



## 2025 REQUEST FOR PROPOSALS – 20250226

### HERMAN MALONE FUND - BUILD DENVER (BUSINESS INVESTMENTS, LOANS AND DEVELOPMENT) PROGRAM

#### PROPOSAL GUIDELINES

#### SECTION A. GENERAL RFP INFORMATION

##### A1. BACKGROUND

In 2022, Denver dedicated 1% of its retail marijuana sales tax rate revenue for The Herman Malone Fund. The Herman Malone Fund is designed to provide access to capital for Denver business owners who have traditionally lacked access to affordable funding or investment products or are located in Denver’s under-resourced communities. Many small business owners may lack the credit score, collateral or track record to qualify for traditional financing tools. Denver Economic Development & Opportunity (DEDO) believes supporting more small businesses through access to affordable financing is vital for growing our overall economy. This program will advance the valid and valuable public purpose of incenting and assisting small Denver businesses to start, grow and expand their enterprises by creating and maintaining job opportunities for City residents, and generating and increasing tax revenue for the City and County of Denver.

##### A2. INTRODUCTION

Denver Economic Development & Opportunity (DEDO), through the Herman Malone Fund, is increasing its investment in entrepreneurs and small businesses with the **Business Investments, Loans and Development Program (BuILD Denver)** that will focus on providing low interest loans, investment products and business coaching to small businesses and entrepreneurs seeking to start, restart, restructure, improve upon, or grow in their endeavors. The BuILD Denver program aims to diversify Denver’s economy, sustain local businesses, and provide more quality job opportunities throughout our city. Priority is placed on business owners who have traditionally lacked access to affordable financing or investment products or are located in Denver’s most-under-resourced communities. This Fund is appropriated and non-lapsing.

The BuILD Denver Program is funded by The Herman Malone Fund. The Herman Malone Fund, per ordinance, is derived from 1% of retail cannabis sales tax collected in The City and County of Denver (The City). This annual sales tax revenue is subject to City Council approval each year. With this in mind, The City is seeking proposals focused on serving as lender and administering funds in a manner that will lead to providing greater access to capital to Denver’s small business community. Proposals will need to cultivate a pipeline of investment opportunities with entrepreneurs and small businesses. Proposals should also provide coaching, training and support to ensure maximum effectiveness of investments and

the sustainability of the program. Proposals can leverage City and County of Denver dollars to activate other sources of capital, buy down interest rates and cover underwriting expenses.

DEDO is seeking proposers who will administer approximately \$3 million each year over a three-year period that will begin upon execution of the contract. Exact amounts will be based on future tax receipts collected by The City. The selected administrator will be able to both manage a portfolio of loan investments and attract and leverage additional outside funding for this endeavor maximizing this sustainable investment into Denver’s under-resourced business community and to populations and communities that have historically lacked access to capital.

### A3. ANTICIPATED FUNDING AND PERIOD OF PEFORMANCE

Given historical collections and recent trends from cannabis sales tax revenue, DEDO anticipates total funding for this solicitation to be approximately \$9 million over three years. Funding is based on the annual assessment of sales tax dollars collected, and the amounts are subject to change based on fluctuations in cannabis sales tax revenues from year to year. Funding for this RFP is expressly contingent upon final annual budget approval by the Mayor and City Council of the City and County of Denver. Funds will be awarded based on quality of proposals submitted. DEDO reserves the right to award multiple contracts and to negotiate final contracts under this RFP.

DEDO is seeking to award funding to one or more entities that demonstrate an ability to effectively deliver and manage services as described within this RFP. Entities that are able to attract or leverage additional funding beyond the funding provided by The City, provide affordable credit and investment capital, and bring together diverse private and public sector investors to create economic opportunity will be highly regarded. DEDO is also seeking entities that have experience in providing supporting programs to businesses in the form of coaching, training and financial management guidance.

The agreement is anticipated to have a contract term of three years commencing upon contract execution with DEDO reserving the right to renew agreements for up to two (2) additional one (1) year periods based on contractor performance, achievement of benchmarks, funding availability, ability to leverage funds, compliance with all applicable regulations and other program requirements.

### A4. RFP TIMELINE - 2025 BUILD DENVER PROGRAM

TASK	DATE	TIME
RFP Released	<b>February 26, 2025</b>	<b>2:00 p.m.</b>
RFP Pre Bid Conference	<b>March 10, 2025</b>	<b>10:30 a.m.</b>
VIRTUAL ZOOM MEETING: This will be a meeting to discuss the 2025 BuILD Denver Program RFP. Representatives from DEDO staff will share the city’s guiding principles, DEDO priorities, regulatory requirements, and will address questions about the 2025 BuILD Denver Program RFP process.		
RFP Questions due Submit all questions to: <a href="mailto:dedo.proposals@denvergov.org">dedo.proposals@denvergov.org</a>	<b>March 14, 2025</b>	<b>4:00pm</b>
Addendum Released DEDO will release responses to submitted questions on its Bidding Opportunities webpage.	<b>March 19, 2025</b>	<b>3:00pm</b>
RFP Deadline to submit a proposal	<b>April 2, 2025</b>	<b>4:00pm</b>

**Note: All times are Mountain Standard Time (MST).** Technical questions and technical support regarding the online application will be accepted and answered individually up to the proposal submission deadline listed above in the RFP Timeline.

#### A5. ELIGIBLE RESPONDENTS AND USES OF FUNDS

DEDO seeks local, regional, or national organizations, including, but not limited to Community Development Financial Institutions (CDFIs), experienced in small business lending or investing that can bring creative and equitable resources and solutions to Denver businesses looking for funding.

With the exception of governmental and quasi-governmental entities (e.g., a business improvement district), proposers must be registered and in good standing with the Colorado Secretary of State to do business within the state of Colorado. Entities that are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any State or Federal department or agency are not eligible to respond to this RFP or to receive a contract. Proposal reviews and awards are contingent upon proposer being current with The City on any loan, contract, or tax obligation as due, or in compliance with any rule, regulation, or provision on existing or past City contracts. Any proposed subcontractors must meet the same eligibility criteria and be identified in the proposal.

The proposer will administer the program, deploy capital, and expand economic opportunity by increasing access to low-interest loans, financial services and/or providing access to capital for employee ownership models. The primary function of the program is to provide capital to underserved small businesses and entrepreneurs in Denver through affordable loans. The program can also utilize loan forgiveness and grants on occasion based on needs and potential economic impact. Though all businesses that meet established requirements will be able to apply for funding, the intent of this program is to provide access to capital for businesses that lack access to traditional loan opportunities.

The proposer should demonstrate small business investment experience in:

1. Businesses that are majority owned by low-to-moderate income individuals (as defined by U.S. Department of Housing and Urban Development)
2. Businesses that struggle to access traditional loans because of credit rating or lack of collateral
3. Businesses with strong links to Denver neighborhood placemaking and/or preservation
4. Locally owned or legacy (longstanding businesses in the community) small businesses.
5. Businesses located in Denver's Neighborhood Equity and Stabilization (NEST) neighborhoods, Denver Enterprise Zones, neighborhoods where businesses are displacement-vulnerable as determined by DEDO
6. Businesses that establish multi-generational or employee ownership models

Additionally, the proposer must demonstrate qualified experience in managing a loan portfolio, including full administration and operations, underwriting, customer service, collections, reporting, and all regulatory functions associated therewith. The proposer should also include information about their ability to administer potential seed funding and/or grants (in case these become available based on city funded programs).

The proposer must be able to provide, or work with partner(s) to provide appropriate business support, coaching and technical assistance as it pertains to applying for, planning for and managing their debt.

The proposer would demonstrate experience in, or the ability to select qualified organizations that have proven experience providing services and conducting outreach in culturally relevant approaches (methods that incorporate cultural backgrounds, experiences, and perspectives to ensure accessibility in a meaningful way). The qualified organization should demonstrate a deep connection and understanding of Denver’s unique multi-cultural communities and neighborhoods.

#### **A6. ACCEPTANCE PERIOD**

Proposers agree that their proposal will remain valid, and that the city may accept it within 120 days of the proposal submission deadline listed above in the Schedule of Events.

#### **A7. TECHNICAL REQUIREMENTS/ SCOPE OF SERVICES**

Proposers must comply with and respond to Section A (GENERAL RFP INFORMATION), Section B.4 (SUBMISSION OF PROPOSAL) Section C (CITY RFP REQUIREMENTS) Section D (EVALUATION CRITERIA & REQUIREMENTS) and Section E (ADDITIONAL REQUIRED INFORMATION) of this RFP. The Proposer’s responses and entries to the online management platform, Zengine (that DEDO uses) will form the basis of a Contractual Agreement covering the subject matter of this RFP. The City reserves the right to reject any proposed modifications. The City welcomes cost saving proposals which still satisfy all technical and business objectives.

#### **A8. PRICING/ PROPOSED BUDGET**

Budgets shall be in the format contained in the General Response form of this RFP. Alternative approaches for the pricing of the requested products and services may be provided; however, such alternate approaches shall be described separately and must be in addition to the general response form as appropriate. Do not include cost or price figures anywhere except in the cost and pricing section.

### **SECTION B: PROPOSAL**

#### **B.1 SCOPE OF SERVICES**

DEDO is seeking proposers who will administer approximately \$3 million each year over a three-year period that will begin upon execution of the contract. Exact amount will be based on future actual tax receipts collected by The City. The selected administrator will be able to manage a portfolio of loan investments, provide supportive business coaching and attract and leverage additional outside funding for this endeavor maximizing this sustainable investment into Denver’s under resourced small business community that have historically lacked access to capital.

The services proposal should include, but not be limited to these program areas:

- Developing a pipeline of business participants that will be supported with capital readiness resources.
- Conducting outreach to actively promote this fund in the community and providing an outreach plan (unless an existing pipeline is already developed).

- Providing businesses support services, coaching and training.
- Delivering services in a culturally relevant manner.
- Conducting due diligence on business/loan applicants to determine capital readiness in a manner to address the systemic inequities faced by disadvantaged firms.
- Directly working with capital ready firms through financial offerings including affordable loan products.
- Continuously seeking additional funding for both operational and programmatic capital to leverage the Herman Malone Fund.
- Demonstrating the ability to administer potential seed funding and/or grants (in case these become available based on city funded programs).

The above are examples of typical funding elements and supportive services that could lead to a successful program. However, DEDO anticipates that specific proposals will outline the funding strategy that best works for the proposing organization. It can be a single strategy, listed above, or a combination of strategies given the proposer's experience and creative programming.

Organizations should outline their proposed funding strategy and business support approaches, including proposed amounts in grants, loans, business support and administration/management. Proposers should include information on if/when portions of loans may be fully or partially forgiven.

## **B.2 BUDGET AND FEE STRUCTURE:**

The three-year anticipated budget for this program is \$9 million. These funds are derived from 1% of the City's Cannabis sales tax revenue and may fluctuate from year to year. The term of the anticipated agreement with the selected organization(s) is three (3) initial years, with the potential for two (2) one-year (1) extensions.

An operating and maintenance agreement may be extended in order to allow for the full management and administration of the funds to mature and for the reporting of outcomes and impacts. The final terms of the agreements will be negotiated once the proposer(s) is selected.

The selected proposer(s) will demonstrate their qualifications, program elements, associated fees and expenses at a summary level, and their approach in the submittal narrative. DEDO is looking for creative budget designs and an explanation of how the funds will be allocated the program areas over the initial three (3) years of funding.

Creative Fee Structures (administrative and/or incentive) could include allowing for low-cost lending, forgivable loans, seed funding for startups and grants that enable businesses or business owners to focus on job growth and revenue generation instead of challenging debt payments or aggressive payback parameters (i.e., below market interest rates, forgivable loans based on performance outcomes, creative collateral structure, deferral periods, etc.). If your proposed fee structure includes repayable loans, describe how anticipated revenues from them or other funding elements, (if applicable), would be managed.

Describe the costs for outreach, branding, and marketing of the program to reach priority businesses. Include any other expenditures not outlined above.

It is understood that the setup, administration, marketing, and technical assistance needed for the development of the fund may have higher costs in the early years. However, DEDO expects that this program will evolve to eventually become a continued and sustainable small business investment resource from returns resulting from the investments. DEDO also hopes this program, specifically for its approach to investing, will bring forward other external funders looking to expand this program within Denver.

### **B.3 PROGRAM CRITERIA**

The final program criteria will be negotiated with the selected proposer(s) during contract development.

However, as stated above, the primary function of the program is to provide funding to small businesses and entrepreneurs that have traditionally lacked access to capital. Proposer can work with local area partners that provide support services to get businesses capital ready.

Funding under this program shall be available only to business participants meeting the following criteria: *(Proposer will be expected to document eligibility of business participants selected).*

#### **Existing and Start Up Business Applicants:**

- Business participants must be physically located within the City and County of Denver at the time of funding and for a minimum of three years after.
- Business participants must be registered and in good standing with the Colorado Secretary of State.
- Business participants must be engaged in activities that are legal under Colorado law.
- Business participants must meet program technical requirements as established by selected contractor and approved by DEDO.
- Business participants must be in good standing with local, state and federal taxing and licensing authorities.
- Revenue caps or employee count may be considered during contract negotiations

#### **Contractor(s) shall prioritize services to business participants who fit within the following categories:**

- Majority owned low-to-moderate income individuals (as defined by U.S. Department of Housing and Urban Development).
- Have strong links to neighborhood placemaking/preservation and/or
- Located in Denver's Neighborhood Equity and Stabilization (NEST) neighborhoods, Denver Enterprise Zones, neighborhoods where businesses are displacement vulnerable as determined by DEDO
- Businesses that establish multi-generational or employee ownership models
- Locally owned or legacy, small businesses – Revenue caps or employee count may be considered during contract negotiations

#### **Example Loan Terms if applicable (negotiable and nonexclusive):**

- Below market interest rate
- Forgivable loan product based on achievement of performance outcomes
- Subordinate to all other lenders in the existing capital structure.
- Heightened loss reserves

- Flexible repayment terms
- Alternative or reduced collateral requirements
- Unsecured loans
- Gap financing vs traditional investment/lending scenario

**Reporting Requirements and Successful Program Outcome:**

The selected proposer(s) will become The Contractor(s) and is expected to provide DEDO with quarterly reports and an annual report. Contractors will allow the right to access the data at any time for internal and external reporting needs. The real-time data must be exportable from the contractor's system by minimum of a csv file in an on-demand fashion.

The desired outcomes of this program should include growth in the businesses served, additional revenues for the businesses served, the creation of sustainable, well-paying jobs by the businesses served and reflect a focus on priority NEST neighborhoods.

Data elements and program outcomes that contractor(s) will be expected to obtain and report on to convey successful outcomes include the following:

- Number of requests received for assistance
- Number of business participants receiving funding support including:
  - Funding type
  - Funding amount
  - Terms of support
  - Other sources of funds leveraged
- Number of referrals to other community partners broken down by specific partners
- Number of business participants and dollar value of professional services provided
- External dollars raised/leveraged
- Status of loan and funding portfolio including repayment progress for business participants funded with debt
- Number of FTE jobs created and retained by business participants assisted
- Tracking of other funding received by business participants served
- Business participant demographics
- Fund status including capital deployed by type, cash on hand, portfolio performance.
- On an annual basis selected contractor(s) will be expected to provide a copy of their audited financial statements.

The selected contractor(s) shall comply with (1) the disclosure by a business participant must be voluntary; (2) disclosure or nondisclosure cannot affect selection or eligibility; (3) business participants must have an options that the participant “prefers not to state” the information; (4) the purpose of collecting the demographic information needs to be stated for example, data collected for research and analysis purposes, or to report program outcomes); (5) a statement must be included that the information will not be used for any other purposes without first obtaining business participants approval.

## B.4 SUBMISSION OF PROPOSALS

DEDO is using the management system Zengine as the online platform for this RFP application process. All proposals must be submitted via the Zengine system. Any application materials submitted outside the Zengine application will not be accepted or reviewed.

Two documents have been created to assist you in the application process and are posted on the Bidding Opportunities page as part of the RFP. The Proposal Guidelines provide background and instructions about the RFP. The Proposal Checklist indicates the documents to be downloaded and uploaded as attachments to the online application and defines the process to submit one or more project proposals.

### **Proposal submissions are to be organized as follows:**

#### **1. Cover Letter**

The Proposer shall prepare a cover letter, not exceeding two (2) pages in length, which summarizes the key points in the submittal as well as your overall understanding of the project. It shall include the full name of the company, joint venture members and any proposed subcontractors if subcontractors have expressed interest in partnering with the Proposer. If the Proposer is made up of more than one (1) company, the legal relationship between those companies must be described. The letter must be signed by a person who is authorized to sign a contract with DEDO. This will be the first page of your overall submittal and will be acknowledged by signing Appendix A – Signed Cover Sheet.

#### **2. Proposed Work Plan, Timelines, and Equitable Investment Approach**

Prepare a description of the Proposer's proposed investment and/or underwriting approach, methods for performing the Scope of Services, implementation plans and timelines for this program. Describe the specific, outreach strategy, investment strategy and timelines for the strategy.

This should include proposed efforts in creating a sustainable and successful portfolio as outlined in the Scope of Services, including any partnerships either established or to be established within the below areas of expertise:

- Access to Capital in the form of:
  - Low-interest Loans
  - Other business grants or a combination thereof
  - Forgivable loan product based on achievement of performance outcomes
  - Flexible repayment terms
  - Alternative or reduced collateral requirements
  - Unsecured loans
  - Heightened loss reserves
  - Work with local area service providers to provide support services as needed
  - Subordinate to all other lenders in the existing capital structure
  - Gap financing vs traditional investment/lending scenario

Emphasize the approach and ability, both internally and through partnerships, to address the business community's needs, including capital readiness. These items are not an exhaustive list of barriers.

Indicate your ability and plan to leverage funds from other funding sources, if applicable. Demonstrate experience and ability to engage with businesses who have lacked access to capital.

### **3. Proposed Budget (COST ALLOCATION PLAN)**

Prepare the Proposer's total budget breakout including administrative costs, personnel and operating needs based on a three-year budget as described in the Scope of Services. The budget breakout should, at a minimum, describe the below elements of the program.

Three-year budget up to: \$9 million

- Operating and administrative costs (including proposed Management Fees)
- Management fee structures including any performance-based incentives or fee-based costs
- Strong branding, marketing, and outreach of the program to reach priority businesses
- All other administrative or operating costs
- Business participant support above and beyond any in-house services traditionally provided
- Capital disbursement in the form of loans, seed funding and other grants, or any other similar strategy
- Utilization of funding to reduce interest rates, cover underwriting fees and leverage other source of available loan funds.
- Anticipated revenues from short-term or other repayable investments, if applicable, which support the revolving nature of the fund
- Any other expenditures not outlined above
- Discuss the organization's ability to provide support to cannabis businesses

**\*\*\* The actual Budget may fluctuate based on Cannabis Sales Tax revenues, and the term of the agreement will be finalized once an organization has been awarded this request.**

### **4. Community Engagement and Support**

Outline plans to constructively engage and promote in a culturally relevant manner, to the community to ensure the program reaches the intended audiences and positively impacts Denver's communities, neighborhoods, and local business owners.

### **5. Key Personnel and Ability to Respond**

Prepare an organizational chart which identifies the Proposer's and proposed subcontractor's (if known or applicable) key personnel who would perform work under the Contract. Describe brief qualifications of each subcontractor which the Proposer plans to retain to perform work. Describe the category of work which will be assigned to each subcontractor. Subcontractor agreements are not mandatory as part of this RFP but will be part of contract negotiations if selected.

Please also:

- Identify the location where primary work on this project would be performed.
- Include diversity characteristics and locations for board members, owners, and key leadership of the proposing organization.
- Include a sample report demonstrating the organization's ability to provide relevant data.

### **6. Company Experience & Qualifications**

Discuss the organization's experience in providing the services detailed in the Scope of Services above. Include information on previous projects where these services have been provided by the organization

and discuss methodologies and challenges that typically arise, lessons learned, the expected level of assistance required from The City to accomplish each specified task, and any other relevant factors.

Reporting outcomes will be an important factor of this program as is the ability to enhance outreach and change strategies for desired results. Please discuss the organization's approach to strategy and how the organization uses data to inform policies, strategies, and results.

At a minimum, the following information shall be included as appropriate to the proposer's qualified experience in delivering the Scope of Services for each qualified example:

- Project/fund/program name
- Project description and total funding amount (if available)
- Brief Description of the project/fund/program
- Location
- Principal owner or fund manager name
- Relevant outcomes/results

### **7. Additional Information**

The Proposer is invited to describe any aspects of its organization or submittal which, by way of background, experience, unique qualifications, or other basis, sets this company (team, etc.) apart from the competition in its ability to accomplish this Scope of Services.

### **8. Financials**

Provide three (3) most recent years of historical financials for the organization, audited statements are preferred but not required. If financial statements are not available, the proposer's most recent federal tax returns must be submitted and will be kept confidential.

**\*\*\*\* Note: If the Proposer believes any information, data, process or other material in its submittal should be considered by DEDO to be confidential or proprietary, the Proposer shall identify that material with specificity as to the page and paragraph and on what basis it believes the material is proprietary or confidential.**

## **SECTION C. CITY RFP REQUIREMENTS**

### **C.1 DISCLOSURE OF CONTENTS OF PROPOSALS**

All proposals become a matter of public record and shall be regarded as Public Records and as a result are subject to the Colorado Open Records Act, §§ 24-72-201, et seq., C.R.S ("CORA"), with the exception of those specific elements in each proposal that are in good faith designated by the proposer as Business or Trade Secrets and plainly marked "Trade Secrets", "Confidential", "Proprietary", or "Trade Secret."

In the event the City receives a CORA request for Proposal materials submitted by a Proposer, the City shall use reasonable efforts to notify the proposer, and it will be the responsibility of the proposer to seek a court order protecting the records, and to defend, indemnify, and hold harmless the city from any claim or action related to the city's disclosure or non-disclosure of such information. The Proposer further agrees to defend, indemnify, and save and hold harmless the City, its officers, agents and employees, from any claims, damages, expenses, losses or costs arising out of the Proposer's intervention to protect and assert its claim of privilege against disclosure under this section including,

but not limited to, prompt reimbursement to the City of all reasonable attorney fees, costs and damages that the City may incur directly or may be ordered to pay by such court.

## C.2 RFP CONDITIONS AND PROVISIONS

Proposals must be certified by a duly authorized official of the proposing company using the online Zengine portal. The completed and certified proposal (together with all required attachments) must be submitted in the manner described in Section C on or before the time and date in Section A.4.

All participating proposers, by their certification hereunder, shall agree to comply with all conditions, requirements, and instructions of this RFP as stated or implied herein. Any alteration, erasure, or interlineation by the Proposer in this proposal shall constitute cause for rejection by DEDO. Should the City omit anything from this RFP which is necessary to a clear understanding of the work, or should it appear that various instructions are in conflict, then the proposer shall secure written instructions from DEDO.

Proposers are required to complete all information requested in this proposal. Failure to do so will result in disqualification of the proposal.

The City reserves the right to postpone or cancel this RFP, or reject all proposals, if in its judgment it deems it to be in the best interest of the City to do so.

The City reserves the right to waive any technical or formal errors or omissions and to reject any and all proposal(s), or to award a contract for the items hereon, either in part or whole, if it deems it to be in the best interests of the City to do so.

The successful proposer(s) will be in complete compliance with all specifications, terms and conditions of this proposal as outlined above. The City shall have the right to inspect the facilities and equipment of the successful proposer(s) to ensure such compliance.

The City shall not be liable for any costs incurred by the Proposer in the preparation of proposals or for any work performed in connection therein except those previously identified and formally agreed to in writing as part of the contracting process.

## C.3 MINORITY AND WOMEN OWNED BUSINESS REQUIREMENTS

Article V, of Chapter 28 of the Denver Revised Municipal Code (D.R.M.C.) grants authority to the Division of Small Business Opportunity (DSBO) to establish participation requirements under the Minority and Women-Owned Business Enterprise (MWBE) Program as related to expenditures and related contracts by and through the City and County of Denver. The MWBE participation requirement may not be applicable for the BuILD Denver Program and determination **will be established after a proposer is selected**. If required, the requirement must be met with certified firms, § 28-127 D.R.M.C., or through the demonstration of a sufficient good faith effort. § 28-128 D.R.M.C.

The selected **Proposer shall contact DSBO within five (5) business days** after being notified of award to request the MWBE Participation Goal for the Proposed Project. **Contact should be made in the form of an email to [goals@denvergov.org](mailto:goals@denvergov.org) and should reference Contract: *BUILD Denver*.**

If an MWBE program is established, the selected Proposer shall comply with, Article V, of Chapter 28 D.R.M.C. Additional requirements can be found at this link. Compliance with those, and any additional requirement contained herein, are conditions of responsiveness.

#### **C.4 GRATUITIES AND KICKBACKS**

It shall be a breach of ethical standards for any person to offer, give, or agree to give any employee or former employee (within six months of termination from city employment), or for any employee or former employee (within six months of termination from city employment) to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding of application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal therefore.

It shall be a breach of ethical standards for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime proposer or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order. In the event that any gratuities or kickbacks are offered or tendered to any City and County of Denver employee, the proposal shall be disqualified and shall not be reinstated.

#### **C.5 NON-COLLUSIVE VENDOR CERTIFICATION**

By the submission of this proposal, the proposer certifies that:

- The proposal has been arrived at by the proposer independently and has been submitted without collusion with any other proposer.
- The contents of the proposal have not been communicated by the proposer, nor, to its best knowledge and belief, by any of its employees or agents, to any person not an employee or agent of the proposer or its surety on any bond furnished herewith and will not be communicated to any such person prior to the official opening of the proposal.
- No proposer shall submit more than one proposal for the same services solicited through this RFP. It shall be the responsibility of each proposer to obtain the prior written permission of DEDO before proposal opening in every situation in which the proposer, due to corporate association or other affiliation, may be found to be impermissibly associated with another proposer. Failure to observe this requirement could result in all such affiliated proposals being rejected.

### **SECTION D EVALUATION CRITERIA AND REQUIREMENTS**

#### **D.1 EVALUATION AND QUALIFICATIONS**

An evaluation and selection committee (evaluation committee) will be established comprising DEDO staff and, if needed, additional evaluators with subject matter expertise. The evaluation committee will review all proposals and qualifications in accordance with the evaluation criteria below, the Proposer's

demonstrated experience, and the Proposer’s qualifications as they relate to the scope of services required.

The Proposer’s ability to present its submittal in writing in a clear, concise, and organized manner will be considered in the evaluation. Proposer’s may be required to participate in interviews and site visits to be held in the presence of the Evaluation Committee. DEDO shall then take into consideration the recommendations of the Evaluation Committee and attempt to negotiate a Contract with the Proposer(s) whose Proposal(s) represent the best value from a qualified, responsive, and responsible Proposer.

Any scoresheets, notes, deliberations, and ultimate conclusions of the Evaluation Committee will be kept strictly confidential up through and after award of the opportunity to assist DEDO’s Executive Director in determining which Proposal(s) represents the best value to the City. However, the Executive Director determines the Proposal that represents the best value to the City. Proposers may not contact members of the Evaluation Committee or other DEDO staff outside of the Contract Administrator, for any reason specific to this RFP once this RFP is issued.

**Past Performance**

If a Proposer has performed work with DEDO or the City in the past 10 years, documented instances in which the Proposer failed to perform under the terms of the contract may be reviewed as part of DEDO’s overall evaluation. This evaluation will consider past performance information submitted as a part of such Proposer’s submittal including but not limited to, information regarding predecessor companies, key personnel who have relevant experience, and subcontractors performing major or critical aspects of the service(s) if such information is relevant.

**Shortlisting and Interviews (Optional)**

The Evaluation Committee will prepare an initial evaluation. The Evaluation Committee may, at its discretion, invite the highest ranked Proposers for in person or virtual interviews. Such presentations and/or site visits will be at the Proposer’s expense and guidelines and requests will be determined once it is determined interviews will occur. DEDO reserves the ability to contract with one organization or multiple organizations based on the evaluation panel’s recommendations.

**Evaluation Criteria**

All data and information from the proposer must be submitted as described in section C.2 RFP Conditions and Provisions above. No additional information, documents or inquiries pertaining to the proposal submittal, including email and phone calls, will be considered during the selection process. Proposers shall describe in detail how they propose to meet the specifications detailed in all areas included under the evaluation criteria and requirements that will be considered is as follows, listed in no particular order:

<b>Build Denver Program – Evaluation Criteria</b>	
1	Proposed Work Plan, Timelines, and Equitable Investment Approach
2	Community Engagement and Support
3	Key Personnel and Ability to Respond
4	Company Experience and Qualifications
5	Historical Financials – Sustainability
6	Proposed Budget

## SECTION E: ADDITIONAL REQUIRED INFORMATION

**All submitted proposals must include the items listed below.** The online application includes areas to enter the required information or upload the required documents. Responses to these items must be included within the appropriate spaces provided in the online application. Proposals that are not submitted through the online Zengine portal will not be accepted.

### E.1 IRS FORM W-9

Please attach a copy of the proposer's current IRS Form W-9 available from <http://www.irs.gov/pub/irs-pdf/fw9.pdf>

### E.2 CERTIFICATE OF GOOD STANDING FROM THE SECRETARY OF STATE

Please attach the proposer's Certificate of Good Standing with the Colorado Secretary of State's office to your Proposal. Proposing organizations must be registered with the Secretary of State's office **PRIOR TO** submitting an application. This can be obtained from the Secretary of State's website: <http://www.sos.state.co.us/biz/BusinessEntityCriteria.do>

### E.3 FINANCIAL STATEMENTS

Provide three (3) most recent years of historical financials for the organization, audited statements are preferred but not required. If financial statements are not available, the proposer's most recent federal tax returns must be submitted and will be kept confidential.

### E.4 ORGANIZATION BUDGET

All proposals must include the current fiscal year budget for the proposing organization.

### E.5 LOBBYING CERTIFICATION

All proposals must include certification that no funds have been paid by or on behalf of the proposing organization to influence funding decisions regarding this RFP.

### E.6 DRUG-FREE WORKPLACE CERTIFICATION

All proposals must include certification that the proposing organization will provide a drug-free workplace in compliance with the Drug-Free Workplace Act.

### E.7 SAMPLE CONTRACT

The successful Proposer(s) will be required to execute a contract with the City. The City shall assume that the sample Agreement has been thoroughly reviewed and discussed with legal counsel prior to preparation of any list of proposed modifications. All Proposers are strongly advised to seek legal counsel prior to preparing such a list. The City reserves the right to accept or reject in its sole discretion any proposed modifications to the sample contract.

The City reserves the right to modify any term or condition of the draft Agreement, and to add, delete or modify terms and conditions as deemed necessary, prior to execution of a final agreement. Proposers will be presumed to have submitted their Proposals based upon all the information set forth in the contract and in a manner fully cognizant of the requirements of the contract. The City reserves the right to contemporaneously negotiate the final terms of the proposed contract with one or more of the highest rated responsive Proposers. If the City is unable to reach an agreement as to final contract terms with any selected Proposer, the City expressly reserves the right to terminate negotiations and enter into contract negotiations with one or more of the other ranked Finalists. As the best interests of the City may appear in the City's sole judgement, the City reserves the right to reject any or all Proposals at any time during this selection process or terminate, cancel or modify this selection process. The sample contract is available at this [link](#).

## E.8 CERTIFICATES OF INSURANCE

Please attach Certificates of Insurance evidencing the following coverage required of all City Contractors:

- Commercial General Liability: \$1,000,000 per occurrence, \$1,000,000 for each personal and advertising injury claim, \$2,000,000 products and completed operations aggregate, \$2,000,000 policy aggregate
- Business Auto Liability: \$1,000,000 combined single limit
- Workers Compensation: \$100,000 per occurrence for each bodily injury claim, \$100,000 per occurrence for each bodily injury caused by disease claim, and \$500,000 aggregate for all bodily injuries caused by disease claims (or statement of rejection of coverage in accordance with § 8-41-202(1), C.R.S.).
- For each program participant or person otherwise receiving services under this Agreement including without limitation paid or unpaid work experience, Contractor shall either: a) itself obtain and maintain Employer's Liability coverage; or b) ensure each employer providing paid or unpaid work experience has obtained and will maintain Employer's Liability coverage. Professional Liability (Errors & Omissions): \$1,000,000 per claim and \$1,000,000 policy aggregate limit. Policy shall include a severability of interest or separation of insured provision (no insured vs. insured exclusion) and a provision that coverage is primary and non-contributory with any other coverage or self-insurance maintained by the city.

Additional coverage as specified in the sample contract may be required upon award.

## E.9 CONTRACT CERTIFICATION FORM AND NEGOTIATION

Proposer must complete and submit the Contract Certification Form (available to view at this [link](#)) regarding the Sample Contract in the online Zengine portal. If there are any provisions in the Sample Contract that are unacceptable to the Proposer, the Proposer must list any and all specific modifications to such provisions on the Certification Form which the proposer may request to be negotiated with the City if the proposer is selected to provide services under this Request. Any changes or modifications which are not identified by the proposer in its proposal will not be reviewed by the City before a final agreement is executed. The City shall assume that the Sample Contract has been thoroughly reviewed and discussed with legal counsel prior to preparation of any list of proposed modifications. All proposers are strongly advised to seek legal counsel prior to preparing such list. The City reserves the right to

accept or reject in its sole discretion any proposed modifications to the sample contract. The sample contract is available at this [link](#).

Additionally, the successful proposer will be required to execute a contract with the City. The City reserves the right to contemporaneously negotiate the final terms of the proposed contract with one or more of the highest rated responsive proposers. If the City is unable to reach an agreement as to final contract terms with any selected proposer, the City reserves the right to terminate negotiations and enter into contract negotiations with one or more of the other ranked Finalists. As the best interests of the City may appear in the City's sole judgement, the City reserves the right to reject any or all proposals at any time during this selection process or terminate, cancel, or modify this selection process.

Requirements of the Awarded Contractor are passed through to the subcontractor(s).

(END)

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