



CAPITAL AREA COUNCIL OF GOVERNMENTS

REQUEST FOR PROPOSAL

PROJECT MANAGEMENT OF PROCUREMENT AND IMPLEMENTATION
OF NEXT GENERATION 9-1-1 (NG911) CALL HANDLING SYSTEM

May 23, 2022

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**Capital Area Council of Governments
Request for Proposal**

**PUBLIC SAFETY COMMUNICATIONS CONSULTING SERVICES FOR PROJECT MANAGEMENT OF NEXT
GENERATION 9-1-1 (NG911) CALL HANDLING SYSTEM UPGRADE/REPLACEMENT**

GENERAL INFORMATION

The Capital Area Council of Governments (CAPCOG) is a regional planning commission and political subdivision of the State of Texas organized and operating under the Texas Regional Planning Act of 1965, as amended, Chapter 391 of the Local Government Code.

One of CAPCOG’s functions includes the operation of the Capital Area Emergency Communications District (CAECD), a regional emergency communications district and political subdivision of the State of Texas organized under Chapter 772, Subchapter G of the Health and Safety Code to fund and operate a 10-county 9-1-1 program. On behalf of the district, CAPCOG is issuing this Request for Proposal (RFP) to obtain from qualified and experienced consulting organizations for Project Management Services for the procurement and implementation of a Next Generation 9-1-1 (NG911) Call Handling System to replace its existing system.

SCHEDULE

RFP Issued	Monday, 05/23/2022
Questions due to CAPCOG	5 p.m. CDT, Wednesday, 06/01/2022
Response to Questions Due to Respondents	Thursday, 06/02/2022
Response to RFP due to CAPCOG	5 p.m. CDT Thursday, 06/09/2022
Notification to Top Three (3) Respondents	Monday, 06/13/2022
On-Site Visit Prior to Response to RFP	Monday, 06/20/2022

All Responses are due at CAPCOG no later than 5 p.m. CDT, June 9,, 2022.

Please submit informational requests and questions to <mailto:masophy@capcog.org>.

NOTICE: Prospective respondents who have received this document from a source other than CAPCOG should immediately contact CAPCOG and provide their name, company, and email address in order that addendum to the RFP or other communication can be sent to them. Any prospective respondents who fail to provide CAPCOG with this information assume complete responsibility in the event they do not receive communications from the program after the RFP issue date.

BACKGROUND

Emergency Communications, a division with CAPCOG provides critical infrastructure — primary and redundant networks, 9-1-1 communications equipment and mapping — to support call processing that ensures 9-1-1 systems remain operational. The division also provides technical planning, telecommunicator and 9-1-1 management training, and 9-1-1 public education materials to 31 emergency communications centers (ECCs) or public safety answering points (PSAPs) throughout the 10-county Capital area which serves a population over 2.5 million.

During the past 12 months, the ECCs or PSAPs throughout the Capital area processed 3,463,031 calls of which 2,030,108 were 9-1-1 emergency calls. CAPCOG will provide 9-1-1 equipment to each of its ECCs or PSAPs allowing call takers to efficiently answer, process, and transfer calls to another agency when needed.

In early 2021, CAPCOG completed the transition of the 9-1-1 infrastructure to AT&T's ESInet and is currently using Solacom's call handling system. CAPCOG provides highly specialized, dedicated 9-1-1 maintenance technicians who are available 24 hours a day, 7 days a week.

CAPCOG plans to replace the existing call handling system in each of its 31 ECCs or PSAPs with state-of-the-art 9-1-1 equipment that will allow for the complete transition to Next Generation 9-1-1 (NG911) services.

CAPCOG 9-1-1 staff members are active in the National Emergency Number Association (NENA) and The Association of Public Safety Communications Officials (APCO). CAPCOG continues to strive to remain on the cutting edge of 9-1-1 technology and is involved in numerous projects related to the implementation of NG911 services which continues to be a major focus of both NENA and APCO.

SCOPE OF WORK

The Capital Area of Council Governments is seeking Responses to this Request for Proposal ("RFP") for Consulting Services to Manage the Procurement and Implementation of a Next Generation 9-1-1 (NG911) Call Handling System to replace the existing Solacom System for the Capital Area Emergency Communications District (CAECD). Persons or entities submitting a Proposal in response to this request are referred to herein as "Respondents", "Consultant" or "Contractor".

The Consultant must be available for the entirety of the project which is anticipated to begin immediately upon contract award and end upon completion of acceptance of the new NG911 Call Handling System. The duration of the project is anticipated to be a minimum of twenty-four (24) months.

PROJECT SCOPE

The purpose for the requested services is to provide highly skilled project management services for the procurement and implementation of a Next Generation 9-1-1 (NG911) Call Handling System. The consultant shall be responsible for the oversight and management for each of the following phases of the scope and requirements to replace the existing 9-1-1 call handling system that is currently deployed throughout the CAPCOG region.

1. The Contractor or Contractors shall provide:

- a. Coordination of product demos for Strategic Advisory Committee (SAC) Sub-Committee and stakeholders
- b. Recommendations for best product option for Capital Area Emergency Communications District (CAECD) Emergency Communications Centers (ECCs)

- c. Oversight and Management of Procurement Process for Replacement NG911 Call Handling System
- d. Collaboration and Development of Project Plan with Selected Vendor
 - Vendor Timeline
 - Milestones
 - Deliverables
- e. Oversight and Management of Project
 - Procurement
 - Equipment Order Placed
 - Equipment Delivery Schedules
 - Equipment Receipt & Asset Tracking
 - Equipment Installation & Configuration
 - Lab/Training Environment
 - Backroom Equipment
 - Lab Consoles
 - Production Environment
 - Backroom Equipment
 - Lab Consoles
 - Training
 - Technical Staff
 - ECC Staff
 - Deployment/Implementation
 - Systems Cutover
 - Systems ATP
 - Systems Acceptance by CAPCOG
 - Vendor Invoicing

2. PROJECT REQUIREMENTS

- a. Respondents are responsible for setting up a site visit with CAPCOG prior to Proposal submission to complete responses to an RFP for Consulting Services for the Project Management of the Procurement and Implementation Process for a Next Generation 9-1-1 (NG911) Call Handling System. Contact is:

Anwar Sophy, Deputy Executive Director, Capital Area Council of Governments, telephone 512-916-6009; email asophy@capcog.org

3. Credentials/Qualifications

- a. Respondents shall have PMP certification.
- b. Respondents shall have a good understanding of NENA standards for i3 Next Generation 911 (NG911).
- c. Respondents shall be knowledgeable of FCC rules and guidelines related to 9-1-1 and NG911 Services.
- d. Respondents shall be an active member NENA and/or APCO International.

4. Availability

The Consultant shall be available to provide oversight and management throughout the entirety of the NG911 call handling system upgrade/replacement project including but not limited to planning, vendor

demos, procurement process (including vendor selection), system configuration, system testing, user acceptance testing, training, and deployment in lab/training and production environments. The Consultant shall be available to and work closely with the CAPCOG 9-1-1 Operations staff throughout the entirety of the project.

5. Project Management Requirements

The Consultant shall provide weekly status updates, identify and implement change control processes as may be required to maintain the integrity of the project scope, costs, and timeline.

The Consultant shall be responsible for the following Procurement and Implementation Processes:

Procurement Process

- Coordination with CAPCOG Capital Area Emergency Communications District (CAECD) and Strategic Advisory Committee (SAC) Sub-Committee Procurement of Next Generation 9-1-1 (NG911) Call Handling System to Replace Existing Solacom System
 - Complete Assessment of Functionality of Existing Solacom system and Requirements for New System
- Coordination with the SAC Sub-Committee and CAPCOG to Develop RFP for New Call Handling System
- Coordinate Vendor Site Visits
- Manage Assessment of Responses to RFP and Coordinate Work with SAC Sub-Committee and CAPCOG to Complete Technical Review of Responses
- Identify and Provide Recommended Best Option for NG911 Call Handling System for CAPCOG
 - Selection
 - Negotiation
 - Project Design & Scope
 - Design Review
 - Establish Vendor Timeline, Phases, Milestones, and Deliverables
 - Approvals
 - SAC
 - Board of Managers
 - Contract Award
 - Purchase Order
 - Project Plan
 - Review Existing Vendor Processes and Obtain POC for Conversion Data
 - Review Customer Requirements and Complete Gap Analysis
 - Map Existing Vendor Equipment Functionality and Processes to New Vendor Equipment Functionality and Processes
 - Identify and document any new functionality and/or processes of new vendor equipment.
 - Develop Proposed Project Plan with Vendor
 - Provide Proposed Project Plan to CAPCOG for Approval

- Initiate Approved Project Plan
 - Work with Vendor and Customer to Develop Test Plan
 - Obtain Customer Approval of Test Plan
 - Identify Change Control Process
 - Obtain Customer Approval of Change Control Process
- Procurement Process with CAPCOG to Ensure that Timeline is Met
 - Phase 1 - Lab Equipment Procured by CAPCOG
 - Backroom Equipment Receipt (includes Inventory of Equipment)
 - Lab Equipment/Consoles Receipt (includes Inventory of Equipment)
 - Installation and Configuration of Backroom Equipment and Lab Equipment
 - Functional Testing – Redesign
 - Phase 2 – Production Equipment Procured by CAPCOG
 - Backroom Equipment Receipt (includes Inventory of Equipment)
 - Production Equipment/Consoles Receipt (includes Inventory of Equipment)
- **Training**
 - Phase 1
 - Train Technical Staff
 - Coordination of vendor training for AT&T technicians and CAPCOG 9-1-1 Operations Staff
 - Ensure that training documentation is provided by the vendor
 - Phase 2
 - Train ECC Staff
 - Coordination of hands-on training for ECC staff
 - Coordination with CAPCOG 9-1-1 Operations Staff for Training schedules and additional Training Bulletins as needed
- **Installation and Configuration**
 - Phase 1 – ECC Console Deployment
 - Installation and Configuration of Backroom Equipment for Production Environment
 - ECC Console Installation & Configuration
 - ECC Console Testing
- **System Cutover**
 - Phase 1
 - Cutover to Live Production Environment
 - Equipment Re-Configuration
- **Systems ATP**
 - Phase 1
 - Begin System ATP
 - Phase 2
 - System ATP Period (Soak Period)

- Phase 3
 - Complete System ATP
- **Project Acceptance and Completion**
 - Warranty Period Begins

2.4 Pricing

The awarded contract will be for a minimum period of twenty-four (24) months which will begin immediately upon award of contract with possible annual one-year extension.

Respondents shall submit individual rate tables with values for each year showing base number and hourly rates for each member of the consulting team.

2.5 Project Team Information / Certification

The proposal must include a list of the proposed project team members available for on-site service work throughout the project life cycle which includes final acceptance of the new NG911 call handling system by CAPCOG. The list shall include the title, role and responsibility for each team member whose services will be provided by the respondent and any pertinent certifications they have obtained. Specific roles should be itemized to include the project manager and any additional staff who will be involved through the project life cycle. Normal location refers to where the individual's office is located.

A copy of the resume of the Consultant (Project Manager) and any additional project team members whose services will be provided by the respondent shall be submitted as part of the proposal.

2.6 References

The respondent must provide at least (3) references with similar scope of this RFP.

2.7 Reference Qualifications

The references provided must have minimum of three years' experience as the project manager for one or more NG9-1-1 Call Handling System implementations within the past five (5) years.

2.8 Reference Information

Company name, contact name, mailing address, and telephone number must be provided for each reference.

A brief description of the size and scope of the project to demonstrate the relevance of the reference must be provided for each reference.

2.9 Additional Information

CAPCOG reserves the right to submit in writing to a respondent a request for additional information as needed.

COST PROPOSAL

All above services shall be included in the total costs for the service contract and be identified in the below tables:

NAME OF CONTRACTOR:

BASE BID	\$
HOURLY RATE	\$
OVERTIME, WEEKEND and HOLIDAY RATE	\$
% MARKUP FOR EQUIPMENT OR PARTS	%

SUBMISSION OF PROPOSALS

Your Proposal must be received in the Capital Area Council of Governments' office no later than 5:00 p.m. (Central Daylight Time), Thursday, 06/09/2022. Proposals must be submitted by email. Please put "Attention PROJECT MANAGEMENT OF NEXT GENERATION 9-1-1 (NG911) CALL HANDLING SYSTEM RFP" in the e-mail subject line. Proposals or related documents submitted after the deadline will not be accepted.

Email address for all Proposals is: asophy@capcog.org

CAPCOG is not liable for any costs incurred by a respondent in preparing and submitting a Proposal. A proposal will remain in effect for a period of thirty (30) calendar days from the deadline for submission of the proposal or until it is withdrawn in writing, a contract is executed, or this RFP is canceled, whichever occurs first.

Late Responses

A Response received after the exact time specified for receipt will not be considered.

REQUESTS FOR INFORMATION

Updates related to this RFP may be obtained from the CAPCOG website, www.capcog.org, in the "About CAPCOG" section. Any requests for additional information regarding this RFP may be emailed to CAPCOG's Deputy Executive Director **Anwar Sophy** at asophy@capcog.org by the same deadline.

All questions and the responses thereto will be sent to all prospective Respondents and posted on the CAPCOG website, no later than 12:00, noon (Central Daylight Time), June, 02, 2022 (See notice above.)

PROPOSAL FORMAT

This Request for Proposals may result, assuming a vendor is selected, an award is made at a fixed price, and negotiated agreement.

The initial submittal is for proposals only. Respondents shall submit two (2) copies of their proposal. Pages should be numbered. Respondents to this RFP are responsible for all costs of proposal preparation and delivery. RFP information can be found in the "About CAPCOG" section of the CAPCOG website www.capcog.org.

Attachments

The following certification forms are required for this project. Forms are to be completed and submitted to CAPCOG directly – these are available on the CAPCOG website at <http://www.capcog.org/about-capcog/doing-business-with-capcog/>:

1. Certification of Compliance with Small, Disadvantaged, Minority, Women-Owned, And Historically Underutilized Business Policy
2. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion for Lower-Tier Covered Transactions
3. Certification Regarding Lobbying
4. Conflict of Interest Questionnaire -Chapter 176 of the Texas Local Government Code requires vendors and consultants contracting or seeking to contract with CAPCOG to file a conflict-of-interest questionnaire (CIQ) if they have an employment or other business relationship with an CAPCOG officer or an officer's close family member.
5. Copy of Current Certificate of Commercial Liability Insurance Coverage
6. Copy of Current Certificate of Worker's Compensation Insurance Coverage

SELECTION PROCESS

Individual proposals will be evaluated in two phases.

1. The first phase will consist of a review by CAPCOG staff members to determine if the proposals contain all the required information. Proposals that do not contain the minimum information as outlined above will not be considered.
2. The second phase will consist of an evaluation of the information contained in the proposal submitted by each Respondent according to the following scoring scale:

SELECTION CRITERIA	WEIGHTS
1. TOTAL PRICE OF GOODS AND SERVICES	50%

2. RESPONDENTS QUALIFICATIONS	25%
3. RESPONDENTS PAST PERFORMANCE ON SIMILAR CONTRACTS. (PROVIDE 2 REFERENCES)	25%

CAPCOG will not be liable for any costs incurred in preparing proposals or associated travel costs.

AWARD

CAPCOG may request in writing additional information from a respondent relating to the Response and the respondent agrees to furnish it within a reasonable time. CAPCOG reserves the right to conduct pre-contract negotiations with any and/or all potential Respondents.

CAPCOG will award the contract to the responsible respondent whose Response is the most advantageous to CAPCOG. CAPCOG reserves the right to reject any or all Responses. If CAPCOG rejects all Responses, it may solicit new proposals if a new solicitation is in CAPCOG’s best interest. Once the contractor is selected, CAPCOG reserves the right to negotiate its terms with the successful respondent

A respondent selected as a result of this solicitation may be subject to a criminal background check as a condition to entering into a contract.

WITHDRAWAL OF PROPOSALS/BIDS/OFFERS

A respondent may not amend its proposal after its receipt by CAPCOG. However, CAPCOG may waive an error in or omission from a proposal if the error or omission is not material.

A respondent may withdraw the proposal if there is a material mistake in the proposal and resubmit the proposal with the mistake corrected before the due date for proposals.

ADDITIONAL STIPULATIONS

CAPCOG/CAECD reserves the right to reject any or all proposals, to waive any informality in the RFP process, or to terminate the RFP process at any time, if deemed by CAPCOG/CAECD to be in its best interests.

CAPCOG/CAECD reserves the right not to award a contract pursuant to this RFP.

CAPCOG/CAECD reserves the right to reject and not consider any proposal that does not meet the requirements of this RFP, including but not necessarily limited to incomplete proposals and/or proposals offering alternate or non-requested services.

CAPCOG/CAECD reserves the right to, prior to award, revise, change, alter or amend any of the instructions, terms, conditions, and/or specifications identified within the RFP documents issued, within any attachment or drawing, or within any addenda issued. All addenda will be posted on CAPCOG’s website www.capcog.org. Such

changes that are issued before the proposal submission deadline shall be binding upon all prospective Respondents.

In the case of rejection of all proposals, CAPCOG/CAECD reserves the right to advertise for new proposals or to proceed to do the work otherwise, if in the judgment of CAPCOG/CAECD, the best interest of CAPCOG/CAECD will be promoted.

SUBCONTRACTING

Respondents must indicate whether they intend to subcontract any part of the work and identify the subcontractor(s) and organization in the proposal response. All subcontractors will be subject to approval by CAPCOG.

Invoicing and Payment

Payment shall be made for services rendered and billed by the contractor and received by CAPCOG upon the completion of satisfactorily executed deliverables.

Contractor must submit monthly invoices to CAPCOG with documentation indicating services delivered during the month along with a report on activities completed as indicated in this RFP.

Modification of Project Content

Changes in state and/or federal legislation may result in a requirement to renegotiate contracts at any time prior to or during the contract period. Substantive changes to project content, procedures or budgets during the life of the contract may be accomplished by negotiating these modifications with the Capital Area Council of Governments. The Capital Area Council of Governments will also pursue any necessary and appropriate contract modifications should legal or other changes occur in the project to sufficiently alter the original terms of the contract. No further solicitations or proposals will be required in such cases.

REFERENCE INFORMATION

Sample Contract and Attachments

There are documents provided as attachments to this RFP that are for the proposers' information. The following would be completed during the contract execution process. Samples are provided for your information for the following:

- Sample CAPCOG Contract
- DUA Documents, Procedure and Policy – HIPPA protocol and compliance
- Sample Disclosure of Interested Parties (Form 1295)

The certifications and assurances submitted with the RFP proposal also become attachments to the contract.

OTHER CONTRACTUAL REQUIREMENTS

Section 1.113 CAPCOG Procurement Policies: Public Access to Procurement Information

Procurement information shall be a public record to the extent provided by the Texas Public Information Act and the Freedom of Information Act, as applicable, and shall be available to the public as provided therein. If a proposal contains information that the bidder considers proprietary and does not want disclosed to the public or used for any purpose other than the evaluation of the offer, all such information must be indicated and clearly marked on each page of the proprietary or confidential document(s).

The information submitted during a procurement process is protected from disclosure until a contract is awarded. All proposals are open for public inspection after the contract is awarded, but proprietary and confidential information in the proposals are not open for public inspection.

Equal Opportunity/Non-Discrimination

All contracts awarded by CAPCOG are subject to the provisions listed below.

- A. The Contractor will not discriminate against any employee or applicant for employment because of race, color, sex, religion, national origin, age, or disability. The Contractor will take action to ensure that employees or applicants for employment are treated fairly during employment or the application process, regardless of race, color, sex, religion, national origin, age, or disability. The Contractor agrees to post in conspicuous places available to employees and applicants for employment notices (provided by an appropriate agency) of federal government nondiscrimination provisions.
- B. The Contractor will state, in all solicitations or advertisements for employment (by or on behalf of the Contractor), that all qualified applicants will receive consideration for employment regardless of race, color, sex, religion, national origin, age, or disability.

Small, Disadvantaged, Minority, Women-Owned and Historically Underutilized Businesses: Federal Assistance or Contract Procurement Requirements

PART A: POLICIES

6-101 Policy Statement:

It shall be the policy of CAPCOG to assist small, DBE, MBE, women-owned businesses and HUBs in learning how to do business with CAPCOG. It shall be the further policy of CAPCOG that these sources shall have the maximum feasible opportunity to compete.

6-102 Respondent/Bidder/Offeror Statement:

1. Every solicitation for procurement must require that each Respondent, Bidder or Offeror include a statement that the Respondent, Bidder or Offeror will comply with this policy.

6-103 To ensure that CAPCOG's policy to assure that small, MBEs, DBEs, women-owned businesses, and HUBs are utilized, CAPCOG and its contractors and subcontractors should take the following affirmative steps:

1. Include qualified small, MBEs, DBEs, women-owned businesses, and HUBs on the Respondents' ' List. State lists may be utilized to locate such businesses by contacting the Texas Building and Procurement Commission;

2. Assure that small, MBEs, DBEs, women-owned businesses, and HUBs are solicited whenever they may be potential sources. In this regard, the Purchasing Agent should investigate new sources and advertise when feasible in minority publications;
 3. When economically feasible, and where not in contravention of competitive bidding requirements, the Purchasing Agent should divide the total requirements into smaller tasks or quantities so as to permit maximum small, MBE, DBE, women-owned businesses and HUB participation;
 4. Use the services and assistance of the Small Business Administration, the Office of Minority Business Enterprise of the Department of Commerce, the Minority Business Development Agency in the Department of Labor, the Texas Building and Procurement Commission and other similar agencies for locating such businesses;
 5. Require that prime contractors take affirmative and meaningful steps towards retaining small, MBE, DBE, women-owned businesses and HUB subcontractors;
 6. Procure goods and services from labor surplus areas;
 7. If feasible, establish delivery schedules that encourage small, MBEs, DBEs, women-owned businesses, and HUBs to participate; and,
 8. Advertise, at least annually, in a newspaper of general circulation for small, MBEs, DBEs, women-owned businesses and HUBs to be added to the Respondents' List.
- 6-104 For such affirmative steps to be meaningful, the Purchasing Agent should review all solicitations, offers and bids to confirm that such affirmative action steps have been taken. In addition, steps should be taken to ensure that once a contract is awarded to a small, MBE, DBE, women-owned business, and/or HUB, or that the award is given to a contractor with such a subcontractor, that such business is retained during the entire performance of the contract.
- 6-105 Failure of a contractor to take meaningful affirmative steps at soliciting and retaining small, MBEs, DBEs, women-owned businesses and HUBs may be considered as a factor in evaluating future bids under non-compliance with public policies; however, this factor may not be a consideration in procurements involving purely state or local funds as Texas law requires awards to be made to the lowest responsible Respondent/Bidder.
- 6-106 For procurements costing more than \$3,000 but less than \$25,000, the Purchasing Agent shall contact at least two HUBs on a rotating basis.

Conflict of Interest Questionnaire

1. Chapter 176 of the Texas Local Government Code requires a current or prospective vendor or CONTRACTOR of CAPCOG to complete and file a Conflict-of-Interest Questionnaire to disclose whether the vendor or CONTRACTOR has an employment or business relationship with a member of CAPCOG's Executive Committee, its Executive Director, or with a Department Director. The completed Questionnaire must be delivered to CAPCOG's Administrative Coordinator, who serves at its Records Administrator, not later than the seventh business day after the vendor or CONTRACTOR becomes aware of facts that require filing the Questionnaire. The Questionnaire form, which describes the filing requirements of chapter 176, is available on the website of the Texas Ethics Commission, www.ethics.state.tx.us and the names of the members of CAPCOG's Executive Committee, its Executive Director and Department Directors are available on CAPCOG's website, www.capcog.org.

2. The Texas Ethics Commission's legal department will answer questions about chapter 176 and the Questionnaire toll-free at 800-325-8506. Please do not contact a CAPCOG employee with a question because he or she is not authorized to answer it.

Certification with Regard to Boycotting Israel

If Respondent is required to make a certification pursuant to Section 2270.002 of the Texas Government Code, Respondent certifies that Respondent does not boycott Israel and will not boycott Israel during the term of the contract resulting from this solicitation. If Respondent does not make that certification, Respondent must indicate that in its Response and state why the certification is not required.

Disclosure of Interested Parties (Form 1295)

In 2015, the Texas Legislature adopted House Bill 1295, which added section 2252.908 of the Government Code. The law states that a governmental entity or state agency may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties (Form 1295) to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency. The Texas Ethics Commission has adopted rules requiring the business entity to file Form 1295 electronically with the Commission.

An award from this RFP may require filing of Form 1295. CAPCOG will work with the CONTRACTOR after award to ensure proper filing.

PROTEST OF SOLICITATIONS AND AWARDS

1. Protest in Writing

An unsuccessful Respondent/Bidder/Offeror/Quoter may protest the procurement process by following this procedure. The protest must be made within five business days of the date the basis of the protest to the procurement process became known or should have become known to the protester, whichever is earlier. The protest must be submitted in writing to CAPCOG, to the attention of the contact person, and identify and be signed by the protester. The protest must identify the Response/Bid/Proposal/Quote or contract award or both being protested and must specifically describe the basis for the protest, including, if relevant, the qualifications of the winning Respondent/Bidder/Offeror/Quoter; the suitability of the supplies, equipment, or services offered; alleged irregularities in the procurement process; citation to each law or policy allegedly violated; and all additional, pertinent information regarding the procurement process.

2. Action Following Protest

Upon receipt of the written protest, CAPCOG shall furnish a copy of the protest to all of the other Respondents/Bidders/Offerors/Quoters and suspend the procurement process until the protest is resolved. CAPCOG shall also suspend award of the contract, or its performance if already awarded, until the protest is resolved unless (1) there is a bona fide emergency justifying the immediate award or the start of performance or

completion of the contract; or (2) federal or state law requires award or completion of the contract by a particular date.

3. Informal Resolution of Protest

Upon receipt of the written protest, the contact person shall communicate in writing with the protester within three business days after receipt and attempt to resolve the protest informally. If the protest cannot be informally resolved between the contact person and protester within three business days after the contact person's first written communication with the protester, the protester may request the Executive Director to decide the protest. The request must be in writing and be received by the Executive Director within three business days after the last written communication between the contact person and protester. The contact person shall summarize the efforts to resolve the protest, and recommend a decision on the protest, in a memorandum to the Executive Director, which shall be marked "Confidential – Interagency Memorandum" on each page and forward the complete procurement file to the Executive Director.

4. Decision by Executive Director on Protest

Upon receipt of the request, the Executive Director, or her or his designee appointed in writing to act for the Executive Director on the protest, shall decide the protest. The Executive Director (or designee) shall review the entire procurement file and may interview CAPCOG employees and communicate in writing with the protester and others with information about the procurement process and contract award (if made). The Executive Director shall decide the protest within 10 business days following receipt of the request. The decision must be in writing, signed by the Executive Director, and a copy of the decision furnished to the protester and to all of the other Respondents/Bidders/Offerors/Quoters for the procurement. The Executive Director's decision on the protest is final unless the protester is permitted to appeal to the Executive Committee's Procurement Protest Appeal Subcommittee.