



**REQUEST FOR PROPOSALS
FOR: AUDIO VIDEO CONSULTING SERVICES
AND PROJECT MANAGEMENT FOR THE CMD
COMPLEX**

RFP #: PMC-38-0521

**PRE-PROPOSAL MEETING DATE
Tuesday, April 27, 2021**

**PRE-PROPOSAL MEETING TIME:
10:00 A.M. CT**

**RFP CLOSING DATE: Wednesday, May 12, 2021
RFP CLOSING TIME: 4:00 P.M. CT**



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Wednesday, May 12, 2021 @ 4:00 P.M. CT

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CALENDAR OF EVENTS

- 1. ADVERTISE SOLICITATION: APRIL 18TH & 25TH**
- 2. PRE-PROPOSAL MEETING Tuesday, April 27, 2021 @ 10:00 A.M. CT**
- 3. DUE DATE FOR WRITTEN QUESTIONS: Friday, April 30, 2021 @ 2:00 P.M. CT**
- 4. DUE DATE FOR WRITTEN ANSWERS/ADDENDUM: Tuesday, May 4, 2021 @ 5:00 P.M. CT**
- 5. DUE DATE FOR RFP: Wednesday, May 12, 2021 @ 4:00 P.M. CT**



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INVITATION

*** B/P/Q (Bid/Proposal/Qualifications)**

<u>Description</u>	<u>NUMBER</u>	<u>Pre-Bid/Proposal Meeting</u>	<u>Bid/Proposal Due Date</u>
Audio Video Consulting Services and Project Management	*P PMC-38-0521	Tuesday, April 27, 2021 10:00 A.M. CT <u>TEAMS MEETING</u>	Wednesday, May 12, 2021 4:00 P.M. CT <u>TEAMS MEETING</u>

Sealed, bids/proposals will be received by the City of Brownsville, at the Office of Antonio Caldwell, Procurement and Contract Manager, located at City Hall, 1001 E. Elizabeth Street, Suite 101, Brownsville, Texas 78520, (956) 548-6087, e-mail: purchasing@brownsvilletx.gov

Copies of the bid documents consisting of detailed specifications, general requirements or other information may be obtained at the Office of Procurement Services.

Interested Bidders/Proposer are invited to attend the Bid/Proposal opening at the Office of Procurement Services on the dates specified. Presence is not mandatory. Specifications may also be viewed and downloaded at:

<http://www.cob.us>

<https://www.bidnetdirect.com/texas/city-of-brownsville>



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INTRODUCTION AND BACKGROUND

The City of Brownsville is seeking proposals from qualified and strategic Firms to provide Audio Visual Consulting Services and Project Management for the construction of the “El Nido” Complex for the Communications and Marketing Department. The following services are requested:

Scope of Services

Audio/Video Services

- Provide audio/video infrastructure design and equipment purchase and implementation
- Advise and assemble audio/video equipment list as well as work with the regional supplier to get competitive pricing
- Construction oversight for audio/video installations
- Equipment install and testing phase

Project Management

- Monitor the work of the architect, contractor, and other sub-consultants on the project for alignment with their contractual obligations.
- Develop project schedule and update as the schedule progresses and changes are made.
- Develop project budget and manage costs throughout the project.
- Provide assistance reviewing the cost of the project and providing value management to assist in getting costs aligned with budgetary targets.
- Review all sub-consultant and contractor invoices and make recommendation for payment (as needed)
- Provide guidance and input on design and potential design alternatives.
- Provide the City of Brownsville with general project management advising and guidance on effective management of the project.
- Lead project meetings with agenda, meeting minutes, action items, issue log.
- Provide project leadership – communicating city targeted objectives to the project team so there is alignment between project goals and design/construction decisions.
- Provide document control as needed for the city.



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- Work with city stakeholders to identify potential funding sources, organize design reviews, get buy-in on elements of design, and communicate project updates.
- Provide monthly reporting as needed.
- Production proposal

Submittal Requirements & Contents

Applicants shall organize their submissions in the following format order.
Elements listed under each part/category must be included in the submittal:

General

Offerors under this RFP shall clearly outline their comprehensive approach to fulfilling the requirements and fully describe their plans for responding to the needs outlined in this RFP.

The technical and price proposals shall be reviewed for consistency with the requirements of this RFP. Failure to respond with the required information may result in elimination of the offeror from consideration.

Format

Offerors shall respond to this RFP in accordance with the format to ensure the submission of information essential to comprehensive evaluation of the proposals. The content may be expanded, but the format must be adhered to.

Sections and subsections shall have tabs keyed to the Table of Contents. The **Technical Proposal** shall be bound separately from the **Price Proposal (separate files)**. Proposals need not be elaborate nor should they contain unnecessary artwork; rather, they shall be typewritten and reproduced in as economical a manner as necessary to present the required information.

Technical Proposal Format

1. **Title Page**
2. **Table of Contents**
3. **Executive Summary** (5 pages maximum)
4. **Description of Organization and Qualifications** - Provide a description of the major business functions, history, and organizational structure of the Offeror Organization. Include a profile of the location of all offices, staffing and services provided; and senior company officials' names, addresses, and phone numbers. Also provide:



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- a. **Experience on Similar Projects (Client References)** - Summaries or brief descriptions of a minimum of three (3) contracts performed by the prime contractor (plus at least one for the subcontractor(s), if any) which are most related to requirements of this contract. Limit descriptions to those most relevant to this contract and most representative of the firm's capabilities. References must be for goods and services provided within the past five years.
- b. How many years has the firm been in business, and how many years has it been providing parking lot services at airport or similar facilities
- c. Numbers of staff broken out by management, operational and marketing, and other support staff.
- d. Ownership structure.
- e. Supply financial data for your company so that the City of Brownsville can determine the financial strength of the firm.

Selection Criteria

The submitted packages will be evaluated based on the following criteria.

Evaluation Criteria	Max Points
Understanding and response to the scope of services and meeting or exceeding RFP and contract requirements particularly as it relates to the historic renovations.	30
Thoroughness of the proposal and completeness of requested information: clarity and conciseness.	25
Qualifications and experience of personnel assigned to work on project with the City of Brownsville	25
Price	10
Innovative approach to fulfilling the needs of the city as it relates to the project.	10
TOTAL	100

Proposal Evaluation & Award

Evaluation Process & Award



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The City will conduct a comprehensive evaluation of all proposals received in response to this RFP. The CITY will establish a Selection Committee comprised of staff members to perform such evaluation. Each proposal received will be analyzed to determine overall responsiveness and qualifications under the RFP; further, the Selection Committee may select proposing agency representatives for an “in person” presentation. Criteria to be evaluated, not necessarily in order of priority, may include the items listed in the evaluation criteria section. All proposals deemed non-responsive will be eliminated from further consideration. Final approval of a selected CONTRACTOR is subject to the action of the City of Brownsville City Council.

In selecting the best proposal for the tasks to be accomplished as defined in the Scope of Services, a Selection Committee shall evaluate all proposals submitted, and may elect to conduct oral interviews with one or more finalists unless the Selection Committee can make its selection based on the proposals submitted. Points for cost will be awarded based on each price relative to the lowest proposal. The City of Brownsville reserves the right to reject any and all proposals and to waive such formalities as do not affect or alter the substantive. The Selection Committee shall evaluate all proposals based on the following criteria:

Award of Proposal

Submission and award of a contract shall be based on the “Terms and Conditions of this Request for Proposals”. The City of Brownsville, Texas, (City) invites any qualified firms to submit a Request for Proposals for Audio Video Consulting Services and Project Management for the City of Brownsville.

Oral Interviews

Following the initial review and screening of all proposals, one or more firms may be invited to participate in an oral interview or presentation of their proposals. These interviews or presentations provide an opportunity for City to ask additional questions and the respondent to clarify the proposal to ensure material understanding.

However, City reserves the right to recommend award of a Contract without conducting interviews.

Thereafter, staff will make its recommendation regarding an award of Contract to the City Commission who will make the final decision.



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The agreement to be executed with any successful Proposer shall be In accordance with **“Section III – OBJECTIVES AND SCOPE OF SERVICES”** and be acceptable to the City.

This document outlines the prerequisites, selection process and documentation necessary to submit a proposal for the requested services. Please carefully read the entire package before submitting your proposal.

Contract will be negotiated with the respondent whose proposal is determined to be most advantageous to the City. The City reserves the right to reject any and all proposals and to waive any formality in proposals received, to accept or reject any or all of the items in the proposal, and award the contract in whole or in part, if it is deemed in the best interest of the City. Proposals should be submitted initially on the most favorable terms, from both price and technical standpoints. The City further reserves the right to award contract without discussion after proposals are received or to request written BEST AND FINAL

OFFERS from respondents judged to be responsive to the minimum technical requirements.

Proposal Pricing

The proposal prices quoted on this form are firm proposal prices which are good for ninety (90) calendar days following the acknowledgement of proposals and are not subject to price adjustments. I have attached and initialed a copy of the City's specifications for the item(s) proposal on this form to clarify my understanding as to what features shall be required in the equipment.

Independent Contractor

It is expressly understood and agreed that the CONTRACTOR and all persons designated by it to provide services in connection with this Contract, is and shall be deemed to be an independent contractor, responsible for its respective acts or omissions, and that the CITY shall in no way be responsible, therefore, neither party hereto has authority to bind the other or to hold out to third parties, that it has the authority to bind the other.

Deliverables and Proposal Submission requirements



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Interested firms must submit online proposal through www.Bidnetdirect.com or three (3) USB's containing digital copies of their proposal Adobe PDF format only. The proposal must be received by the Purchasing and Contracting Services Department by **May 12, 2021 at 4:00 PM CST.**

Proposal Instructions

These should be directed to the attention of the Purchasing Department

Mr. Antonio Caldwell, Procurement and Contract Manager
Finance Department-Purchasing/Contracting Division
Office of Procurement Services
City of Brownsville
1001 E. Elizabeth Street
1st Floor, Suite 101
Brownsville, Texas 78521
e-mail: purchasing@brownsvilletx.gov

The City of Brownsville reserves the right to review, accept or reject any or all proposals received through this process. Information contained within the original proposal should be the complete offering to the City. In fairness to all proposers, no late additions or verbal additions to the original proposal will be accepted after the submission deadline. If additional information is needed from proposers, the City will initiate that request. If interviews or conferences are necessary, the City will make those arrangements as necessary. The City of Brownsville also reserves the right and option to wave any and all informalities if in its best interest.

Any costs involved in the preparation of the proposals are the sole responsibility of the proposer. The City will not be responsible for any costs associated with the preparation, submission or meetings involved with the presentation of the proposal.



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**SUBMISSION OF REQUEST FOR
CLARIFICATION OR CHANGES**

All requests for clarifications must be received in writing, no later than **Friday, April 30, 2021 at 2:00 P.M. CT**, to Mr. Antonio Caldwell, Procurement and Contract Manager at City of Brownsville, City Hall 1001 E. Elizabeth St., First Floor, Suite 101, Brownsville, Texas, 78520. Fax requests will be accepted on or before this deadline at 956/546-2711, or e-mail at purchasing@brownsvilletx.gov.

Any questions regarding this RFP will be handled as promptly and as directly as possible. If a question requires only clarification of instructions or specifications, it will be handled verbally. If any question results in a change or addition to the RFP, the changes or additions will be forwarded to all registered firms as quickly as possible by addendum.

Participating Proposers are expressly instructed that the Purchasing Department is the only authorized source of information concerning the solicitation. Contact with unauthorized staff of the City of Brownsville or members of the selection or oversight committees while solicitation and evaluations are in process could result in immediate disqualification.

Proposers shall designate and provide contact information for an individual to contact should any questions arise concerning a proposal. The proposers shall also state the name and title of individuals who will make final decisions regarding contractual commitments and have legal authority to execute the contract on the firm's behalf.

Requirements

IT IS UNDERSTOOD THAT the City of Brownsville reserves the right to accept or reject any and/or all "RFPs" as it shall deem to be in the best interest of the City. Receipt of any RFP shall, under no circumstances, obligate the City to accept the highest commission RFP. The award of the contract shall be made to the responsible Proposer whose RFP is determined to be the best qualified/evaluated offer resulting from negotiation, taking into consideration the relative importance of commission and other evaluation factors set forth in the REQUEST FOR RFP.



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Late RFPs

RFPs received in the City Purchasing/Contracting Office after submission deadline will be returned unopened and will be considered void and unacceptable. The City of Brownsville is not responsible for lateness of mail, carrier, etc., and time/date stamp clock in Purchasing Office shall be the official time of receipt.

Altering RFPs

Any interlineations, alteration, or erasure made before receiving time must be initialed by the signer of the RFP, guaranteeing authenticity.

Withdrawal of RFP

An RFP may not be withdrawn or cancelled by the Proposer for a period of ninety (90) days following the date designated for the receipt of RFP, and Proposer so agrees upon submittal of the RFP.

RFPs Will Be

Received and publicly acknowledged at the location, date and time stated on Page 1. Proposers, their representatives and interested persons may be present. RFPs will be received and acknowledged, only so as to avoid disclosure of the contents to competing offers and kept secret during the negotiation/evaluation process.

Single Proposal

In the event a single proposal is received, the City will, at its option, conduct a price and/or cost analysis of the proposal and negotiate the award, or reject the proposal and re advertise. A price analysis would be performed by comparing price quotations submitted on other current quotations, current price lists, or other established or competitive prices. The bid prices quoted on this form are firm bids which are good for ninety (90) calendar days following the opening of bid proposals and are not subject to price adjustments. I have attached and initialed a copy of the City's specifications for the item(s) bid on this form to clarify my understanding as to what features shall be required in the equipment.



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Disqualification of Proposals

More than one proposal under the same or different names from any one proposer will not be considered. Reasonable grounds for believing the proposer is interested in more than one proposal will cause the rejection of all proposals in which the proposer is interested. One or more or all proposals will be rejected if there is reason for believing that collusion exists among proposers or the City of Brownsville, or their officials, agents, or employees.

A proposal will not be accepted from any proposer who is in arrears or is in default to the City upon any debt or contract, or who is a defaulter as surety or otherwise upon any obligation to the City, or has failed to perform faithfully any previous contract with the City.

Cancellation of Procurement

The City of Brownsville reserves the right to cancel the procurement, at any time for any reason before the Contract is fully executed and approved on behalf of the City.

Availability of Funds

This procurement is subject to the availability of funding. The City's obligation hereunder is contingent upon the availability of appropriated funds from which payment for the Contract purposes can be made. No legal liability on the part of the City for any payment shall arise until funds are made available to the Contracting Officer for this Contract and until the Contractor receives notice of such availability, to be confirmed in writing by the Contracting Officer. Any award of Contract hereunder will be conditioned upon said availability of funds for the Contract.

Non-Appropriation Clause

Notwithstanding any provisions of this agreement, the parties agree that the services are payable by city from appropriations, grants, and monies from the General Fund and other sources. In the event sufficient appropriation, grants, and monies are not made available to City to pay these services for any fiscal year, this Agreement shall terminate without further obligation of City. In such event, the City Manager of City shall certify to contractor that sufficient funds have not been made available to City to meet the obligations of this Agreement; such certification shall be conclusive upon parties.



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Indemnification

To the maximum extent permitted by law, the consultant shall be liable for and shall hold the City of Brownsville harmless from all damage or injury caused to persons or property arising out of the performance of any contract resulting from this Request for Proposals. The consultant shall agree to assume the defense of the City of Brownsville and their officers, agents, and employees in all legal proceedings with third parties connected with the consultant's performance under this Contract, and to pay all expenses, including court costs and reasonable attorney's fees, incurred by the City of Brownsville directly or indirectly on account of such legal proceedings.

The consultant's obligations hereunder are expressly conditioned upon the City's provision of notification to the consultant of the pendency of any such claim or suit. The City shall cooperate with the consultant in its handling of any such claim or suit to the extent their interests do not conflict. In no event shall the consultant be obligated to indemnify or hold the City harmless with respect to any liability caused by the sole negligence of the City of Brownsville.



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PROTEST PROCEDURES

Protest Procedure

The protest must outline the specific portion of the specification or Proposal procedure that had been violated.

Prospective bidders whose direct economic interest would be affected by the award of a contract or by failure to award a contract may file a protest. The purchaser (City of Brownsville) will consider all protests received in a timely manner regarding the award of a contract, whether submitted before or after an award. All protests are to be submitted in writing to: Mr. Antonio Caldwell, Procurement and Contract Manager, City of Brownsville Purchasing Department, City Hall, 1001 E. Elizabeth St., First Floor, Suite 101 Brownsville, TX 78520. Protest submissions should be concise, logically arranged, and clearly state the grounds for protest. Protest must include the following information:

- A. Name, address, and telephone number of protestor,
- B. Identification of contract solicitation number,
- C. A detailed statement of the legal and factual grounds of the protest, including copies of relevant document, and
- D. A statement as to that relief is requested. Protest must be submitted to the City of Brownsville Purchasing Department in accordance with these procedures and time requirements must be complete and contain all issues that the protestor believes relevant.

In the procedure outline below, the Purchasing/Contracting Director is considered to be the Contracting Officer.

Protest Before Opening

Protests alleging restrictive specifications or improprieties which are apparent prior to the bid/proposal deadline or receipt of bids/proposal must be submitted in writing to the Contracting Officer at the address above and must be received at least seven (7) days prior to the bid/proposal opening. If the written protest is not received by the time specified in bid package may be received and award made in the normal manner unless the Contracting Officer determines that remedial action is required. Oral protest not followed up by a written protest will be disregarded. The Contracting Officer may request additional information from the appealing party and information or responses from other bidder, which shall be



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submitted to the Contracting Officer not less than ten (10) days after the date of the City of Brownsville's Request. So far as practicable, appeals

will be decided based on the written appeal, information and written responses submitted by the appealing party and other proposers. In failure of any party to timely respond to a request form information, it may be deemed by the purchaser that such party does not desire to participate in the proceeding, does not contest the matter, or does not desire to submit a response, and in such case, the protest will proceed and will not be delayed due to the lack of response. Upon receipt and review of written submissions and any independent evaluation deemed appropriate by the purchaser, the Contracting Officer shall either (a) render a decision, or (b) at the sole election of the Contracting Officer, conduct an informal hearing at which the interested parties will be afforded the opportunity to present their respective positions and facts, documents, justification, and technical information in support thereof. Parties may, but are not required to, be represented by counsel at the informal hearing, which will not be subject to formal rules of evidence or procedures. Following the informal hearing, if one is held, the Contracting Officer will render a decision, which shall be final, and notify all interested parties thereof in writing but no later than ten (10) days from the date of the informal hearing.

Protest After Opening/Prior to Award

Proposal protests against the making of an award by the purchaser must be submitted in writing to the Contracting Officer and received within seven (7) days of the award by the purchaser. Notice of the protest and the basis thereto will be given to all proposers. In addition, when a protest against the making of an award by the purchaser is received and it is determined to withhold the award pending disposition of the protest, the proposers whose proposals might become eligible for award shall be requested, before the expiration of the time for acceptance, to extend or to withdraw the proposal. Where a written protest against the making of an award is received in the time period specified, award will not be made prior to seven (7) days after resolution of the protest unless the purchaser determines that:

- A. The items to be purchased are urgently required
- B. Delivery or performance will be unduly delayed by failure to make an award promptly, or



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C. Failure to make an award will otherwise cause undue harm to City of Brownsville or the Federal Government.

Protest After Award

In instances where the award has been made, the Contractor shall be furnished with the notice of protest and the basis thereof. If the contractor has not executed the contract as of the date of the protest is received by the

City of Brownsville; the execution of the contract will not be made prior to seven (7) days after resolution of the protest unless the City of Brownsville determines that:

A. The items to be purchased are urgently required

B. Delivery or performance will be unduly delayed by failure to make and award promptly, or

C. Failure to make an award will otherwise cause undue harm to the City of Brownsville or the Federal Government.

PREPARATION OF PROPOSAL

1. Proposer is expected to examine this REQUEST FOR PROPOSAL (RFP) carefully, understand the terms and conditions for providing the pertinent services, and respond completely. Failure to do so may result in disqualification. Verbal questions and explanations are not permitted. Each PROPOSER shall submit proposals containing all information required by the RFP. Failure to respond to all portions of this RFP may result in the Proposer's response being deemed non-responsive. Proposals must be signed by an officer or principal of the PROPOSER; however, they may be signed by an agent if accompanied by written evidence of authority.
2. Should firms interested in submitting a proposal or have questions regarding the required services, the contents of Proposal, the selection or any other requirements, these questions should be directed, in writing only, to Mr. Antonio Caldwell, Procurement and Contract Manager, email: purchasing@brownsvilletx.gov



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3. Proposers are responsible for making certain proposals are delivered to the Purchasing and Contracting Services Department. Mailing of proposals does not ensure that the proposal will be delivered on time or delivered at all. If proposer does not hand deliver proposal, **we suggest that he/she use some sort of delivery service that provides a receipt.**
4. Proposals will be accepted in person by United States Mail, by United Parcel Service, or by private courier service. Oral communication, telephone, electronic mail, telegraphic transmission, or tele facsimile transmission will not be acceptable submissions for proposals. Proposals may be withdrawn prior to the above scheduled time set for closing of the proposals. Any proposal received after the date and hour specified will be rejected and returned unopened to the proposer. We encourage you to submit your proposal via our Electronic Bidding System.
5. The Purchasing & Contract Services Department reserves the right to postpone the date and time for opening proposals through an addendum.

PROPOSAL PACKET ADDENDA & MODIFICATIONS

Any proposer in doubt as to the true meaning of any part of the specifications or other contract documents may request an interpretation thereof from the Contract Administrator. At the request of the proposer, or in the event the Brownsville Purchasing and Contracts Department deems the interpretation to be substantive, the interpretation will be made by written addendum issued by the Purchasing Department. Such addendum will be sent to all proposers receiving the original proposal and will become part of the proposal package having the same binding effect as provisions of the original proposal. No verbal explanations or interpretations will be binding. The City does not assume responsibility for the receipt of any addendum sent to proposers. A copy of all addenda issued must be signed and returned with your proposal.

Proposal Preparation Cost

Issuance of this Request for Proposal does not commit the City of Brownsville, in any way, to pay any costs incurred in the preparation and submission of a proposal. The issuance of this Request for Proposal (RFP) does not obligate the City of Brownsville to enter into contract for any services or equipment. All costs related to the preparation and the proposer shall pay submission of a proposal.



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Trade Secrets, Confidential Information and the Texas Public Information Act.

If you consider any portion of your proposal to be privileged or confidential by statute or judicial decision, including trade secrets and commercial or financial information, clearly identify those portions.

Proposals will be opened in a manner that avoids disclosure of the contents to competing offers and to keep the proposals secret during negotiations. All proposals are open for public inspection after the contract is awarded, but trade secrets and confidential information in the proposals are not open for inspection.

The City of Brownsville will honor your negotiations of the trade secrets and confidential information and decline to release such information initially, but please note that the final determination of whether a particular portion of your proposal is in fact a trade secret or commercial or financial information that may be withheld from public inspection will be made by the Texas Attorney General or a court of competent jurisdiction. In the event a public information request is received for a portion of your proposal that you have marked as being confidential information, you will be notified of such request and you will be required to justify your legal position in writing to the Texas Attorney General pursuant to Section §552.305 of the Government Code. In the event that it is determined by opinion or order of the Texas Attorney General or a court of competent jurisdiction that the information is in fact not privileged and confidential under Section §552.110 of the Government Code and Section §252.049 of the Local Government code, then such information will be made available to the requested.

Proposals are to be signed by an officer of the company authorized to bind the submitter to its provisions. Proposals are to contain a statement indicating the period during which the proposal will remain valid. A period of not less than ninety (90) days required. The proposal submitted by the proposer shall become an integral part of the contract between the City and the Proposer and the representations, covenants, and conditions therein contained shall be binding upon the person, firm or corporation executing the same.

Disclosure of Interest

PROPOSER will provide a completed City of Brownsville Disclosure of Interests form found in proposal. Failure to submit this form may result in the proposal being declared non-responsive.



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Reservation of Rights

The CITY reserves the right to:

- Reject any and all Proposals received
- Issue a subsequent RFP
- Cancel the entire RFP
- Remedy technical errors in the RFP process
- Negotiate with any, all or none of the respondents to the RFP
- Accept the written proposal as an offer
- Waive informalities and irregularities
- Accept one or more proposals

This RFP does not commit the CITY to enter into a Contract, nor does it obligate it to pay any costs incurred in preparation and submission of Proposals or in participation of a Contract.

Proposer must remain in full compliance with Article 5, Administrative Provisions, Sub-Section 4, Qualifications of the City of Brownsville City Charter:

“The mayor, commissioners, and other officers and employees shall not hold any other public office of emolument and shall not be interested in the profits or emoluments of any contracts, job, work, or service for the municipality, or interested in the sale to the city of any supplies, equipment, material, or articles purchased.”



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Wednesday, May 12, 2021 @ 4:00 P.M. CT

MISCELLANEOUS

Termination by the City

The City of Brownsville reserves the right of unilateral termination of the contract by providing a thirty (30) day written notice of such intent.

Point of Contact

All information regarding the specifications or proposal procedures please contact Mr. Antonio Caldwell, Procurement and Contract Manager, at (956) 548-6087 or e-mail at: purchasing@brownsvilletx.gov or visit our website at: <https://www.cob.us/Bids.aspx>

Disclosure of Interest Form

Please complete the attached Disclosure of Interest Form and submit with your proposal.

Statement of Non-Collusion Form

Enclosed is a Statement of Non-Collusion, which must be completed by the vendor and submitted with the proposal.

RFP- Due Date

RFP due date will be **5/12/2021 at 4:00 P.M. CT** at the Purchasing & Contract Services Department, located at City Hall, 1st Floor, Suite 101, Brownsville, Texas 78520.

Indemnification

BIDDER covenants and agrees to FULLY INDEMNIFY, DEFEND and HOLD HARMLESS, the CITY and the elected officials, employees, officers, directors, volunteers and representatives of the CITY, individually and collectively, from and against any and all costs, claims, liens, damages, losses, expenses, fees, fines, penalties, proceedings, actions, demands, causes of action, liability and suits of any kind and nature, including but not limited to, personal or bodily injury, death and property damage, made upon the CITY directly or indirectly arising out of, resulting from or related to BIDDER'S activities under this contract, including any acts or omissions of BIDDER, any agent, officer, director, representative, employee, consultant or subcontractor of BIDDER, and their respective officers, agents employees, directors and representatives while in the exercise of the rights or performance of the duties



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under this contract. The indemnity provided for in this paragraph shall not apply to any liability resulting from the negligence of CITY, its officers or employees, in instances where such negligence causes personal injury, death, or property damage. IN THE EVENT BIDDER AND CITY ARE FOUND JOINTLY LIABLE BY A COURT OF COMPETENT JURISDICTION, LIABILITY SHALL BE APPORTIONED COMPARATIVELY IN ACCORDANCE WITH THE LAWS FOR THE STATE OF TEXAS, WITHOUT, HOWEVER, WAIVING ANY GOVERNMENTAL IMMUNITY AVAILABLE TO THE CITY UNDER TEXAS LAW AND WITHOUT WAIVING ANY DEFENSES OF THE PARTIES UNDER TEXAS LAW.

The provisions of this INDEMNITY are solely for the benefit of the parties hereto and not intended to create or grant any rights, contractual or otherwise, to any other person or entity. BIDDER shall advise the CITY in writing within 24 hours of any claim or demand against the CITY or BIDDER known to BIDDER related to or arising out of BIDDER's activities under this contract, and shall see to the investigation and defense of such claim or demand at BIDDER's cost. The CITY shall have the right, at its option and at its own expense, to participate in such defense without relieving BIDDER of any of its obligations under this paragraph.

Bid Rejection or Partial Acceptance

The CITY OF BROWNSVILLE has the right to reject any or all proposals. It further reserves the right to waive technicalities and formalities in proposals, as well as to accept in whole or in part such proposal or proposals where it deems it advisable in protection of the best interests of the City.

Change Orders

No oral statement of any person shall modify or otherwise change, or affect the terms, conditions or specifications stated in the resulting contract. All change orders will be made in writing by the City of Brownsville Purchasing & Contract Services Department.



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Insurance

The contractor shall, at no expense to the City, instruct their Insurance agent or carrier to furnish a certificate of insurance attesting to the issuance of policies affording coverage as required and listed in this section. Certificates required by this contract shall be submitted prior to award of the contract and should be forwarded to:

City of Brownsville
Purchasing/Contracting Division
City Hall 1001 E. Elizabeth St., 1st Floor, Suite No. 101
P. O. Box 911
Brownsville, Texas 78520
Attention: Mr. Antonio Caldwell, Procurement and Contract Manager

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- A. The contractor shall furnish and keep in full force during the term of this contract the following insurance coverage:
 - A) Worker's Compensation Insurance
Amount: Statutory
 - B) Comprehensive General Liability Insurance
Amount: \$500,000 Each Occurrence
\$1,000.000 General Aggregate
 - C) Comprehensive Automobile Liability Insurance (applicable to owned, non-owned and hired vehicles)
Amount: \$500,000 Combined Single Limit
- B. The premiums to be expended for all of the above enumerated policies of insurance shall be paid by the contractor. The policies of insurance, certificates of insurance and the insurance company(s) issuing such certificates or policies of insurance must be acceptable to the City.
- C. All policies or certificates of insurance must be issued indicating that such policies or certificates are applicable to work being performed under a specific contract or to all work performed by the contractor for the City of Brownsville.
- D. All of the aforementioned policies and certificates of insurance should be issued immediately after the contractor receives notification of award. It should be clearly understood that the contractor is not to commence any



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work until a written notice to proceed is received from the City. Policies and certificates of insurance must **clearly indicate that they will remain in force for a period of at least twelve (12) months from inception date.**

E. A minimum of thirty (30) days written notification must be given by an insurer of any alteration, material change or cancellation affecting any certificates or policies of insurance as required under this contract. The City of Brownsville is to be named as an additional insured.

- 1) Such required notification must be sent via registered or certified mail to the address indicated in Section above.