

Grow Iowa Values Fund Regional Marketing RFP

Posted: November 1, 2011

Amended: November 23, 2011

## FINANCIAL ASSISTANCE

### Request for Proposals

**Amendment corrects clerical matters, not substance related**

TITLE OF RFP:	Economic Development Regional Marketing Initiatives		
Agency:	Iowa Economic Development Authority		
Description of Financial Assistance:	The Authority is making financial assistance available to qualified recipients for their regional development plans, consistent with the restrictions and requirements of 261 Iowa Administrative Code Chapter 31.		
Initial term of the contract:	2 years from award date	Possible extensions:	None
State Issuing Officer:	Kathy Anderson		
Email:	kathy.anderson@iowa.gov		
Address:	Iowa Economic Development Authority 200 East Grand Avenue, Des Moines, IA 50309		
TIMETABLE—Event or Action:	Date/Time (Central Time):		
State Issues RFP:	11-1-2011		
Questions Due:	11-14-2011		
Proposals Due Date:	12-7-2011		
Anticipated Date to issue Notice of Intent to Award:	1-16-2012		
Anticipated Date to execute contract:	2-06-2012		
Internet website where Addenda to this RFP will be posted:	<a href="http://www.iowaeconomicdevelopment.com">www.iowaeconomicdevelopment.com</a>		
Number of Copies of Proposals Required to be Submitted:	2 copies total. One electronic and one hard copy.		

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## SECTION 1: INTRODUCTION

1.1. Purpose. The purpose of this Request for Proposals (RFP) is to solicit proposals from eligible bidders to provide the financial assistance described in 261 Iowa Administrative Code Chapter 31, Division I. The Authority intends to award a Contract beginning and ending on the dates listed on the RFP cover sheet, and the Authority, in its sole discretion, may extend the Contract for up to the number of extensions identified on the RFP cover sheet. The Authority may award more than one Bidder under this RFP.

1.2. Definitions. For the purposes of this RFP and the resulting contract, the following terms shall mean:

*“Contract”* means the contract(s) entered into with the successful Bidder(s) as described in Section 6.1.

*“Bidder”* means an Economic Development Region submitting Proposals in response to this RFP. For purposes of this RFP, the only eligible bidders are Economic Development Regions.

*“Authority”* means the Iowa Economic Development Authority and any other governmental body that purchases from the Contract; may also be referred to as IEDA.

*“Economic Development Region”* means a region consisting of not less than three counties, unless two contiguous counties have a combined population of at least 300,000 based on the most recent federal decennial census.

*“Program”* means the Economic Development Region Initiative – Financial Assistance Program administered by the Authority.

*“Project”* means the project proposed to be completed by the Bidder.

*“Proposal”* means the Bidder’s proposal submitted in response to the RFP.

*“Responsive Proposal”* means a Proposal that complies with the material provisions of this RFP.

*“RFP”* means this Request for Proposals and any attachments, exhibits, schedules or addenda hereto.

*“State”* means the State of Iowa.

1.3. Background Information. The Iowa General Assembly has made funding available through the Grow Iowa Values Fund for Economic Development Regions to undertake projects under the following headings:

- Installation of physical infrastructure.
- Establishment and administration of a Regional Economic Development Revenue Sharing Pilot.
- Establishment of an entrepreneurial initiative.
- Purchase, rehabilitation and marketing of closed facilities.
- Assistance for business succession.
- Assistance for unique or innovative regional projects.

This RFP is designed to provide Bidders with the information necessary for the preparation of competitive Proposals. The RFP process is for the Authority’s benefit and is intended to provide the Authority with competitive information to assist in the selection process. It is not intended to be comprehensive. Each Bidder is responsible for determining all factors necessary for submission of a comprehensive Proposal.

## **SECTION 2: ELIGIBILITY AND PROGRAM REQUIREMENTS**

2.1 Availability of Funds.

2.1.1 Each project is eligible for up to a maximum of \$40,000 in financial assistance under this Program.

2.1.2 Applications will be accepted through the date described on the cover page of this RFP, and funds will be awarded consistent with the requirements of this RFP, including the criteria described in Section 4 of this RFP, until they are exhausted.

2.1.3 Funds will be provided as a proportion of match. Bidders may include up to 15% of in-kind donation as match. In-kind donations are those non-cash outlays dedicated to the project and may include, without limitation, materials and supplies.

2.2 Projects. The following projects may be eligible for financial assistance under this Program:

2.2.1 Physical infrastructure. The installation of physical infrastructure needs including, but not limited to, horizontal infrastructure, water and sewer infrastructure, and telecommunications infrastructure, related to the development of fully served business and industrial sites by one or more of the region’s economic development partners or for the installation of infrastructure related to a new business location or expansion.

Match required for physical infrastructure projects is one dollar of local funds for every two dollars received from the Authority. The economic development region must demonstrate all of the following:

- a. The ability to provide matching moneys on a basis of dollars received from the grow Iowa values fund.
- b. The commitment of the specific business partner including, but not limited to, a letter of intent

- defining a capital commitment or a percentage of equity.
- c. That all other funding alternatives have been exhausted.

2.2.3 Entrepreneurial initiative. Funds are available for the establishment of an approved entrepreneurial initiative. Match required for these types of projects is one dollar of local funds for every two dollars received from the Authority.

2.2.4 Business closure due to consolidation. An existing business threatened with closure due to a potential consolidation to an out-of-state location. The economic development region may apply for financial assistance from the Grow Iowa Values Fund for the purchase, rehabilitation, or marketing of a building that has become available due to the closing of an existing business as a result of a consolidation to an out-of-state location. Match required for these types of projects is one dollar of local funds for every three dollars received from the Authority.

2.2.5 Business succession assistance program. Match required for these types of projects is one dollar of local funds for every two dollars received from the Authority.

2.2.6 Unique or regional projects. Match required for these types of projects is one dollar of local funds for every dollar received from the Authority.

2.3 Reporting. Any bidders who are awarded under this RFP shall be required to provide an annual report to the Authority outlining how funds were invested using the reporting format provided by the Authority.

2.4 Compliance with laws. Any bidders who are awarded under this RFP shall be required to comply with all federal, state and local laws, rules and ordinances as a condition of receiving funds.

### **SECTION 3: FORM AND CONTENT OF PROPOSALS**

3.1. Instructions. These instructions prescribe the format and content of the Proposal. They are designed to facilitate a uniform review process. Failure to adhere to the Proposal format may result in the rejection of the Proposal.

3.1.1. The Proposal shall be submitted both in PDF Format to [Kathy.anderson@iowa.gov](mailto:Kathy.anderson@iowa.gov) and sent in a sealed envelope to the individual identified on the cover page of this RFP to the address as follows:

Attn: Kathy Anderson  
Iowa Economic Development Authority  
200 East Grand Avenue  
Des Moines, IA 50309  
RE: Economic Development Regional Marketing Initiatives

The Authority shall not be responsible for misdirected packages or premature opening of Proposals if a Proposal is not properly labeled. In addition, the Bidder shall submit an electronic copy in PDF form to the individual identified on the cover page of this RFP via electronic mail.

3.1.2. One hardcopy version and one electronic version of the Proposal shall be timely submitted to the Issuing Officer by the date described on the cover page of this RFP.

3.1.3. If the Bidder designates any information in its Proposal as confidential pursuant to Section 5, the Bidder must also submit one (1) copy of the Proposal from which confidential information has been excised as provided in Section 5 and which is marked "Public Copy".

3.1.4. Proposals shall not contain promotional or display materials.

3.1.5. Attachments shall be referenced in the Proposal.

3.2 Contents of the Proposal. The following documents and responses shall be included in the Proposal in the order given below:

3.2.1 Transmittal Letter.

An individual authorized to legally bind the Bidder shall sign a transmittal letter. The letter shall include the Bidder's mailing address, electronic mail address, fax number, and telephone number. Any request for confidential treatment of information shall be included in the transmittal letter in accordance with the provisions of Section 5.

3.2.2 Table of Contents. The Bidder shall include a table of contents of its Proposal.

3.2.3 Project Information. The Bidder shall provide its intended use for the funds applied for, including the project type and shall document its matching funds available. The Bidder shall also identify all sources of funds, the overall budget for the Project and any other information the Bidder deems appropriate to provide the Authority with a clear understanding of how the Bidder intends to use the funds.

3.2.4 Bidder Background Information. The Bidder shall provide the following general background information:

3.2.4.1 Name, address, telephone number, fax number and e-mail address of the Bidder including all d/b/a's or assumed names or other operating names of the Bidder, and the name, address and telephone number of the Bidder's representative.

3.2.4.2 Form of business entity, i.e., corporation, partnership, proprietorship, limited liability company and state of incorporation, state of formation, or state of organization.

3.2.4.3 Number of employees.

3.2.4.4 Type of business.

3.2.4.5 Name, contact information and qualifications of any other entities who will be involved with this project the Bidder proposes to use and the nature of the work or contributions those other entities would perform.

3.2.4.6 Experience of the Bidder in undertaking projects similar to the Project.

3.2.4.7 Identification of whether the Project is eligible for additional consideration as part of a Brownfield area, a Good Neighbor Agreement or Iowa Great Places Agreement, as described in 261 Iowa Administrative Code chapter 171. If the Project meets the requirements for additional

consideration described in those programs, the Bidder must provide ample information to demonstrate how those requirements are met by the Bidder or the Project.

3.2.5 Termination, Litigation, Debarment. The Bidder must provide the following information for the past five (5) years:

- Has the Bidder had a contract for services terminated for any reason? If so, provide full details regarding the termination.
- Describe any damages or penalties assessed against or dispute resolution settlements entered into by Bidder under any existing or past contracts for services. Provide full details regarding the circumstances, including dollar amount of damages, penalties and settlement payments.
- Describe any order, judgment or decree of any Federal or State authority barring, suspending or otherwise limiting the right of the Bidder to engage in any business, practice or activity.
- A list and summary of all litigation or threatened litigation, administrative or regulatory proceedings, or similar matters to which the Bidder or its officers have been a party.
- Any irregularities discovered in any of the accounts maintained by the Bidder on behalf of others. Describe the circumstances and disposition of the irregularities.

Failure to disclose these matters may result in rejection of the Proposal or termination of any subsequent Contract. The above disclosures are a continuing requirement of the Bidder. Bidder shall provide written notification to the Authority of any such matter commencing or occurring after submission of a Proposal, and with respect to the successful Bidder, following execution of the Contract.

3.2.6 Acceptance of Terms and Conditions. The Bidder shall specifically agree that by submitting the Proposal, the Bidder is accepting all terms and conditions stated in the RFP. However, if the Bidder objects to any term or condition, the Bidder must specifically refer to the RFP page and section number and provide the reason for the objection. Objections or responses that materially alter the RFP may be deemed non-responsive and result in rejection of the Proposal.

3.2.7 Certification and Authorization to Release Information Letter. The Bidder shall sign and submit with the Proposal, the document included as Attachment #1 in which the Bidder shall make the certifications included in Attachment #1 and authorize the release of information to the Authority.

## **SECTION 4: EVALUATION AND SELECTION**

4.1 Evaluation Committee. The Authority intends to conduct a comprehensive, fair, and impartial evaluation of Proposals received in response to this RFP. The Authority will use an evaluation committee to review and evaluate the Proposals.

4.2 The evaluation committee will make a recommendation to the Economic Development Authority Director, who must approve the recommendation. The Board or Director is not bound by the evaluation committee's recommendation, and either the Board or the Authority may opt not to award a contract to any vendor.

4.3 Overview of Evaluation. All Technical Proposals will be first evaluated to determine if they comply with the requirements provided in Section 2. The evaluation committee will fully evaluate and score all Responsive Proposals submitted by Responsible Bidders in accordance with this Section.

4.4 Evaluation Criteria. The criteria provided below are general in nature and may be used to develop a more detailed evaluation work sheet. The Authority reserves the right to evaluate financial capability of any or all Bidders to satisfactorily complete the requirements of this RFP. The following criteria shall be used to evaluate the Proposals:

4.4.1 Quality of the Regional Plan (40 points). Description of the current economic and social situation of the geographic area represented by the partners. Definitions of the major marketable assets and opportunities instrumental in forming this collaboration. Detail the region's goals and objectives. IEDA must approve the regional plan. The Authority will award higher points to those Projects involving the marketing of industrial sites or Synchronist sub-licenses.

4.4.2 Use of Funds (40 points). Summary provided of project costs and proposed financing. Confirmed funding sources in addition to the IEDA funding provided. The Authority will award additional points to those groups having more private funding in place. Such additional funding should be documented utilizing, without limitation, letters of financial commitment, fund raising plans, etc.

4.4.3 Need (20 points). Appropriateness of the Project for the region. Impact the project will have on the region. The project must relate to the regional plan and be based on documented past successes.

## **SECTION 5: ADMINISTRATIVE INFORMATION**

5.1 Issuing Officer. The Issuing Officer identified in the RFP cover sheet is the sole point of contact regarding the RFP from the date of issuance until a Notice of Intent to Award the Contract is issued.

5.2 Restriction on Communication. From the issue date of this RFP until a Notice of Intent to Award the Contract is issued, Bidders may contact only the Issuing Officer. The Issuing Officer will respond only to written questions regarding the procurement process. Questions related to the interpretation of this RFP must be submitted as provided in Section 5. Oral questions related to the interpretation of this RFP will not be accepted.

5.3 Downloading the RFP from the Internet. The RFP and any addenda to the RFP will be posted at <http://www.iowaeconomicdevelopment.com>. The Bidder is advised to check the website periodically for Addenda to this RFP, particularly if the Bidder downloaded the RFP from the Internet as the Bidder may not automatically receive addenda. It is the Bidder's sole responsibility to check daily for addenda to posted documents.

5.4 Timetable. The dates provided in the procurement timetable on the RFP cover sheet are provided for informational and planning purposes. The Authority reserves the right to change the dates. If the Authority changes any of the deadlines for Bidder submissions, the Authority will issue an addendum to the RFP.

5.5 Questions, Requests for Clarification, and Suggested Changes. Bidders are invited to submit written questions and requests for clarifications regarding the RFP. Bidders may also submit suggestions for changes to the requirements of this RFP. The questions, requests for clarifications, or suggestions must be in writing and received by the Issuing Officer before the date and time listed on the RFP cover sheet. Oral questions will not be permitted. If the questions, requests for clarifications, or suggestions pertain to a specific section of the RFP, Bidder shall reference the page and section number(s). The Authority will send written responses to questions, requests for clarifications, or suggestions will be received from Bidders on before the date listed on the RFP cover sheet. The Authority's written responses will become an addendum to the RFP. If the Authority decides to adopt a suggestion that modifies the RFP, the Authority will issue an addendum to the RFP.

The Authority assumes no responsibility for oral representations made by its officers or employees unless such representations are confirmed in writing and incorporated into the RFP through an addendum.

5.6 Amendment to the RFP. The Authority reserves the right to amend the RFP at any time using an addendum. The Bidder shall acknowledge receipt of all addenda in its Proposal. If the Authority issues an addendum after the due date for receipt of Proposals, the Authority may, in its sole discretion, allow Bidders to amend their Proposals in response to the addendum.

5.7 Reserved.

5.8 Amendment and Withdrawal of Proposal. The Bidder may amend or withdraw and resubmit its Proposal at any time before the Proposals are due. The amendment must be in writing, signed by the Bidder and received by the time set for the receipt of Proposals. Bidders must notify the Issuing Officer in writing prior to the due date for Proposals if they wish to completely withdraw their Proposals.

5.9 Submission of Proposals. The Authority must receive the Proposal at the Issuing Officer's address identified on the RFP cover sheet before the "Proposals Due" date listed on the RFP cover sheet. This is a mandatory requirement and will not be waived by the Authority. Any Proposal received after this deadline will be rejected and returned unopened to the Bidder. Bidders mailing Proposals must allow ample mail delivery time to ensure timely receipt of their Proposals. It is the Bidder's responsibility to ensure that the Proposal is received prior to the deadline. Postmarking by the due date will not substitute for actual receipt of the Proposal. In addition, the Bidder must submit an electronic version of the Proposal in PDF format to the Issuing Officer by the Proposal Due Date. Faxed Proposals will not be accepted.

Bidders must furnish all information necessary to enable the Authority to evaluate the Proposal. Proposals that fail to meet the mandatory requirements of the RFP will be rejected. Oral information provided by the Bidder shall not be considered part of the Bidder's Proposal unless it is reduced to writing.

5.10 Proposal Opening. The Authority will open Proposals after the deadline for submission of Proposals has passed. The Proposals will remain confidential until the Evaluation Committee has reviewed all of the Proposals submitted in response to this RFP and the Authority has issued a Notice of Intent to Award a Contract. See Iowa Code Section 72.3. However, the names of Bidders who submitted timely Proposals will be publicly available after the Proposal opening. The announcement of Bidders who timely submitted Proposals does not mean that an individual Proposal has been deemed technically compliant or accepted for evaluation.

5.11 Costs of Preparing the Proposal. The costs of preparation and delivery of the Proposal are solely the responsibility of the Bidder.

5.12 No commitment to Contract. The Authority reserves the right to reject any or all Proposals received in response to this RFP at any time prior to the execution of the Contract. Issuance of this RFP in no way constitutes a commitment by the Authority to award a contract.

5.13 Rejection of Proposals. The Authority may reject outright and not evaluate a Proposal for reasons including without limitation:

- The Bidder fails to deliver the cost proposal in a separate envelope.
- The Bidder acknowledges that a mandatory requirement of the RFP cannot be met.
- The Bidder's Proposal changes a material requirement of the RFP or the Proposal is not compliant with the mandatory requirements of the RFP.
- The Bidder's Proposal limits the rights of the Authority.
- The Bidder fails to include information necessary to substantiate that it will be able to meet a requirement of the RFP as provided in Section 3 of this RFP.
- The Bidder fails to timely respond to the Authority's request for information, documents, or references.
- The Bidder presents the information requested by this RFP in a format inconsistent with the instructions of the RFP or otherwise fails to comply with the requirements of this RFP.
- The Bidder initiates unauthorized contact regarding the RFP with state employees.
- The Bidder provides misleading or inaccurate responses.
- The Bidder's Proposal is materially unbalanced.
- There is insufficient evidence (including evidence submitted by the Bidder and evidence obtained by the Authority from other sources) to satisfy the Authority that the Bidder is a Responsive Bidder.

5.14 Nonmaterial Variances. The Authority reserves the right to waive or permit cure of nonmaterial variances in the Proposal if, in the judgment of the Authority, it is in the State's best interest to do so. Nonmaterial variances include but are not limited to: minor failures to comply that do not affect overall responsiveness, that are merely a matter of form or format, that do not change the relative standing or otherwise prejudice other Bidders, that do not change the meaning or scope of the RFP, or that do not reflect a material change in the requirements of the RFP. In the event the Authority waives or permits cure of nonmaterial variances, such waiver or cure will not modify the RFP requirements or excuse the Bidder from full compliance with RFP specifications or other Contract requirements if the Bidder is awarded the Contract. The determination of materiality is in the sole discretion of the Authority.

5.15 Reference Checks. The Authority reserves the right to contact any reference to assist in the evaluation of the Proposal, to verify information contained in the Proposal and to discuss the Bidder's qualifications and the qualifications of any subcontractor identified in the Proposal.

5.16 Information from Other Sources. The Authority reserves the right to obtain and consider information from other sources concerning a Bidder, such as the Bidder's capability and performance under other contracts, the qualifications of any subcontractor identified in the Proposal, the Bidder's financial stability, past or pending litigation, and other publicly available information.

5.17 Verification of Proposal Contents. The content of a Proposal submitted by a Bidder is subject to verification. If the Authority determines in its sole discretion that the content is in any way misleading or inaccurate, the Authority may reject the Proposal.

5.18 Proposal Clarification Process. The Authority reserves the right to contact a Bidder after the submission of Proposals for the purpose of clarifying a Proposal. This contact may include written questions, interviews, site visits, a review of past performance if the Bidder has provided services to the State or any other political subdivision wherever located, or requests for corrective pages in the Bidder's Proposal. Responses shall be submitted to the Authority within the time specified in the Authority's request. Failure to comply with requests for additional information may result in rejection of the Proposal.

5.19 Disposition of Proposals. All Proposals become the property of the State and shall not be returned to the Bidder. Once the Authority issues a Notice of Intent to Award the Contract, the contents of all Proposals will be in the public domain and be available for inspection by interested parties, except for information for which Bidder properly requests confidential treatment or according to exceptions provided in Iowa Code Chapter 22 or other applicable law.

5.20 Public Records and Requests for Confidential Treatment. The Authority will treat all information submitted by a Bidder as public records unless the Bidder properly requests that specific parts of the Proposal be treated as confidential at the time of submitting the Proposal. The Authority's release of public records is governed by Iowa Code chapter 22. Bidders are encouraged to familiarize themselves with Chapter 22 before submitting a Proposal. The Authority will copy and produce public records as required to comply with Chapter 22 or other applicable law.

Any request for confidential treatment of specific information must be included in the transmittal letter with the Bidder's Proposal. In addition, the Bidder must enumerate the specific grounds in Iowa Code Chapter 22 or other applicable law which support treatment of the material as confidential and explain why disclosure is not in the best interest of the public. Pricing information cannot be considered confidential information. The request for confidential treatment of information must also include the name, address, and telephone number of the person authorized by the Bidder to respond to any inquiries by the Authority concerning the confidential status of the materials.

Any Proposal submitted which contains information for which Bidder is requesting Confidential treatment must be conspicuously marked by the Bidder on the outside as containing confidential information, and each page upon which confidential information appears must be conspicuously marked as containing confidential information. Failure to properly identify specific information as confidential shall relieve Authority or State personnel from any responsibility if confidential information is viewed by the public or a competitor, or is in any way released. If Bidder identifies its entire Proposal as confidential, the Authority may reject the Proposal as non-responsive.

If the Bidder designates any portion of its Proposal as confidential, the Bidder must submit a copy labeled as "Public Copy" from which the confidential information has been excised. This excised copy is in addition to the number of copies requested in Section 3 of this RFP. The confidential material must be excised in such a way as to allow the public to determine the general nature of the material removed and to retain as much of the Proposal as possible.

If the Authority receives a request for information that includes information the Bidder has marked as confidential, the Authority will give written notice to the Bidder at least seven calendar days prior to the release of the information to allow the Bidder to seek injunctive relief pursuant to Section 22.8 of the Iowa Code. After seven

calendar days, the Authority will release the information marked confidential unless a court of competent jurisdiction determines the information is confidential under Iowa Code Chapter 22 or other applicable law.

The Bidder's failure to request confidential treatment of material will be deemed a waiver of any right to confidentiality the Bidder may have had.

5.21 Copyright Permission. By submitting a Proposal, the Bidder agrees that the Authority may copy the Proposal for purposes of facilitating the evaluation of the Proposal or to respond to requests for public records. By submitting a Proposal, the Bidder consents to such copying and warrants that such copying will not violate the rights of any third party. The Authority shall have the right to use ideas or adaptations of ideas that are presented in Proposals.

5.22 Release of Claims. By submitting a Proposal, the Bidder agrees that it will not bring any claim or cause of action against the Authority based on any misunderstanding concerning the information provided in the RFP or concerning the Authority's failure, negligent or otherwise, to provide the Bidder with pertinent information in this RFP.

5.23 Evaluation of Proposals Submitted. Proposals that are timely submitted and are not rejected will be reviewed in accordance with Section 4 of the RFP.

5.24 Award Notice and Acceptance Period. Notice of Intent to Award the Contract(s) will be sent to all Bidders submitting a timely Proposal and may be posted at the website shown on the RFP cover sheet. Negotiation and execution of the Contract(s) shall be completed no later than 120 (120) days from the date of the Notice of Intent to Award or such other time as designated by Authority. If the successful Bidder fails to negotiate and deliver an executed Contract by that date, the Authority, in its sole discretion, may cancel the award and award the Contract to the remaining Bidder the Authority believes will provide the best value to the State.

5.25 No Contract Rights until Execution. No Bidder shall acquire any legal or equitable rights regarding the Contract unless and until the Contract has been fully executed by the successful Bidder and the Authority.

5.26 Choice of Law and Forum. This RFP and the Contract shall be governed by the laws of the State of Iowa. Changes in applicable laws and rules may affect the award process or the Contract. Bidders are responsible for ascertaining pertinent legal requirements and restrictions. Any and all litigation or actions commenced in connection with this RFP shall be brought in the appropriate Iowa forum.

5.27 Restrictions on Gifts and Activities. Iowa Code Chapter 68B restricts gifts which may be given or received by State employees and requires certain individuals to disclose information concerning their activities with State government. Bidders are responsible to determine the applicability of this Chapter 68B to their activities and to comply with its requirements. In addition, pursuant to Iowa Code section 722.1, it is a felony offense to bribe or attempt to bribe a public official.

5.28 No Minimum Guaranteed. The Authority does not guarantee any minimum level of financial assistance under the Contract.

## SECTION 6: CONTRACTUAL TERMS AND CONDITIONS

6.1 Contract Terms and Conditions. The Contract that the Authority expects to award as a result of this RFP shall comprise the specifications, terms and conditions of the RFP, written clarifications or changes made in accordance with the provisions of the RFP, contract terms for financial assistance awards made through the Grow Iowa Values Funds, the offer of the successful Bidder contained in its Proposal, and any other terms deemed necessary by the Authority. No objection or amendment by a Bidder to the provisions or terms and conditions of the RFP shall be incorporated into the Contract unless the Authority has explicitly accepted the Bidder's objection or amendment in writing. All costs associated with complying with these requirements should be included in any pricing quoted by the Bidder.

By submitting a Proposal, each Bidder acknowledges its acceptance of the RFP specifications and the contract terms and conditions without change except as otherwise expressly stated in its Proposal. If a Bidder takes exception to a provision, it must state the reason for the exception and set forth in its Proposal the specific RFP or contract language it proposes to include in place of the provision. Exceptions that materially change the contract terms and conditions or the requirements of the RFP may be deemed non-responsive by the Authority, in its sole discretion, resulting in possible rejection of the Proposal. The Authority reserves the right to either award a Contract(s) without further negotiation with the successful Bidder or to negotiate Contract terms with the successful Bidder if the best interests of the State would be served.

6.2 Contract Length. The term of the Contract will begin and end on the dates indicated on the RFP cover sheet. The Authority shall have the sole option to renew the Contract upon the same or more favorable terms and conditions for up to the number of extensions identified on the RFP cover sheet.

**Attachment # 1**

**Certification Letter and Authorization to Release Information**

[Date]

Kathy Anderson, Issuing Officer  
Iowa Economic Development Authority

200 East Grand Avenue

Des Moines, IA 50309

Re: Economic Development Region Initiatives

PROPOSAL CERTIFICATIONS AND RELEASE OF INFORMATION

Dear Ms. Anderson:

I certify that the contents of the Proposal submitted on behalf of [Name of Bidder] (Bidder) in response to the Iowa Economic Development Authority for Request for Proposal for the Economic Development Region Initiatives are true and accurate. I also certify that Bidder has not knowingly made any false statements in its Proposal.

**Certification of Independence**

I certify that I am a representative of Bidder expressly authorized to make the following certifications in behalf of Bidder. By submitting a Proposal in response to the RFP, I certify in behalf of the Bidder the following:

1. The Proposal has been developed independently, without consultation, communication or agreement with any employee or consultant to the Authority or with any person serving as a member of the evaluation committee.

2. The Proposal has been developed independently, without consultation, communication or agreement with any other bidder or parties for the purpose of restricting competition.
3. Unless otherwise required by law, the information found in the Proposal has not been and will not be knowingly disclosed, directly or indirectly prior to the Authority's issuance of the Notice of Intent to Award.
4. No attempt has been made or will be made by Bidder to induce any other bidder to submit or not to submit a Proposal for the purpose of restricting competition.
5. No relationship exists or will exist during the contract period between Bidder and the Authority or any other State agency that interferes with fair competition or constitutes a conflict of interest.

#### **Certification Regarding Debarment**

6. I certify that, to the best of my knowledge, neither Bidder nor any of its principals: (a) are presently or have been debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by a Federal Agency or State Agency; (b) have within a three year period preceding this Proposal been convicted of, or had a civil judgment rendered against them for commission of fraud, a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction, violation of antitrust statutes; commission of embezzlement, theft, forgery, falsification or destruction of records, making false statements, or receiving stolen property; (c) are presently indicted for or criminally or civilly charged by a government entity (federal, state, or local) with the commission of any of the offenses enumerated in (b) of this certification; and (d) have not within a three year period preceding this Proposal had one or more public transactions (federal, state, or local) terminated for cause.

This certification is a material representation of fact upon which the Authority has relied upon when this transaction was entered into. If it is later determined that Bidder knowingly rendered an erroneous certification, in addition to other remedies available, the Authority may pursue available remedies including suspension, debarment, or termination of the contract.

**Release of Information**

Bidder hereby authorizes the Authority to obtain information regarding its performance on other contracts, agreements or other business arrangements, its business reputation, and any other matter pertinent to evaluation and the selection of a successful Bidder in response to the RFP.

The Bidder acknowledges that it may not agree with the information and opinions given by such person or entity in response to a reference request. The Bidder acknowledges that the information and opinions given by such person or entity may hurt its chances to receive contract awards from the State or may otherwise hurt its reputation or operations. The Bidder is willing to take that risk.

The Bidder hereby releases, acquits and forever discharges the State of Iowa, the Authority, their officers, directors, employees and agents from any and all liability whatsoever, including all claims, demands and causes of action of every nature and kind affecting the undersigned that it may have or ever claim to have relating to information, data, opinions, and references obtained by the Authority or the Evaluation Committee in the evaluation and selection of a successful Bidder in response to the RFP.

The Bidder authorizes representatives of the Authority or the Evaluation Committee to contact any and all of the persons, entities, and references which are, directly or indirectly, listed, submitted, or referenced in the Bidder's Proposal submitted in response to RFP.

The Bidder further authorizes any and all persons and entities to provide information, data, and opinions with regard to its performance under any contract, agreement, or other business arrangement, its ability to perform, business reputation, and any other matter pertinent to the evaluation of the Bidder's Proposal. The Bidder hereby releases, acquits and forever discharges any such person or entity and their officers, directors, employees and agents from any and all liability whatsoever, including all claims, demands and causes of action of every nature and kind affecting the Bidder that it may have or ever claim to have relating to information, data, opinions, and references supplied to the Authority or the Evaluation Committee in the evaluation and selection of a successful Bidder in response to RFP.

A photocopy or facsimile of this signed Authorization is as valid as an original.

Sincerely,

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**[Name and Title]**

