

**City of Madison**  
**Community Development Division**  
215 Martin Luther King Jr. Blvd.,  
Third Floor  
Madison, WI 53703-3346



**REQUEST FOR PROPOSALS**

**RFP #8838-2019**

**Building Human Capital:  
School-Age Child and Youth Programs**

**Release Date:** June 24, 2019  
**Due Date:** August 5, 2019  
12:00 p.m., NOON

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## RFP SUMMARY

<b>RFP NUMBER</b>	<b>RFP # 8838-2019</b>														
<b>RFP TITLE</b>	<b>Building Human Capital: Child and Youth Programs</b>														
<b>DEADLINE FOR BID SUBMISSIONS</b>	<b>12:00 P.M. (NOON) CDT, Monday, August 5, 2019</b> <b>Proposals received after the deadline will not be considered.</b>														
<b>SCOPE</b>	<p>The City of Madison is seeking proposals from qualified entities to provide:</p> <ul style="list-style-type: none"> <li>• Affordable, stable, quality neighborhood-based elementary school-age care for low-income children, children of color, and homeless children; and</li> <li>• Middle and high school-age low-income youth and youth of color access to programs that complement in-school learning and development during out-of-school time</li> </ul>														
<b>FUNDS AVAILABLE:</b>	The City of Madison Community Development Division anticipates having at least \$150,000 for allocation pending finalization of the 2020 City of Madison Budget.														
<b>Application Form and Guidelines</b>	<b>Available at:</b> <a href="#">Community Development Division Child &amp; Youth Funding 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 at least two documents, the Program Narrative (Word or PDF) and the Organization Overview and budget (Excel or PDF). Please put <b>CDD School-Age Child &amp; Youth</b> in email subject line.														
<b>DIRECT ALL INQUIRES TO:</b>	<p>Mary O'Donnell, Community Development Specialist</p> <p><a href="mailto:modonnell@cityofmadison.com">modonnell@cityofmadison.com</a></p> <p><b>City of Madison Community Development Division</b></p> <p><b>Phone: 608-266-6520</b></p>														
	<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>July 9 and July 11, 2019</td><td>Application Workshops – Select one Register <a href="#">HERE</a></td></tr> <tr> <td>AUGUST 5, 2019 12:00 p.m. (CST)</td><td>DEADLINE FOR SUBMISSION OF PROPOSALS</td></tr> <tr> <td>Week of August 19, 2019</td><td>Applicant Presentations</td></tr> <tr> <td>November 14, 2019</td><td>Common Council Approval</td></tr> <tr> <td>November 19, 2019</td><td>Notification of Award</td></tr> <tr> <td>January 1, 2020</td><td>Anticipated contract start date</td></tr> </tbody> </table>	Date	RFP Activity	July 9 and July 11, 2019	Application Workshops – Select one Register <a href="#">HERE</a>	AUGUST 5, 2019 12:00 p.m. (CST)	DEADLINE FOR SUBMISSION OF PROPOSALS	Week of August 19, 2019	Applicant Presentations	November 14, 2019	Common Council Approval	November 19, 2019	Notification of Award	January 1, 2020	Anticipated contract start date
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## SECTION 1: SCOPE OF WORK

### 1.1 Purpose

The Community Development Division (CDD) of the City of Madison seeks to create the necessary conditions for Madison residents to realize their full potential through the building of human capital and economic development. The City is therefore seeking proposals from organizations to support a continuum of quality, affordable programs that support positive child and youth development for elementary, middle and high school age residents during out-of-school time.

The City of Madison's Community Development Division's work is reviewed through the lens of its impact on poverty, racial equity, and social justice. CDD supports an evidenced-based, holistic approach that includes coordinated service delivery to ensure that residents are able to access relevant services. Activities target low-income individuals, residents of color and vulnerable populations, and are designed to be culturally and linguistically responsive to residents.

The 2019 funding process introduces new objectives and strategic priorities for the Community Development Division (CDD) that are priorities under a shared goal area: *Building Human Capital*. To achieve this goal the City of Madison seeks to:

- Provide for the availability of affordable, stable, quality neighborhood-based elementary school-age care for low-income children (5 to 12 years), children of color, and homeless children.
- Provide low-income youth and youth of color in middle school and high school access to programs that complement in-school learning and development during out-of-school time.

### 1.2 Background

In 2016, Forward Community Investments (FCI) provided a framework for the City of Madison Community Development Division to use when allocated funding within the Division. It is available here: [FCI CDD Funding Process Study](#). One of the recommended Community Goals within the study was Shared Prosperity through Building Human Capital and Economic Development:

*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 during out-of-school time is available for low-income children and youth, especially those of color.*

The CDD proposed objective of that goal was to *"Provide for the availability of affordable, stable, quality early childhood education and care, and neighborhood-based elementary school-age care for low-income children (birth to 12), children of color, and homeless children."*

The School-Age Child and Youth Programs RFP was created to reflect the recommendations within the [FCI CDD Funding Process Study](#).

### 1.3 Program Structure and Elements

With this RFP, the City of Madison is taking a step towards implementation of the policy paper titled [Building Human Capital: School-Age Child and Youth Development](#) (accepted by the Common Council on June 11, 2019). This paper includes the scope of services required for all school-age child and youth programs receiving City funding. Elements of these requirements described in detail in this policy paper include, the continuum of service, program structure and schedule, [Madison Out-of-School Time Effective Practices](#), expected costs per participant and measures of success. School-age child and youth programs that meet these requirements will help our community provide the care and resources needed to support social emotional learning, physical and mental health, cognitive development and strong relationships with family and the community necessary for positive child and youth development.

#### 1. City of Madison School-Age Child and Youth Development Program Continuum:

The City of Madison has identified the following types of out-of-school time (OST) programs as the areas of focus for City support.

- Multi-activity afterschool and summer programs serving elementary, middle and high school age children and youth.
- Topical or skill focused small group programs such as leadership, culturally focused, gender specific, STEM or LGBTQ programs serving elementary, middle and high school age children and youth.
- Late-evening programs on weekends during the school year and/or on various nights in the summer serving large groups of high school and middle school age youth.

#### 2. Required Program Structure

Age Group	Program Type	MINIMUM REQUIREMENTS				
		Program Frequency	Program Hours	Annual Duration	Adult to Youth Ratios	Average Attendance
Elementary or Middle School	Afterschool Multi-focus	4 days per week	1.5 hrs per program day	38 weeks	1 to 15	10
	Summer Multi-focus	4 days per week	1.5 hrs per program day	8 weeks	1 to 15	10
Elementary, Middle or High School	Topical, Skill or Population focus	2 times per month	2 hrs per program day	38 weeks	1 to 10	10
Middle and/or High School	Summer Evening	2 days per week	2 hrs per program day	8 weeks	1 to 20	20
	Weekend Evenings	1 time per month	2 hrs per program day	10 weeks	1 to 20	20
High School	Afterschool Multi-focus	2 days per week	1.5 hrs per program day	38 weeks	1 to 20	10

Contracts with funded programs will include standardized expectations related to quality and program structure while allowing for increased flexibility for fund allocation within programming for elementary, middle and high school age groups.

### 3. [Madison Out-of-School Time Effective Practices \(MOST\)](#)

The OST community in Madison came together to define what attributes help OST programs have the greatest positive impact for participants. Based on community feedback and research-based input from national organizations and other cities, the MOST Effective Out-of-School Time Practices identify seven building blocks for quality programs. Following the lead of the MOST, the CDD has embraced these building blocks as the quality program elements for City funded school-age child and youth programs.

Although there is richness in a diversity of approaches to child and youth development services, there are common elements that all young people deserve in all out-of-school time opportunities. How each practice is implemented is dependent on the program type and age of the participant. The seven basic elements that build high-quality programs identified in the [MOST Effective Practices](#) include:

**Intentional Program Design** - Programs are more likely to achieve desired youth outcomes if they use a deliberate process to design, implement and evaluate activities.

**Supportive Relationships with Youth** - Program staff take action to foster strong, supportive, and sustained relationships with youth. These relationships create an emotionally safe place where youth have a sense of security, belonging, and ownership.

**Youth Voice & Leadership** - Programs authentically partner with youth to build their leadership skills and support youth in leadership roles. Young people are involved in meaningful opportunities to plan, implement, and evaluate program activities.

**Racial & Cultural Inclusion** - Organizations create a safe and inclusive environment which recognizes that race and culture are core to youth and staff identity.

**Family & Community Engagement** - Programs support and strengthen relationships with and amongst the families and community stakeholders that have an impact on the lives of school-age children and youth.

**Organizational Management & Staff Support** - Quality programs are part of a sustainable, well-run organization that develops highly competent staff through professional development and training.

**Environment & Safety** - Out-of-school time programs provide developmentally appropriate environments that enhance the safety, health, and nutrition of all youth. Quality programs attend to the physical and emotional health of their participants, families, and staff.

### 4. [Coordination and Resource Linkage](#)

The City of Madison supports efforts to build a comprehensive child and youth out-of-school time system amongst service providers. OST programs must develop and maintain strong collaborative relationships with schools, post-secondary educational institutions, private

business, MOST, municipal court, juvenile justice, and human services systems. In addition, successful OST programs help connect children, youth, and their families to appropriate resources and coordinate needed services with community based organizations and other child and youth program providers.

5. [Data Tool Kit](#)

The City of Madison's Community Development Division uses data to guide our decisions and better target City resources. The City created the [Data Tool Kit](#) to help RFP respondents use data to make stronger cases for need, target population, geographic area served or the type of activities proposed in their grant applications.

Madison's community organizations are a vital part of our city, and data can help make community organization and their partners stronger through data-informed decisions, strategies, and services. Respondents should use data in the [Data Tool Kit](#) and from other public sources to do original analysis to demonstrate the need for the proposed program and what impact it could have on the child and youth population in Madison.

## 1.4 MEASUREMENTS OF SUCCESS

The [FCI CDD Funding Process Study](#) recommended the following indicators and outcome objectives for the school-age child and youth program area.

1. [Community Indicators of Success](#)

The community-wide indicators of social change the City seeks to improve with this funding include:

- Increase in proportion of low-income children and youth, and children and youth of color who exhibit developmentally-appropriate social, emotional and academic skills.
- Improved third grade math and reading scores, by race and ethnicity
- Improved eighth grade math and reading scores, by race and ethnicity.
- Increase in high school graduation rate, by race and ethnicity.

2. [Program Outcomes](#)

The City of Madison has a goal of having standardized outcomes for similar program models, using standardized measures. Funded programs will establish clear and measurable outcomes appropriate to the program models. Outcomes listed are not exhaustive, and are meant to demonstrate the effectiveness of the program towards building human capital. Proposed program outcomes should include changes in at least one of the following measurable skills, behaviors, knowledge or perception:

- Social-emotional competency and enhanced life skills
- Sense of belonging to community and/or school
- Academic achievement
- Involvement in risky behaviors

## **1.5 Funds Available**

It is expected that at least \$150,000 will be available for allocation to School-Age Child and Youth multi-focus, topical/skill/population-focused and evening programs in 2020. Final allocations will be determined in the City of Madison budget process to be completed in November 2019. Prior city funding of programs should not be considered a guarantee of future funding.

This Building Human Capital: School-Age Child and Youth Programs funding process does NOT address or include City funds for the following child and youth program areas: early childhood, restorative justice, youth employment, mentoring, or youth crisis services. These program areas are part of separate request for proposal processes.

Funding allocations will be made with the consideration of each proposal's role in the establishment of the service continuum described in the "Building Human Capital: School-Age Child and Youth Programs RFP Guidelines" and the strength of the individual proposal itself. Distribution of funds will be determined by the quality of proposals and distribution of programs across the desired service continuums, demographic groups and geographically across the city.

*Contract Agreements* - Contracts awarded through this RFP process may be extended for 3-5 additional years pending inclusion and approval in the City of Madison operating budgets each subsequent year, and demonstrated ability to meet contract goals.

*Payment Schedule* - Will be negotiated at point of contract.



## 1.6 Criteria for Proposal Review

<b>Proposal Review Criteria</b>		<b>Point Value</b>
<b>I. Organizational Capacity</b>		
A. History, mission, vision, values and long term goals align with CDD's goals; and the Organization is experienced and qualified to provide high quality school-age child and youth programming to the proposed population; and the organizational budget indicates a variety of funding sources, including appropriate fundraising goals.		10
B. Organization focuses on racial equity and social justice; collaborates with the broader school-age child and youth community; and demonstrates a commitment to engagement and adapting to the needs of the people served using qualitative or quantitative data.		10
C. Existing staff, board, volunteers reflect the population served or there is a plan to address representation.		5
<b>Subtotal</b>		<b>25</b>
<b>II. Proposed Program(s)</b>		
A. Recruitment focuses on the population identified in the RFP and addresses barriers to participation; and the intake and assessment process provides information that leads to appropriate programs and services.		5
B. Program activities are developmentally appropriate, culturally relevant, and fit the program design; proposed structure, schedule and staffing meet the RFP's requirements; and the design utilizes evidence-based promising practices.		20
C. Community and family engagement are evident in the planning, implementation and evaluation of the proposed program.		10
D. MOST Effective Practices are reflected in the program design; and there is a clear process for continued assessment of alignment with the seven elements.		10
E. Collaboration and coordination with other school-age child and youth stakeholders is evident; and the program provides resource linkage that benefits participants and their families.		10
F. Clear connection between the proposed programming and at least one community indicator and one program outcome from section 1.4.		5
<b>Subtotal</b>		<b>60</b>
<b>Budget – Excel Workbook</b>		
Budget is reasonable and appropriate to scope of program, and staff wages are adequate.		15
<b>Subtotal</b>		<b>15</b>
<b>TOTAL</b>		<b>100</b>

## SECTION 2: PROPOSAL SUBMISSION REQUIREMENTS

### 2.1 Response Format

1. Applicant agencies will utilize the provided application documents. The response to the RFP should be complete and comprehensive but succinct. Attachments or documents not specifically required should not be submitted.
2. **Proposal materials must be submitted by e-mail.**

### 2.2 Required Information And Content of Proposals

Please include only the required submittals specified below.

A. RFP Application forms

Available on the

[Community Development Division Children & Youth 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.

Mary O'Donnell, Community Development Specialist  
City of Madison Community Development Division  
Phone: 608-266-6520  
Email: [modonnell@cityofmadison.com](mailto:modonnell@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 Children & Youth 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**

Community Development Division, City of Madison, will administer the contract resulting from this RFP.

### **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 Children & Youth 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 their appropriate provisions in your response, may result in your proposal being disqualified.

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

Proposers may be asked to attend pre-bid meetings, make oral presentations, or make their facilities available for a site inspection as part of this request for proposal process. Such 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 Children & Funding Opportunities](#) website.

### **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 attorney’s 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. Sample Contract for Purchase of Services (Attachment B)**

Proposers are responsible for reviewing this attachment prior to submission of their bid. The Sample Contract for Purchase of Services shall serve as the basis of the contract resulting from this RFP. The terms of this template contract shall become contractual obligations following award of the RFP. By submitting a proposal, proposers affirm their willingness to enter into a contract containing these terms.

### **3.14. City of Madison Additional Standard Terms and Conditions (Attachment C)**

Proposers are responsible for reviewing this attachment prior to submission of their proposal. City of Madison Additional Standard Terms and Conditions are the minimum requirements for the submission of Proposals.

### **3.15. 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 anytime 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: \_\_\_\_\_