly recommended that proposers include pricing for multiple package options so that ATCOG has the flexibility to build its own product package.

Separate quotes should be provided for the following:

1. *1 (one) Zetron Integrator Rd M2417 PC Based Console installed at 125 Brown Avenue, Paris, Texas, 75460 (Lamar County, TX)*
2. *3 (three) Kenwood ATLAS 4100 p25 100 Watt VHF Repeaters or compatible equivalent installed on tower. GPS coordinates for tower: 33°36'59.1"N 95°32'49.4"W (Lamar County, TX)*
3. *1 (one) two-site simulcast p-25 radio system Harris 100Watt p-25 repeater or compatible equivalent installed at 208 Texas Highway 37, Mt. Vernon, Texas 75457. GPS coordinates for tower: 33°04'36.7"N 95°14'27.6"W (Franklin County, TX)*
4. *1 (one) 340 ft guided radio tower with strobe technology or compatible equivalent. GPS coordinates for tower: 33°62'04.4"N 95°09'21.3"W (Red River County, TX)*

Any communications equipment or technologies purchased must comply with the interoperability standards established within the Texas Statewide Communications Interoperability Plan (TSCIP). All radios purchased must: a) follow the Statewide Radio ID Management Plan; b) be programmed following the Statewide Interoperability Channel Plan, and c) include encryption options capable of Advanced Encryption Standard (AES) encryption, IF encryption is being purchased. A review by the Statewide Interoperability Coordinator (SWIC) is required for planned equipment purchases when using grant funds to buy mobile radios, portable radios, or repeaters. The plan will be submitted by ATCOG to the SWIC after project award and before work can begin.

3. Provide warranty, maintenance coverage, and tech support. Describe warranty and maintenance plan, as well as technical support for proposed equipment and services.
4. Provide qualifications, certifications and references of key staff to be assigned to this project including technical staff.

The proposer will document successful past performance and relevant qualifications and experience. A list of the proposers last five (5) installations should be included. The installations should make reference to previous experience with repeater installations, dispatch console installations, and demolition/construction of radio towers.

5. Indicate the number of years' experience operating such services in a stable, sound manner, as well as, references that include names, addresses and phone numbers of references familiar with the proposer's ability, experience, and reliability in the performance and management of projects of a similar nature.
6. Describe your organization's method and capacity to assure quality in the services requested through this RFP.

Certification of Compliance with Required Elements

This is to certify that to the best of the undersigned's knowledge and belief, the information in this proposal is responsive and is true and correct. The undersigned understands that a non-responsive proposal, as defined by ATCOG, may not be reviewed and considered for agreement/contract selection. Further, the submission of the proposal has been authorized by the governing body of the proposer.

(Signature)

(Date)

(Print Name and Title)

(Print name and title of person authorized to negotiate a contract if different from person listed above.)

(Organization)

(Address)

(City)

(State)

(Zip)

(Telephone Number)

Assurances

We understand and agree that this proposal is not a contract and does not obligate the Ark-Tex Council of Governments to pay for costs incurred in the preparation of this proposal or costs incurred prior to the execution of a written contract or prior to the receipt of funds designated for this program from the funding agency.

We understand and agree that the contract provisions may vary from the provisions set forth in this request, when deemed necessary by the Ark-Tex Council of Governments. However, we agree to abide by the contract provisions contained in the proposed contract.

We understand and agree that we may be subject to an on-site review and must be able and willing to provide documentation of information in the proposal at the request of the Ark-Tex Council of Governments prior to execution of a contract.

We understand and agree that the Ark-Tex Council of Governments is not required to select the lowest cost proposal.

We understand and agree that any material misrepresentation or deliberate omission of a fact in this proposal may be justification for rejection of the proposal.

We understand and agree to abide by all federal, state and local laws, policies and regulations governing these and those additional rules which may be promulgated, or as amended, subsequent to the execution of a contract.

- Clean Air Act (42 U.S.C. § 7401-7671q)
- Federal Water Pollution Control Act as amended (33 U.S.C. § 1251-1387)
- Executive Orders 12549 and 12689 that requires “a contract award (see 2 CFR 180.220) must not be made to parties listed on the government-wide exclusions in the System for Award Management (SAM)”, in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.”

We understand and agree that we may be subject to a monitoring review or audit by the Texas Office of the Governor Public Safety Office, U.S. Department of Homeland Security and/or Ark-Tex Council of Governments.

We understand and agree to submit this proposal in a good faith effort to provide services to the benefit of economically disadvantaged individuals eligible for services under this proposal.

Signature: _____ Date: _____

Printed Name: _____ Title: _____

Prohibited Telecommunications and Video Surveillance Services and Equipment Certification

Agency Name: _____

Name of Authorized Person: _____

Title of Authorized Person: _____

In my capacity as an authorized person for my agency, I hereby certify to the following:

In order to comply with section 889(b)(1) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (FY 2019 NDAA), Pub. L. No. 115-232 (2018), my agency will not provide equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system.

Per section 889(f)(2)-(3) of the FY 2019 NDAA, covered equipment or services means:

- i. Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities);
- ii. For the purpose of public safety, security of Government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities);
- iii. Telecommunications or video surveillance services provided by such entities or using such equipment; or
- iv. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the People's Republic of China.

Signature: _____

Date: _____