

Project Name: Landscaping Services

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INSTRUCTIONS TO BIDDERS

These Instructions to Bidders govern the submission of all proposals.

1.0 SUBMISSION OF PROPOSAL

You must submit your proposal based on these Instructions to Bidders, the enclosed Proposal Invitation Letter and Specimen Contract.

Please direct your proposal in original plus two (2) copies to the mailing address identified in the Proposal Invitation Letter.

Your proposal must be received at the address stated in the Proposal Invitation Letter on or before the closing date and time. Any proposal not complying with this condition may not be considered and shall be returned, unopened. Company has a strict proposal opening policy that requires all proposals to be opened simultaneously and witnessed by several "impartial" parties.

The original of your proposal should be clearly marked "Original." The copies must be identical to the original and may be photocopied from the original after signature.

The proposal must include at a minimum the following:

1.1 Proposal

- 1.1.1 The Bidder shall provide a detailed technical proposal for the contract based on all requirements mentioned in the Instructions to Bidders and in Part I Scope of Work.
- 1.1.2 Provide pricing in the format below, based on monthly cost per location, including all labor and expenses. There are some services in the Part I Scope of Work that are on an as needed basis, Contractor should quote those separately. Contract is from July 2018 to June 2020. The Company may renew for an additional year with the selected contractor.

| Location | Monthly Price 2018-2020 |
|--|----------------------------|
| DUS | |
| 38th and Blake Station | |
| 40th and Colorado Station | |
| Peoria Station | |
| 40th and Airport Station | |
| CRMF | |
| Argo Substation | |
| Sandown Substation | |
| DUS Switching Station | |
| Sandown Gantry | |
| DUS EC and NWES Gantries | |
| Additional Services | Price 2018-2020 |
| Labor (provide Hourly rate) | |
| Materials Pricing Basis (Cost or Cost + what Markup) | |

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- 1.1.3 Provide description of available staffing resources and detailed approach for staffing in order to meet Landscaping Services criteria as provided in Part I Scope of Work.
- 1.1.4 Provide a list of equipment pool.
- 1.1.5 Provide detail regarding how Contractor will ensure the quality of service for each task provided in the Scope of Work.
- 1.1.6 If you are an RTD SBE, provide Certificate or documentation that application for the SBE Certification has been submitted to RTD for review.
- 1.1.7 Provide Bidder's information and include cleaning experience and associated references.
- 1.1.8 Bidder's Organizational Chart.
- 1.1.9 Contractor will be responsible to provide all safety signage required for this type operation. Examples: Wet Floor, Slippery Floor, Possibility of Ice, Caution, etc.
- 1.1.10 Provide examples of how you track employee hours, material quantities consistent with Attachment C: Contract Daily Report.
- 1.1.11 Contractor must include its Safety and Security Plan in this Proposal. This will be evaluated by the Company's Chief Safety and Security Officer and it should be consistent with the Company's Attachment A - System Safety Program Plan.
- 1.1.12 Contractor must provide a list of all chemicals to be used on the contract as well as the SDS for its approval.
- 1.1.13 Contractor must ensure at least one (1) Lead Employee can read, write and speak English per shift.
- 1.1.14 Signed Bidders Proposal Quote (Addendum Acknowledgement).
- 1.1.15 Written statement that there are no exceptions to the Contract.
- 1.1.16 Any other priced Proposal Forms.

2.0 PREPARATION COSTS

Neither Company and/or Owner will be responsible for any costs or expenses in preparing and/or submitting your proposals or subsequent meetings, interviews or in providing any supplemental information.

3.0 GOVERNING TERMS AND CONDITIONS

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Your proposal must be submitted in accordance with and subject to the Specimen Contract as listed below:

- Contract Signature Document
- Part I – Scope of Work
- Part II – Commercial Terms
- Part III – General Terms
- Part IV – Special Terms
- Attachments A, B, C, D, E and 15
- Exhibits A, B, C, D, E, F, G, H, I, J and K

4.0 DEFINITIONS

For all purposes of this Request For Proposal document, except as otherwise expressly provided herein, the terms defined shall have the meanings assigned to them in this Article.

"Owner" means Regional Transportation District "RTD"

"Company" means Denver Transit Operators "DTO"

"DTP" means Denver Transit Partners who is the parent organization who holds the concession agreement for the Eagle P3 Project.

"Contractor" means successful bidder.

"Addendum" means the document(s) issued by Company to all bidders during the bidding period, that contains additional information or corrections made by Company to this Request For Proposal document.

"Bidder" means the person, corporation, partnership, joint venture or other organization which has submitted a proposal to Company for performance of the Work.

"Successful Bidder" means the bidder whose proposal has been accepted by Company in writing.

"Contract" means the contractual document signed by the Successful Bidder and Company in the form as defined in this Request For Proposal document.

"Request For Proposal" or "RFP" means the solicitation to bid and includes all Addenda.

Terms defined in this Article importing the singular also include the plural, and vice versa, where the context requires.

5.0 ACKNOWLEDGMENT

You must promptly complete and return a duplicate of the Proposal Invitation Letter as notice of your intention to submit a proposal. If the proposal requested herein is to be made from another of your offices, please advise us immediately and have the office submitting the proposal return the signed duplicate cover letter.

6.0 WRITTEN PROPOSALS

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All proposals must be submitted in writing. Telephone, email or facsimile proposals will not be accepted.

7.0 RIGHT OF ACCEPTANCE

Company and/or Owner reserves the right to accept other than the lowest cost proposal and to accept or reject any proposal in whole or in part, or to reject all proposals with or without notice or reasons, and if no proposal is accepted, to abandon the Work or to have the Work performed in such other manner as Company may elect.

Partial or incomplete proposals may not be accepted. You will be informed whether or not your proposal was successful.

8.0 BIDDER'S MODIFICATION AND WITHDRAWAL OF PROPOSAL

You may, without prejudice to yourself, modify or withdraw your proposal by written request, provided that the request is received by Company prior to the bid due date and time in which your proposal was to be submitted. Following withdrawal of your proposal, you may submit a new proposal provided that such new proposal will be received on or before the due date and time.

Company or Owner may modify any provision(s) or part(s) of the Request For Proposal documents at any time prior to the award of a contract.

9.0 COMPANY POLICY

9.1 In accordance with Company's policy, all qualified Bidders are entitled to receive equal opportunities. The offering or receiving of gifts, entertainment, payments, loans or other favors for the purpose of being placed on a bidders' list, obtaining a contract, or favorable treatment under a contract, is prohibited. Furthermore, it is Company's policy that in the event a Bidder or Contractor is found to have offered or given a gratuity to obtain a contract or favorable treatment thereunder, the Bidder involved will be refused further bid considerations by all of Company's entities. Company may also obtain those remedies available under law and the Contract, including, but not limited to, termination for default. Your attention is invited specifically to those articles in Part III – General Terms of the Specimen Contract relating to Laws and Regulations, Termination for Default and Business Conduct and Ethics Expectations.

10.0 INFORMATION BROKERING

Company considers completely unacceptable the acquisition or use of sensitive or confidential information for which Bidders or their agents or representatives are not entitled, such as competing for Bidder's proposal data, evaluations of proposals submitted by Bidders, and ranking of proposals. Bidders are required to notify Company immediately of any solicitation or approach offering (a) confidential bid information (including evaluations of bid information), (b) improper influence or affect the award of any contract associated with this project.

Bidders are further required to notify Company immediately if they come into possession of confidential information (including evaluation of bid information). Failure to comply with the foregoing may result in disqualification of the Bidder.

11.0 MINORITY BUSINESSES

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A 100% RTD SBE participation is been established for this RFP.

12.0 PRICING CONDITIONS

- 12.1 Pricing, stated in U.S. dollars, must be in accordance with the provisions of Part II – Commercial Terms. The blanks in Part II – Commercial Terms must be completed and returned by all Bidders as your commercial proposal.
- 12.2 Proposal validity-period is requested for **(45)** days after the closing date of this RFP.
- 12.3 All pricing must be firm for the duration of this Contract.
- 12.4 The quoted price(s) must include all costs to you for materials, labor, equipment, testing and any and all items of expense, fees, taxes, duties, overhead and profit for your full and complete performance of the Work as set forth herein.
- 12.5 All pricing information requested in this RFP must be provided. Failure to comply with this request may result in a rejection of any proposal. Company reserves the right to request and have you furnish any accounting breakdown of all contract prices. This request may be made after contract price has been finalized with the Successful Bidder.
- 12.6 If you are the selected Contractor, you will be responsible for acquiring any and all licenses (applicable contractor's license(s), business license(s), etc.) and permits required to perform the Work, excluding building permits.
- 12.7 Proposals for this Work are being invited from other Bidders.
- 12.8 In the case of any discrepancy between words and figures, the words shall prevail. In the case of errors in addition or extension, the unit prices quoted shall prevail.
- 12.9 You are advised that the Successful Bidder's personnel, including subcontractors, will be required to the required training certification as specified on Part I Scope of Work Article 6.1.1. (This includes the entire labor force and all new hires). This certifications and training are requirements to perform the Work at the tracks in the stations. All costs are to be included in your quoted prices.
- 12.10 You are advised that all employees, including the subcontractors, and subtiers to the selected Contractor, will be required to comply with Company, Owner or Contractor's own substance abuse policy, whichever is more stringent. This includes a urinalysis test of each employee prior to their admission into the workplace. A current certification of the individual and their test results must also be presented by each employee or subconsultant prior to the start of the Work.
- 12.11 You are advised that all employees, including the subcontractors, and subtiers to the selected Contractor, will be required to comply with the following background checks:
- 12.11.1 Patriot Act/OFAC/BXA/Terrorist list Search
 - 12.11.2 1 Instant Criminal Database Search
 - 12.11.3 1 Instant SSN Trace
 - 12.11.4 1 Statewide Criminal Records
 - 12.11.5 7 County Criminal Records

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A current certification of the individual and their test results must also be presented by each employee or subconsultant prior to the start of the work

12.12 **You are advised that the Contractor's personnel must be uniformed, at all times, with their companies' uniforms and Company provided identification tag.**

12.13 You are advised that all employees, including the subcontractors, and subtiers to the selected Contractor, will be required to comply with the following Personal Protective Equipment to be provided by the Contractor for the track cleaning requirements in the stations.

12.13.1 Green Safety Vest with an X on the back.

12.13.2 Eye protection (when required in the SDS of a product).

12.13.3 Safety shoes with steel toe and electrical hazard rated.

12.13.4 Long Pants

13.0 INSURANCE

13.1 The Successful Bidder must, as a minimum requirement, provide the insurance coverage as described in the Article entitled Insurance of Part III– General Terms. Contractor shall name Company and Owner as additional insureds and furnish a waiver of subrogation in favor of both.

13.2 You must complete and submit the insurance data requested in the Proposal Forms, as verification of possession of the above required insurance provisions.

14.0 SCHEDULE

14.1 Detailed scheduling requirements shall be as described in the Article entitled Performance Schedule and Sequence of Work of Part I – Scope of Work.

15.0 EXCEPTIONS AND DEVIATIONS

15.1 Except as provided for below in Section 15.2, no qualifications to any requirement, provision, specification or stipulation of this RFP document shall be made by you. Failure to comply with this condition may result in a rejection of any proposal.

15.2 If you feel it would be advantageous to Company and/or Owner to deviate from the requirements, conditions and provisions set forth in the RFP, you may present such departures as an alternative, marked as such and presented with your principal proposal, explaining in full detail the nature and extent of your proposed departure and the consequent impact on the prices, schedules or any other aspect of your proposal.

Such departures must be clearly identified and listed in a separate section of the proposal devoted explicitly to that purpose. Considerations of any alternate proposal will be at the sole discretion of Company and/or Owner.

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Alternates based on your trade secrets will be considered confidential only if so noted on the alternate submitted. Alternates not involving trade secrets may be reissued to other Bidders.

15.3 The submission of a proposal indicates acceptance by you of all conditions contained herein.

15.4 During the proposal review, Company will not be responsible for identifying or resolving any deviations that may be contained in your proposal. If you are awarded the Contract, the only deviations recognized will be those mutually agreed upon and incorporated into the Contract in writing.

16.0 RFP EXPLANATION MEETING

16.1 You must inspect the site for familiarization with every phase of the Work and all existing and controlling conditions and limitations. The submittal of a proposal will be considered evidence that you have inspected the site and are aware of all the conditions which may affect the Work and your proposal, whether or not such conditions are referred to in the RFP.

16.2 In addition to the requirements of Section 16.1, you are required to attend an RFP Site Visit in order to become acquainted with the scope of work prior to submitting your proposal. The RFP Site Visit is scheduled for Tuesday, July 10th, 2018 at 9:00 am MST. The meeting must be joined in person at the CRMF Facility located at 613 W. 48th Ave., Denver, CO 80216 as it includes an overview of the stations the Work will be performed.

17.0 DISCREPANCIES AND OMISSIONS/ADDENDA

Should you find discrepancies in or omissions from the RFP documents, or should their intent or meaning appear unclear or ambiguous, you must notify the contract administrator named in the Proposal Invitation Letter for resolution. Replies to such notices will be made in the form of an Addenda to the RFP documents issued simultaneously to all Bidders. You must acknowledge receipt of all Addenda in your proposal cover letter. Company and/or Owner will not be bound by, and you must not rely on, any oral interpretations or clarifications of the RFP documents.

Bidders may not submit questions to Company within 7 calendar days prior to the closing date for submittal of the proposal.

18.0 CONFIDENTIALITY AGREEMENT

You may be required to sign a confidentiality agreement for extra sensitive information provided to you. You will be informed about this in more detail during the RFP Explanation Meeting.

19.0 TAXES

19.1 You must comply with the Article entitled Taxes in Part II – Commercial Terms.

19.2 You must provide a tax payer identification number as required in the Article entitled Taxes in Part II – Commercial Terms.

20.0 LOCAL LABOR AND SERVICES

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20.1 It is important that local contractors, including suppliers of materials, services and local labor forces are to be utilized in performance of the Work to the maximum extent practical.

20.1.1 Local contractors shall mean those companies which are licensed to do business, and have their principal businesses in the state of Colorado.

20.1.2 Local labor forces shall mean personnel from the jobsite area, qualified to perform the work for which they are employed.

21.0 SIGNATURE REQUIREMENTS

Your proposal must be signed by a duly authorized officer of your company. If your company is a corporation, the proposal must be signed in its name and on its behalf and under seal by a duly authorized signing officer of the corporation and must be accompanied by a certified copy of a resolution of the corporation authorizing such execution. The office held by the signing officer must be shown.

If you submit a proposal as a partnership or joint venture, you must submit with your proposal a "Power of Attorney" executed by all of the general partners or members of the joint venture designating and appointing one of the general partners or members of the joint venture as a "Management Sponsor," and authorizing the Management Sponsor to sign the proposal on your behalf, to act for and bind you in all matters relating to the proposal and, in particular, to agree that each partner or member of the joint venture are jointly and severally liable for any and all of the duties and obligations assumed by you under the proposal and the contract, if awarded. The proposal must be signed on behalf of the partnership or joint venture in its legal name by the Management Sponsor.

If requested by Company, satisfactory evidence of the authority of any signatory to sign on behalf of your company must be furnished.

Only unified sums, rates, prices, or conditions will be accepted. Sums, rates, prices or any conditions which differ between individual parties of a partnership or joint venture will not be accepted.

22.0 PERMITS AND LICENSES

In order to demonstrate the ability to comply with Contract, Part III – General Terms – Standard, Article 32.0, entitled Permits and Licenses, Bidder shall submit with its proposal, the Certificate of License number which grants them the authority to work as a contractor in the state, county and/or municipality where the Work is to be performed.

23.0 SAFETY STANDARDS

Award of any contract is contingent upon the Bidder and Bidder's subcontractors meeting Company's safety standards.

24.0 GENERAL NOTES

The proposal must include the following information:

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24.1 This inquiry number on your proposal and other written communication.

25.0 ENCLOSURES

25.1 Proposal Invitation Letter

25.2 Specimen Contract as described in 3.0 above.

END OF INSTRUCTIONS TO BIDDERS