

REQUEST FOR QUALIFICATIONS



DENVER

**ECONOMIC DEVELOPMENT
& OPPORTUNITY**

Denver Small Business Investment Fund

2022 REQUEST FOR QUALIFICATIONS
DENVER SMALL BUSINESS INVESTMENT FUND (DSBIF)

Summary of Request for Qualifications

Denver Economic Development & Opportunity (DEDO), through its Small Business Investment Fund, is increasing its investment in entrepreneurs and small businesses with a new, progressive program that will focus on providing capital and professional services to support small businesses and entrepreneurs seeking to start, restart, restructure, improve upon or grow in their endeavors. The program will focus on strengthening Denver’s economic diversity while providing quality job opportunities, ensuring a pipeline of entrepreneurs and small business startups, and creating generational wealth for Denver’s business owners who have historically lacked investment opportunities. DEDO estimates approximately \$5,200,000 in year one of the program (Jan 2022) to be invested into this funding opportunity and an estimated \$5,000,000 in January of each year for the next 6-8 years. The City has the potential to invest up to \$50,000,000 total for the program. DEDO also anticipates private, nonprofit, or other investment partners to bring funding to this endeavor to strengthen this long-lasting, investment into Denver’s business community.

RFQ Informational Session February 28, 2022

This will be an opportunity for first-time submitters, or others needing a refresher, to ask technical questions about the application requirements and processes.

Application Questions

General questions regarding the request for qualifications will be addressed at the General Information Meeting on February 28th. Technical questions specifically regarding use of the Zengine system must be submitted in writing by email to dedorfq@denvergov.org.

Tentative Schedule

▪ **DSBIF RFQ APPLICATIONS ARE AVAILABLE**

**Wednesday, February 16, 2022,
9:00 a.m. (MDT)**

▪ **[DSBIF RFQ INFORMATIONAL SESSION](#)**

**Monday, February 28, 2022,
3:00 p.m. – 4:30p.m. (MDT)**

TEAMS MEETING This will be a meeting to discuss the 2022 Denver Small Business Investment Fund. Representatives from the DEDO staff will share the city’s guiding principles, DEDO priorities, and regulatory requirements, and will address questions about the 2022 Denver Small Business Investment Fund and this process.

▪ **DSBIF QUESTIONS ON RFQ DUE**

Monday, March 7, 2022, 4:00 p.m. (MDT)

Submit all questions to: dedorfq@denvergov.org

▪ **ADDENDUM TO RFQ QUESTIONS RELEASED**

Friday, March 11, 2022, 4:00 p.m. (MDT)

DEDO will release the responses to questions on its Bidding Opportunities page.

▪ **COMPLETED PROPOSAL SUBMISSION DEADLINE (RFQ DUE)** **Wednesday, March 30, 2022, 4:00 p.m. (MDT)**

MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISE PARTICIPATION:

Article V, Chapter 28, of the Denver Revised Municipal Code (D.R.M.C.), states the Director of the Division of Small Business Opportunity has the authority to establish a project goal for services contracted by the City and County of Denver. The specific goal for this project is:

10% Minority and Women-Owned Business Enterprise (MWBE) Participation Goal

Project goals must be met with certified participants as set forth in Section 28-127, D.R.M.C., or through the demonstration of a sufficient good faith effort under Section 28-128, D.R.M.C.

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SECTION A. SCOPE OF WORK/SERVICES

A-1 Overview and Scope of Work

Denver Economic Development & Opportunity (DEDO), through its Small Business Investment Fund, is increasing its investment in entrepreneurs and small businesses and entrepreneurs with a new, progressive program that will focus on providing capital to small businesses seeking to start, restart, restructure, improve upon or grow in their endeavors. The program will focus on strengthening Denver's economic diversity while providing quality job opportunities, ensuring a pipeline of entrepreneurs and small business startups, and creating generational wealth for Denver's business owners who have historically lacked investment opportunities. DEDO estimates approximately \$5,200,000 in year one of the program (Jan 2022) to be invested into this funding opportunity and an estimated \$5,000,000 annually for the next 6-8 years. The City has the potential to invest up to \$50,000,000 total for the program. DEDO also anticipates private, nonprofit, or other investment partners to bring funding to this endeavor to strengthen this impactful, investment into Denver's business community.

The Small Business Investment Fund will have two primary functions:

- **Access to Capital:** in the form of loans, grants, and/or equity investments to small business owners and entrepreneurs that have historically lacked access to affordable funding and investment products. See below:
 - Loans: Provide affordable loans to small business owners and entrepreneurs in need of funding for operations, working capital, expansion, or other pertinent uses for their business.
 - Seed Funding and Other Business Grants: Provide non-repayable, direct financial support to small business owners and entrepreneurs during early-stage ideas or other funding needs to establish a baseline approach to growing their business and for the fund to build a pipeline of potential clients for future investment needs.
 - Equity Investments: Fund a program that provides capital infusion to small business owners and entrepreneurs in exchange for equity ownership in the business, similar to venture capital or private equity investment programs but with a broader industry focus and more enhanced focus on underserved communities and business owners.
 - Compliance: "All investing decisions involving funds provided by the City under this Program must be made in compliance with applicable laws."
- **Complementary Business Professional Services:** a negotiated amount of funds will be established for the selected vendor(s) to provide, internally and through contracted relationships, small businesses and entrepreneurs with professional services and wrap-around services to assist them in establishing, maintaining, expanding, or operating their business. Some examples could include:
 - Support for marketing, accounting, legal, business case development, translation services, and other services necessary to prepare the business for establishment and/or growth for businesses participating in the Small Business Investment Fund. These services would be funded through the investment fund and not paid directly to the business
 - Businesses that apply for the program but are determined unprepared to participate may receive additional support in the form of a one-on-one consultation or debrief to prepare them for future opportunities and connect them to resources available.

This program is being developed to level the playing field for small businesses in Denver. Not only because the pandemic has disproportionately affected certain business sectors, and otherwise under-resourced businesses, but also because Denver's prosperity has not been spread equally across the business community and business hopefuls. Denver businesses should have access to the funding and tools they need to be successful in this market. This program will be designed to assess and address the needs of qualifying businesses from multiple angles.

Note: The above are examples of typical funding elements and supportive services that could lead to a successful investment program. However, DEDO anticipates that your specific proposals will outline the funding strategy that best works for your organization. It can be a single strategy, listed above or not, or a combination of strategies given the submitter's experience and creative programming.

A-2 Program and Qualifications:

DEDO seeks local, regional, or national organizations experienced in small business lending or investing that can bring creative and equitable solutions to Denver businesses looking for funding. This partner would administer the program and provide (or contract with qualified organizations that provide) business professional services such as technical assistance, marketing and outreach, translation services, and beyond.

The primary function of the program is to provide funding to small businesses and entrepreneurs in Denver through loans, seed-funding and/or service allocated grants, and/or other capital investments. Though all businesses that meet minimum requirements will be able to apply for funding, the intent of this program is to provide access to capital for businesses that traditionally lack funding opportunities. Therefore, the selected organization(s) should be able to demonstrate small business investment experience in 1) low to moderate income areas and business owners 2) BIPOC (Black, Indigenous, Person of Color), veteran, persons with disabilities, women -owned businesses 3) businesses with strong links to Denver neighborhood placemaking and/or preservation 4) both startup and legacy business investment approaches.

Additionally, the selected organization(s) must demonstrate qualified experience in managing an investment or loan portfolio, including full administration and operations, underwriting, customer service, collections, reporting, and all regulatory functions associated therewithin.

The selected organization(s) would demonstrate qualified experience in, or the ability to select qualified organizations that have proven experience providing culturally relevant services and outreach including technical expertise for wrap-around services for the aforementioned businesses while being able to demonstrate a deep connection and understanding within Denver's unique multi-cultural communities and neighborhoods.

A-3 Budget and Fee Structure

The 2022 budget for this program is \$5,200,000, and it is anticipated that DEDO will receive an additional \$5,000,000 or more annually until the total allocated amount into the Small Business Investment Fund reaches \$50,000,000. The funds are allocated from 1% of the City's Cannabis sales tax revenue and may fluctuate from year to year. The term of the anticipated agreement with the selected organization(s) is five (5) total years - three (3) initial years and two (2) one-year extension options. Though we anticipate the initial funding timeline to be up to five (5) total years, the operating and maintenance agreement may extend to ten (10) total years or more in order to allow for the full management and administration of the

funds to mature and for the reporting of outcomes and impacts. The final terms of the agreements will be negotiated once the submitter(s) is selected.

The selected organization(s) will demonstrate their qualifications, program elements, associated fees and expenses at a summary level, and their approach to equity in the submittal narrative as outlined in Section II: Preparation of Submittal of this Request for Qualifications.

At a minimum, DEDO is looking for creative budget designs and an explanation of how the funds will be allocated to the following program areas over the initial three (3) years of funding – allocated at \$5.2M in year one and an additional \$5.0M in year two and \$5.0M in year 3 for a total of \$15.2M (for Budget purposes only – actual amounts may vary):

- Creative Fee Structures (administrative and/or incentive) to allow for low-cost lending and/or capital funding products that enable businesses or business owners to focus on job growth and revenue generation instead of challenging debt payments or aggressive payback parameters (i.e., Below market interest rates, creative collateral structure, deferral periods, etc.)
- Strong branding, marketing, and outreach of the program to reach priority businesses
- Current or future partnerships to develop, oversee, and produce the business supportive services in the form of professional services (marketing, legal, tax and accounting, website development, translation services, etc.)
- Seed funding to startups and other business grants exclusive of any technical services provided (if applicable)
- Anticipated revenues from repayable loans or other funding elements, if applicable
- Any other expenditures not outlined above

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

A-4 Timeline

The Small Business Investment Fund is anticipated to be a revolving, self-sustaining program which has the potential to eventually grow to \$50,000,000 or more over the next 8-10 years. This specific RFQ will focus on an anticipated funding agreement with the selected organization(s) for five (5) total years – three (3) initial years and two (2) one-year options, to be fully determined during negotiations, after a selection is made.

Though we anticipate the initial funding timeline to be up to five (5) total years, the operating and maintenance agreement has the potential to extend to ten (10) total years or more in order to allow for the

full management and administration of the program to mature and outcomes and impacts to be reported. The final terms of the agreements will be negotiated once the submitter(s) is selected.

A-5 Funding/Program Criteria

The final program criteria will be negotiated with the selected firm(s) during contract development. However, as stated above, the primary function of the program is to provide funding to small businesses and entrepreneurs that traditionally lack access to capital and affiliated services. The list below is not exclusive and can be negotiated, however it provides potential guardrails that can be integrated into the qualified organization's program layout to provide the best outcomes for the program:

Minimum Criteria:

Existing Business Applicants

- Business must be located within the city and county of Denver
- Business must be registered and in good standing with the Colorado Secretary of State
- Business must be engaged in business activity that is legal under Colorado law
- Businesses must be in good standing with local, state and federal taxing and licensing authorities
- For profit entity

Business Start-Ups

- Proposed business location must be in the city and county of Denver
- Proposed business activity is legal under Colorado law
- Be in good standing with local, state, and federal taxing and licensing authorities
- For profit entity

Example Funding Priorities (negotiable; nonexclusive):

- *Low-to-moderate income applicants (as defined by U.S. Department of Housing and Urban Development)*
- *Business located within the following neighborhoods or economically distressed areas: NEST (Neighborhood Equity & Stabilization) neighborhoods, Enterprise Zones, and/or areas that are predominantly low and moderate income as defined by the U.S. Housing & Urban Development*
- *Projects that preserve the unique characteristics of a neighborhood while also serving the needs of residents living in the immediate neighborhood. (Neighborhood placemaking/preservation)*
- *Businesses that establish multi-generational or employee ownership models*
- *Locally owned, small businesses – Revenue caps or employee count may be considered during negotiations*

Example Loan Terms if applicable (negotiable; nonexclusive):

- *Below Market Interest Rate*
- *2nd Lien position*
- *Heightened loss reserves*
- *Flexible repayment terms*
- *Alternative or reduced collateral requirements*

A-6 Program Success / Outcomes

The success of this program will come from various outcomes and will be fine-tuned once an organization(s) is selected, and the contract is developed. However, we anticipate reporting that would provide metrics sufficient to determine program outcomes and success:

- Number of businesses receiving funding
- Total/average funds deployed
- Number of businesses receiving professional services/types of services received
- Number of applications processed
- Applicants and successfully funded by
 - Income level (personal)
 - Revenue (business)
 - Years in business
 - Existing jobs (potential to track future job growth?)
 - BIPOC, woman-owned, veteran, disability status
 - Location/neighborhood/council district
 - Multi-Generational Business ownership
- Individual/total/average agreement terms
 - Equity released (if applicable)
 - Interest rate (if applicable)
 - Investment duration (if applicable)
- Cohesive and strategic partnerships
- Inclusive approaches for equitable business support
- Extensive, innovative, and targeted community outreach and engagement
- Payback and delinquency metrics
- Expanded revenue and sales as a result of capital infusion and technical assistance/professional services
- Funds leveraged
- Number of FTE jobs created/retained

Section B. Proposal Rules

B-1 Proposal Submittal Rules

DEDO is using the grant management system, Zengine for this RFQ application process. All proposals must be submitted via the [Zengine system](#). Any application materials submitted outside the Zengine application will not be accepted nor reviewed.

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

Proposals must be submitted as **one (1)** PDF document in the following order and organized by the headers provided in each section (e.g., “Cover Letter” or “Proposed Budget”). See Appendices A, B, C, D, E for the templates and forms.

- a. Signed Cover Sheet (Appendix A)
- b. Responses to questions 1-7 in Section C (see Section C below)
- c. Contract Certification Form (Appendix B)

- d. Addenda acknowledgement, if applicable (Appendix C)

Additional uploads will be required under section C and E for the following items:

- a. Response to questions 8 (MWBE Utilization Plan) in section C (see Section C below)
- b. Response to question 9 (Financials) in Section C (see Section C below)
- c. Additional Requirements outlined in Section E (Upload separate from the proposal):
 - a. E.1: W9 Form
 - b. E.2: Colorado Secretary of State registration
 - c. E.3: The City’s Diversity & Inclusion form is **online and must be completed prior to the proposal due date and time**. Completion of the online form will be verified by DEDO staff. Do not include a copy in the PDF’d version of your proposal.
 - d. E.6 Disclosure of Legal and Administrative Proceedings and Financial Condition, if applicable
 - e. E.7 MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISE (MWBE) FORMS:
 - i. Commitment to MWBE Participation (Appendix D)
 - ii. 1B- List of Proposed Subcontractors, Subconsultants, and/or Suppliers (Appendix E)

Section C. Submittal Narrative and Questions

All questions regarding the RFQ must be submitted via email by March 7, 2022. Answers to all questions and any significant changes to the RFP will be made available to known interested s via email.

This section describes the required contents for your submittal. The submittal is to be organized as follows:

Narrative Contents
1 Cover Letter (separate from the signed acknowledgement in Appendix A)
2 Proposed Work Plan Timelines, and Equitable Investment Approach
3 Proposed Budget
4 Community Engagement and Support
5 Key Personnel and Ability to Respond
6 Company Experience & Qualifications
7 Additional information
8 MWBE Utilization Plan (separate upload)
9 Financials (separate upload)

1. Cover Letter

The Submitter shall prepare a cover letter, not exceeding two (2) pages in length, which summarizes the key points in the submittal as well as your overall understanding of the project. It shall include the full name of the company or joint venture members and any proposed subconsultants if subconsultants have expressed interest

in partnering with the submitter. If the Submitter is made up of more than one (1) company, the legal relationship between those companies must be described. The letter must be signed by a person who is authorized to sign a contract with DEDO. This will be the first page of your overall submittal and will be acknowledged by signing Appendix A – Signed Cover Sheet.

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

Prepare a description of the Submitter's proposed investment and/or underwriting approach, methods for performing the Scope of Work, and implementation plans and timelines for this program. What is your specific funding strategy and timelines for that strategy? For example, do you anticipate a loan strategy, equity investment strategy, a combination of grants, loans, equity, etc. And what timelines do you anticipate for each strategy?

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

- Access to Capital in the form of Loan, Equity, Grant investments or a combination thereof.
- Professional Services as described in the community engagement and support summary.

Please emphasize your approach and ability, both internally and through partnerships, to address the business community's needs which were reiterated in a series of community and business owner events hosted by DEDO. In those events, DEDO was informed of the following areas of support that business owners had identified as gaps in the marketplace: business plan development, financial literacy, accounting infrastructure, credit, high debt burden, substantive collateral, networking opportunities, capital readiness. These items are not an exhaustive list of barriers, but a small list of items that were brought up and are further outlined in the community engagement and support summary.

Additionally, please indicate your ability and plan to leverage funds from other funding sources, if applicable

3. Proposed Budget

Prepare the Submitter's total Budget breakout including administrative costs, personnel and operating needs based on a 3 year, \$15.2M Budget as described in the Scope of Work. The Budget breakout should, at a minimum, describe the below elements of the program.

3 years, \$15.2M Budget: \$5.2M allocated in the beginning of program year one, 5.0M allocated in the beginning of program year two, and \$5.0M allocated in the beginning of program year three.

- Operating and Administrative Costs (including Management Fees)
 - Management Fee Structures including any performance-based incentives or fee-based costs
 - Strong branding, marketing, and outreach of the program to reach priority businesses
 - Costs to develop, oversee, or produce any technical or professional services assistance typically provided in-house
 - All other administrative or operating costs
- Professional Services payments to business service providers above and beyond any in-house services traditionally provided.

- Capital Disbursement in the form of loans, grants, equity investments or any other similar strategy.
- Anticipated revenues from short-term or other repayable investments, if applicable, which support the evergreen / revolving nature of the fund
- Any other expenditures not outlined above

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

4. Community Engagement and Support

Based on this project, where are opportunities for the Submitter to create and administer the program with an efficient, inclusive, and equitable approach to investing? What elevates this submittal in terms of value and community impact?

Outline plans to constructively engage with and market to the community to ensure the program reaches the intended audiences and positively impacts Denver’s communities, neighborhoods, and local business owners.

5. Key Personnel and Ability to Respond

Prepare an organizational chart which identifies the Submitter’s and proposed subcontractor’s (if known or applicable) key personnel who would perform work under the Contract. The organizational chart can be on 11” x 17” if needed. Describe brief qualifications of each subcontractor which the Submitter plans to retain to perform work. Describe the category of work which will be assigned to each subcontractor. Subcontractor agreements are not mandatory as part of this RFQ but will be part of contract negotiations if selected.

Additionally, for the Submitter, identify the location where primary work on this project would be performed.

Please also include equity characteristics and locations for board members, owners, key leadership.

6. Company Experience & Qualifications

Please discuss your experience in providing the services detailed in the Scope of Work above. Include information on previous projects where these services have been provided by your organization and discuss your methodology, challenges that typically arise, lessons learned, the expected level of assistance required from the City to accomplish each specified task, and any other relevant factors.

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

At a minimum, the following information shall be included as appropriate to the submitter’s qualified experience in delivering the Scope of Work for each qualified example

- Project/fund/program name
- Project description and total funding amount (if available)

- Brief Description of the project/fund/program
- Location
- Principal owner or fund manager name
- Relevant outcomes/results

7. Additional Information

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

8. MWBE Utilization Plan

The MWBE Utilization Plan, is the Submitter's written approach and strategy to the overall administration of their MWBE Program (including the expectations of the lower tier MWBE contractors). The MWBE Utilization Plan should be innovative and comprehensive, describe an open, transparent, responsive approach and include the following program fundamentals outlined below. **See Section F-4 for additional details.**

DSBO will review and score each Submitter(s) submitted utilization plan. In addition to all applicable provisions of the MWBE Ordinance, Submitters shall comply with the requirements of the Approved Utilization Plan. A final Utilization Plan will be negotiated prior to contract execution.

9. Financials

Please provide three (3) most recent years of historical financials for your organization, audited preferred but not required. If your organization is newly formed, please provide one or two years of historical financials. If you do not have historical financials, please enter "N/A"

**** Note: If the Submitter believes any information, data, process or other material in its submittal should be considered by DEDO to be confidential or proprietary, the Submitter shall identify that material with specificity as to the page and paragraph and on what basis it believes the material is proprietary or confidential. Reference section F.3 for additional information.

Section D. Evaluation Criteria and Requirements

D-1 Evaluation of Qualifications

All proposals will be reviewed by an Evaluation Team comprised of DEDO staff and, if needed, additional evaluators with subject matter expertise. All data and information from the submitter must be submitted as described in section B.1 (Proposal Submittal Rules) above. No additional information, documents or inquiries pertaining to the proposal submittal, including email and phone calls, will be considered during the selection process.

DEDO's Evaluation and Selection Committee (Evaluation Committee) will review and evaluate the Qualifications in accordance with the Evaluation Criteria below, the Submitter's demonstrated experience and the Submitter's qualifications as they relate to the scope of services required. The Submitter's ability to present its submittal in writing in a clear, concise, and organized manner will be considered in the evaluation. Responsive Submitters may be required to participate in interviews to be held in the presence of the Evaluation Committee. DEDO shall then, taking into consideration the recommendations of the Evaluation Committee,

attempt to negotiate a Contract with the Submitter(s) which it considers the most qualified, responsive, and responsible.

Any scoresheets, notes, deliberations, and ultimate conclusions of the Evaluation Committee will be kept strictly confidential up through and after award of the opportunity and are protected by the deliberative process privilege. The Evaluation Committee's function is to assist DEDO's Executive Director in determining which submittal(s) to recommend for award. However, the Executive Director has the sole and absolute discretion to recommend any submittal for award deemed to be in accordance with the best interests of DEDO. Submitters may not contact members of the Evaluation Committee or other DEDO staff outside of the Contract Administrator, for any reason specific to this RFQ once this RFQ is issued.

D-2 Past Performance

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

D-3 Shortlisting and Interviews (Optional)

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

D-4 Evaluation Criteria

In preparing responses, Submitters shall describe in detail how they propose to meet the specifications detailed in Section A: Scope of Work and as requested in section C: Submittal Narrative and Questions. Specific factors will be applied to the submittal information to assist DEDO in selecting the most qualified submitter(s) for this opportunity. Evaluation criteria that will be used is as follows, listed in no particular order.

Small Business Investment Fund – Evaluation Criteria	
1	Proposed Work Plan, Timelines, and Equitable Investment Approach
2	Community Engagement and Support
3	Company Experience and Qualifications
4	Historical Financials – Sustainability
5	Proposed Budget
6	MWBE Utilization Plan

The evaluations and potential interviews will be ranked according to scores and proposed services, and recommendations forwarded to DEDO Leadership for review and approval.

Successful submitters may be invited to enter into contract negotiations and development of a final scope of services. Any award(s) as a result of these proposals shall be contingent upon the execution of an appropriate contract. Proposal reviews and awards are contingent upon submitters being current to the City on any loan, contractual, or tax obligation as due, or with any rule, regulation, or provision on existing or past City contracts.

Section E. Additional Requirements and Forms

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

E.1 IRS FORM W-9

Attach the submitter's current IRS Form W-9 available from the [IRS website](#).

E.2 CERTIFICATE OF GOOD STANDING FROM SECRETARY OF STATE

Please attach the submitter's Certificate of Good Standing from the Colorado Secretary of State's office to your proposal. Proposing organizations must be registered with the Secretary of State's office **PRIOR TO** submitting an application. This can be obtained from the [Secretary of State's website](#).

E.3 DIVERSITY AND INCLUSIVENESS IN CITY SOLICITATIONS INFORMATION REQUEST FORM

Denver Executive Order No. 101 establishes strategies between the City and private industry to use diversity and inclusiveness to promote economic development in the City and County of Denver and to encourage more businesses to compete for City contracts and procurements. The Executive Order requires, among other things, the collection of certain information regarding the practices of the City's contractors and consultants toward diversity and inclusiveness and encourages/requires City agencies to include diversity and inclusiveness policies in selection criteria where legally permitted in solicitations for City services or goods.

Submitter's completion of the City's "[Diversity and Inclusiveness in City Solicitations Information Request Form](#)" will be verified by DEDO staff. For the enter email address of City and County of Denver contact person please use this email address: dedorfq@denvergov.org.

This online form must be completed prior to the due date and time of the proposal. NOTE: Select N/A for "Solicitation Number." DO NOT INCLUDE A PDF VERSION OF THE FORM IN YOUR PROPOSAL.

E.4 CERTIFICATES OF INSURANCE

Certificates of Insurance evidencing the following coverage will be required upon contract execution of all City Contractors:

- Commercial General Liability: \$1,000,000 per occurrence, \$1,000,000 for each personal and advertising injury claim, \$2,000,000 products and completed operations aggregate, \$2,000,000 policy aggregate
- Business Auto Liability: \$1,000,000 combined single limit
- Workers Compensation: \$100,000 per occurrence for each bodily injury claim, \$100,000 per occurrence for each bodily injury caused by disease claim, and \$500,000 aggregate for all bodily injuries caused by disease claims.
- Commercial Crime: Contractor shall maintain \$1,500,000 in commercial crime insurance coverage. Coverage shall include theft of City's money, securities or property by Contractor's employees, including any extended definition of employee. The City and County of Denver shall be named as Loss Payee as its interest may appear.

- Cyber Liability, Cyber Security, Information Security, Privacy Liability, Network Security: contractor is likely to be required to maintain for any client/participant information that is collected and stored in an electronic format or system with limits of \$1,000,000 per occurrence/aggregate

Additional coverage may be required upon award.

E.5 SAMPLE CONTRACT

The successful Submitters r(s) will be required to execute a contract with the City. The sample Agreement is listed on the [DEDO Bidding Opportunities](#) page under the Denver Small Business Investment Fund. The City shall assume that the sample Agreement has been thoroughly reviewed and discussed with Submitters' legal counsel prior to preparation of any list of proposed modifications. All Submitters are strongly advised to seek legal counsel prior to preparing such list. The City reserves the right to accept or reject in its sole discretion any proposed modifications to the sample contract.

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

E.6 Disclosure of Legal and Administrative Proceedings and Financial Condition

If any of the below statements are true:

- A. The Submitter shall submit (at time of submittal) a statement which shall disclose all legal or administrative proceedings that involve a civil claim in excess of Fifty Thousand Dollars (\$50,000) in which the Submitter, its principals or key personnel were a party in the last five years. The Submitter shall include in the statement:
 1. The caption of the action naming all parties;
 2. The case number, jurisdiction and the date the action was filed;
 3. A brief description of the action, the amount of the claim and whether the action involved performance under any public or private construction contract; and
 4. The outcome or disposition of the action.
- B. The Submitter shall submit (at time of submittal) a statement which shall disclose whether Submitter has filed for protection under the laws of the U. S. Bankruptcy Code within the last ten (10) years.
- C. The Submitter shall submit (at time of submittal) a statement as to whether the Submitter, its principals or key employees presently, or in the past, are or have been involved in any debarment or suspension proceedings. Please include a description of any proceedings which prohibited or limited the Submitter from bidding or entering into any contract with any federal, state or local government entity. Include a brief description of the reason(s) for such action having been taken, the effective dates thereof and the governmental agency.

If the Submitter is a partnership or joint venture, please include a statement disclosing the information listed in subparagraph A and B, above, for each partner or joint venturer. If the Submitter is fifty percent (50%) or greater owned by another entity or individual, please include a statement disclosing the above information for such entity or individual.

- D. The Submitter shall submit (at time of submittal) a statement as to whether the Submitter, its principals or key employees have been convicted of any crime related embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, fraud, unfair trade practices, violation of state or federal antitrust statutes, or other law indicating a lack of business integrity or business honesty or have been convicted of any other felony in any jurisdiction within the last five (5) years. Include the current status of any such principal or key employees.

E.7 MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISE (MWBE) FORMS:

To comply with the submittal requirements, the Submitter shall submit completed DSBO Form entitled:

- I. **Commitment to MWBE Participation [Appendix D];** The committed participation level will be inserted into the contract and the Submitter must comply during the life of the contract.

- II. **1B - List of Proposed Subcontractors, Subconsultants, and/or Suppliers [Appendix E];** shall include identified certified firms, that will be utilized on this project.

Section F. General Disclaimers

F.1 Addenda

DEDO reserves the right to revise the RFQ documents at any time up to the time set for submission of the Qualifications. Any such revision(s) shall be described in an addenda to the RFQ and shall be posted on the DEDO Bidding Opportunities Page for this proposal.

F.2 Rights of DEDO

DEDO reserves the right to cancel or modify this RFQ at any time and to reject any or all proposals for any reason or for no reason. This RFQ is an open and equitable invitation for proposals, and each proposal constitutes an offer to contract that DEDO may consider in its sole and absolute discretion. Any errors or omissions in a proposal may result in the rejection and disqualification of the entire proposal. Errors, omissions, and other acts that may result in proposal rejection and disqualification include, but are not limited to, failure to strictly comply with the RFQ requirements or any applicable ordinances, rules, or policies; the submission of any inaccurate or false information; any improper communications or collusion involving Submitters; default or termination for cause of any public or private contracts within the past five years; delinquent arrearages owed to DEDO

Notwithstanding the broad rights reserved to DEDO to reject and disqualify any or all proposals, DEDO may waive any immaterial deficiencies in proposals and may allow Submitters to cure any such deficiencies if an opportunity to cure is determined by DEDO to be in DEDO's best interests. If given an opportunity to cure, Submitters will be notified of the allotted time to correct the identified deficiency; failure to correct the deficiency in the time allotted may result in proposals being deemed non-responsive and disqualified. DEDO's waiver of an immaterial deficiency will in no way modify the RFQ or excuse Submitters from full compliance with all RFQ specifications.

During the evaluation process, DEDO reserves the right to request additional information from any submitter, to seek clarification of information provided, to conduct its own due diligence with respect to any submitter or submittal.

F.3 Confidentiality of Records

Documents submitted to or created by DEDO in response to this RFQ are subject to the Colorado Open Records Act (C.R.S. § 24-72-201 *et seq.*) (“CORA”). In accordance with the Denver Revised Municipal Code, all documents submitted to or created by DEDO in response to this RFQ are confidential and privileged and may not be inspected until an award is made or the solicitation is ended without an award being made by DEDO. An award is made when DEDO formally executes a contract resulting from this solicitation. A solicitation is ended when the Executive Director of DEDO (“Executive Director”) declares the solicitation ended.

Qualifications will be opened to avoid disclosure of contents to competing submitters during the process of negotiating and making an award. A register of submitters will be prepared and made available to the public after the Qualifications have been submitted.

CORA provides certain information deemed confidential, including commercial and financial data or privileged, proprietary, copyrighted information, or which describes trade secrets, is exempt from public disclosure. To designate portions of the RFQ as confidential, Submitter must:

1. Mark the cover page as follows: “This response to the Request for Qualifications includes trade secrets or other proprietary data.”
2. Mark each sheet or data to be restricted with the following: “Confidential: Use or disclosure of data contained on this sheet is subject to the restriction on the cover page of this response to the Request for Submittal.”

A request for non-disclosure of your submittal under the guidelines stated above does not guarantee it is not subject to disclosure under CORA. The Submitter's opinion as to what constitutes confidential or proprietary information is not binding on DEDO in responding to a CORA request. Where a request is made to inspect or copy Qualifications or other documents related to this opportunity, any disclosure of information by DEDO consistent with the provisions of CORA, DEDO has sole discretion to determine whether information or records must be provided under CORA and the City and DEDO shall not be liable if it provides responsive records that the bidder contends are protected under CORA and DEDO disagrees.

In the event of a request to DEDO for disclosure of such information, time, and circumstances permitting, DEDO will make a good faith effort to advise submitters of such request and provide an opportunity to identify and object to disclosure of any material submitters consider confidential, proprietary, or otherwise exempt from disclosure pursuant to CORA. In the event Submitters' objects to disclosure, DEDO, in its sole and absolute discretion, or Submitters may file an application to the Denver District Court for a determination of whether disclosure is required or exempted as provided for in CORA. In the event a lawsuit to compel disclosure is filed prior to DEDO's application, DEDO will tender all such requested material to the court for judicial determination and Submitter may intervene if it objects to production of the material. Submitter agrees to defend, indemnify, and hold harmless City, its officers, agents, and employees from any claim, damages, expense, loss, or costs arising out of a Submitter's objection to disclosure including prompt reimbursement to DEDO of all reasonable attorney fees, costs, and damages DEDO may incur directly or may be ordered to pay by such court if DEDO withheld information or records at Submitter's request.

F-4 Minority Business Enterprise and Women Business Enterprise Participation

The City is committed to advancing its vision of small business equity and sustainability through growing the capacity of our small, minority and women-owned businesses, which shall include certified small, minority, and women-owned businesses. The City will provide significant opportunities among these businesses and ensure they benefit from the contract. Aligning with the Division of Small Business Opportunity (“DSBO”) mission to strengthen the City’s small, minority, and women-owned business community, this contract’s small business engagement initiatives are intended as a part of the City’s commitment to ensure, small, minority, and women-owned businesses are actively and impactfully participating throughout the life of the Project.

Article V, Chapter 28, of the Denver Revised Municipal Code (D.R.M.C.), referred to as the “Goods and Services Ordinance” and any Rules or Regulations promulgated pursuant thereto apply to this Procurement and are incorporated into these Procurement Documents by reference. Under the Goods and Services Ordinance, the Director of the Division of Small Business Opportunity (“Director”) has the authority to establish participation goals for contracts and purchase orders for the purchase of services by the City and County of Denver. The participation goal is stated in the Summary of Request for Qualifications.

1. If a Submitter is participating in a joint venture with a certified MWBE firm, submit the firm’s Joint Venture Agreement, to DSBO, **at least 10 working days prior to the submittal.** The Joint Venture must be approved prior to the submittal date by DSBO. Approval by DSBO includes determining the MWBE portion of work the Joint Venture will count towards meeting the participation goal.
2. The Submitter shall describe what they have done to engage with historically underutilized businesses in their ongoing operations. The MWBE Utilization Plan and the engagement of such firms should be innovative, comprehensive, open, and transparent approach that makes a significant impact through the promotion of equity, diversity, and inclusion to improve opportunities that ensure fair and just access to jobs, housing, education, mobility options, and healthier communities. This engagement may include, but is not limited to, utilization of historically underutilized businesses, mentor / protégé programs, prompt payment, workforce expansion, joint ventures, technical assistance, access to capital platforms and community outreach.

The Submitter shall describe how equity, diversity, and inclusion (EDI) has been promoted internally and rooted within their company through programs that include but are not limited to 1) company policy and programs that advance equity, diversity, and inclusion priorities, 2) employment practices of recruitment/hiring, employee development/advancement, training (i.e., implicit bias), and 3) expectations of valuing and actively collaborating through partnerships with subcontractors / subconsultants.

The MWBE Utilization Plan shall address the program fundamentals listed below:

1. Identify key personnel (name, title, email, and phone number) and their duties as it relates to the execution to the components of the MWBE EDI Plan, specifically:
 - a. B2GNow (Small Business Certification and Contract Management System) User,
 - b. Project Manager(s),
 - c. Controller,
 - d. Superintendent (if applicable), and

- e. Outreach/Community Engagement Coordinator (if applicable).
2. MWBE Utilization Strategies. Describe the strategies and tactics Submitter is and will use to increase the participation of new and existing MWBE businesses in contracting opportunities.
3. Technical Assistance & Support Services. Describe the assistance and/or guidance that Submitter is and will provide to MWBE businesses that helps move this next generation of small businesses forward. This assistance and/or guidance could include technical, financial, or support services to the MWBE businesses that allows them to have meaningful participation on this or other contracts with the Submitter or other business partners. Describe the community resource organizations that Submitter is and will partner with and sponsor to provide assistance and/or guidance to small businesses. Examples of such assistance and guidance may include, but are not limited to, quality control, bonding, insurance assistance, prompt payment, mentoring programs, joint ventures, workforce development, technical assistance, access to capital platforms, etc.
4. Procurement Process. Describe Submitter's procurement process (including policies and procedures) and provide details on the principles used throughout the process to remove barriers in an effort to promote equity and how you ensure that these efforts flow down to all tiers of subcontractors and subconsultants.
5. Communication and Vendor Management. Describe the communication strategies and assistance Submitter is and will use with MWBE businesses to align their work with the contract requirements which may include, but are not limited to, training for internal and external staff to ensure effective communication, scheduling, safety requirements, terms and conditions, performance expectations, document control, and dispute resolution.
6. Past Performance. Provide examples where the Submitter has been successful in promoting equity, diversity, and inclusion both internally and externally. Describe practices of Submitter's efforts and initiatives towards youth mentorship & development, employee recruitment, training, development, and succession planning to promote equity, diversity, and inclusion. Describe how the Submitter has promoted these values to both businesses and communities that they serve. Describe times when Submitter has been successful in promoting the participation of MWBE businesses and/or any assistance provided to the MWBE businesses that promoted their overall growth and success. Examples of such promotion may include, but are not limited to, bonding and insurance assistance, mentor-protégé programs, prompt payment, workforce expansion, innovative and successful partnering with an MWBE firm (i.e., joint venture, performing as a subcontractor to an MWBE etc.), technical assistance, access to capital platforms and community outreach.
7. Submitter's Culture. Describe how EDI has been promoted internally and rooted within your company through programs that include but are not limited to 1) company policy and programs that advance equity, diversity, and inclusion priorities, 2) employment practices of recruitment/hiring, employee development/advancement, training (i.e., implicit bias), and 3) expectations of valuing and actively collaborating through partnerships with subcontractors / subconsultants.

8. Future Initiatives. Provide a roadmap of the work Submitter intends to do over the next 5 years to promote equity, diversity, and inclusion both internally and externally. Describe practices Submitter intends to use in youth mentoring & development, employee recruitment, training, development, and succession planning to promote equity, diversity, and inclusion. Describe any plans Submitter has made to promote these values to both businesses and communities that they serve.

The selected Submitter(s) shall collaborate with DSBO on an approved utilization plan. Upon Approval by DSBO of the Proposed Utilization Plan, the Proposed Utilization Plan shall be referred to as the "Approved Utilization Plan." Thereafter, the contractor/consultant is required to prepare and submit to DSBO an updated MWBE Utilization Plan, on a minimum of an annual basis for DSBO approval throughout the contract duration. The consultant will be required to comply with the MWBE Ordinance, any Rules and Regulations and the most current DSBO approved version of the MWBE Utilization Plan and the contents within such plan.

Failure by the contractor/consultant awarded the contract to comply with Goods and Services Ordinance requirements during the performance of the contract is a material breach of the contract, which may result in the imposition of sanctions on the vendor, as deemed appropriate by DSBO. Copies of the Goods and Services Ordinance and its accompanying Rules and Regulations are available for the use and review by submitters from DSBO, as well as additional MWBE Guidance which can be found on the [DSBO website](#).

END OF INSTRUCTIONS TO SUBMITTER