

Des Moines Water Works Unsolicited Proposals Policy

PURPOSE

Des Moines Water Works (DMWW) has established procurement procedures to procure goods and services required by the utility. When an individual or entity desires to present a proposal to DMWW that was not solicited by DMWW, the individual or entity must submit the information as an unsolicited proposal. The purpose of this policy is to specify the means by which individuals and entities are to follow in submitting such unsolicited proposals to DMWW and how DMWW will respond to them.

DEFINITION

For purposes of this policy, an “Unsolicited Proposal” is an offer of a service or good, initiated and submitted to DMWW, without solicitation from DMWW, with the objective of obtaining a contract. A valid unsolicited proposal must:

- Be innovative and unique
- Be independently originated and developed by the proposer
- Be prepared without requiring DMWW supervision, endorsement, direction or direct DMWW involvement
- Include sufficient detail to permit a determination that DMWW support could be worthwhile and the proposed work could benefit DMWW in fulfilling its mission
- Not be an advance proposal for an item, project, or material that DMWW is required by law or its own internal policies to acquire through competitive means, and if found to be so at any time during the submission process, DMWW maintains the right to cease discussions at its sole discretion.
- Not address a previously published DMWW solicitation for proposals
- Represent the presentation of an idea or existing service or good, including without limitation, concepts, facilities, processes, know how, and techniques submitted to DMWW without solicitation from DMWW, with the proposer’s objective of obtaining a contract or procurement by DMWW.

RESPONSIBILITIES

DMWW Staff

Staff is responsible for making application requirements easily accessible to external groups and for receiving, processing, and following up in a timely manner with each proposal. DMWW staff will make an initial determination of whether the proposal is complete and communicate with proposers. Staff is responsible for researching proposals when necessary and for facilitating communications with proposers. Staff may, at its sole discretion, use outside consultants as it pertains to evaluating a project in relation to financial/operational viability.

DMWW Legal Counsel

DMWW's legal counsel may, at the appropriate time, review the proposal to determine if there are any legal issues to be addressed before the review and evaluation process can proceed.

DMWW Board of Water Works Trustees

The Board of Trustees is responsible for adhering to previously established board policies and resolutions related to DMWW's bidding and procurement procedures.

REQUIRED CONTENT

Basic Information

- Name, address and type of organization (i.e., business, for-profit, non-profit, educational, type of corporate entity, etc.)
- Names, telephone numbers, e-mail addresses, and web-site addresses of technical and business personnel to be contacted for evaluation purposes.
- Names and biographical information on proposer's key personnel who would be involved in a presentation, including alternates, and their related experience.
- Names of other agencies or parties receiving the proposal or funding the proposed effort.
- Period of time for which the proposal is valid (six month minimum).
- Type of contract preferred and requested terms or conditions.
- References of current and past clients, suppliers, related professionals.
- Evidence of proven track record and requisite experience in operation and management of this or similar projects.
- Express written authorization from application for DMWW and/or its outside consultants and/or experts, at their sole discretion, to conduct appropriate personnel background checks including reference inquiries, criminal background, credit bureaus, etc.
- Location of sites where the proposer has already successfully implemented a similar proposal.
- Date of submission and signature of person(s) authorized to represent and contractually obligate the proposer.

Technical Information

- Concise description/abstract (approximately 200 words) of the proposal.
- Statement of Work that contains a complete functional description of the proposed project, including project objectives and benefits to DMWW; the facilities, equipment, materials or personnel to be used for the effort; a schedule of major tasks and events to be accomplished; and a list of items to be delivered to DMWW as end result of contract performance.
- Objectives of effort/activity, method of approach and extent of effort to be employed, the nature and extent of anticipated results, and how the effort supports DMWW's mission.
- Benefit/risk impact to DMWW in the following areas:
 - Water quality, including benefit impact of source water improvement, treatment process improvements, or drinking water improvements.
 - Budget
 - Customers
 - Infrastructure

- Type of support needed from DMWW (e.g., facilities, equipment, materials, or personnel resources) and an estimated cost for such support from DMWW.
- Description of rules, regulations, ordinances, and codes (environmental or otherwise) applicable to the proposed effort at the local, state, and federal level.
- Potential impacts to DMWW from the proposed effort regarding current and future compliance with rules, regulations, ordinances and codes at the local, state, and federal levels (environmental or otherwise).
- Description of any and all risks of the project for DMWW, including impact to DMWW in case of failure.
- Required permits, permissions or authority needed to implement the proposal.

Financial Information

- Proposed price or total estimated cost for the effort in sufficient detail for meaningful evaluation, specifying any and all cost to be borne by DMWW.
- Full disclosure of liquidity/credit worthiness of proposer and ability to finance the proposed effort, including sources of funding and verification of funding capital.
- Project pro-forma financial statements for the proposal for year 1 through year 5 demonstrating future expectations of sales and earnings forecasts, expenses, cash flows, and balance sheet effects.
- Contact information and authorization for DMWW and/or its outside consultants to verify financial soundness of proposing company.
- Evidence of an appropriate level of insurance or bonding coverage

If any of the above listed items set forth in the proposer's Unsolicited Proposal are determined to be incomplete or unacceptable to DMWW staff or Board of Water Works Trustees at any time, the proposal may be rejected at any time, without further consideration in the sole discretion and authority of DMWW staff or Board of Water Works Trustees.

SUBMISSION OF UNSOLICITED PROPOSALS

Unsolicited Proposals that meet the requirements of this policy should be submitted to:

CEO and General Manager
Des Moines Water Works
2201 George Flagg Pkwy.
Des Moines, Iowa 50321

REVIEW OF UNSOLICITED PROPOSALS

Review of Unsolicited Proposals

Prior to initiating an evaluation of an Unsolicited Proposal, DMWW staff shall determine if the Unsolicited Proposal is a complete and valid proposal as defined under the section **Required Content**.

If an Unsolicited Proposal meets the stated requirements, staff shall acknowledge receipt of the proposal in writing within thirty days and will proceed with a comprehensive evaluation of the proposal.

If an Unsolicited Proposal fails to meet the stated requirements, staff shall return the proposal with a brief explanation of how the proposal fails to meet the procedural requirements. The proposer may resubmit a completed proposal.

Staff Comprehensive Evaluation of Unsolicited Proposals

When performing an evaluation of an Unsolicited Proposal, DMWW staff shall consider the following factors as well as any additional factors deemed appropriate at the sole discretion of DMWW and its outside consultants for the specific proposal:

- Unique, innovative and meritorious methods, approaches or concepts demonstrated by the proposal;
- Potential contribution of the proposal to DMWW's mission statement;
- Operational, environmental, or business impacts for DMWW;
- Potential impact on DMWW's budget and/or rate benefits to DMWW's customers;
- Potential required investments of labor, equipment or facilities by DMWW.
- Proposer's experience, including descriptions of previous projects completed or currently in operation, facilities with addresses and names of relevant contact Information, techniques, or unique combinations of these that are integral factors to achieving the proposal objectives:
- An assessment of risk, coupled with the likelihood of success

Board of Trustees Review

When appropriate and per Board Policy, the Board of Water Works Trustees will review recommendations from DMWW staff in accordance with the Board's standard and customary approval processes. The Board will adhere to previously established board policies and resolutions with regard to DMWW's procurement procedures. DMWW reserves the right to implement an Unsolicited Proposal internally and without compensation to or involvement with the proposer.

GENERAL CONSIDERATIONS

No Acceptance

This Policy does not apply to, and DMWW shall not accept, unsolicited proposals submitted by or on behalf of governmental entities, cooperative group contracting consortiums, or entities acting pursuant to an Iowa Code Chapter 28E agreement.

Waiver

The CEO and General Manager of DMWW, or his/her designee, may waive this Policy or any part hereof, if such is determined to be in the best interests of DMWW.

Confidentiality

All materials/records submitted to DMWW as part of an Unsolicited Proposal shall be considered public records under Iowa Code Chapter 22, Iowa Open Records Law, and shall not be considered confidential. Unsolicited Proposals are subject to request from members of the public for copies. No notice of such requests will be provided to unsolicited proposers.

Use of Ideas

DMWW may use any ideas for any purpose which may be disclosed by an Unsolicited Proposal, including independently developing or acquiring products or services without the use of the unsolicited proposer. DMWW may use or dispose of materials provided with an Unsolicited Proposal in any way it desires. Furthermore, DMWW may choose to use the Unsolicited Proposal, including all records submitted with it in whole or in part, to create a public bidding document or a request for proposals to solicit either bids or proposals from other entities for DMWW's use in implementing the Unsolicited Proposal or any part thereof. The unsolicited proposer may bid or submit a proposal in response. The selection of the vendor will follow DMWW's standard and customary procurement procedures. There shall be no guarantee that the proposer of an Unsolicited Proposal will be the vendor selected by the competitive selection process or will receive a contract with DMWW. DMWW may also elect to implement the Unsolicited Proposal internally, without benefit of any outside party and without going through a competitive bidding or request for proposal process.

Proposals Not Considered

No proposal will be considered for the leasing, selling, or operation of DMWW facilities or assets that would result in a net reduction or elimination of any portion of the revenue stream that is received by DMWW to fund its operations or services offered to customers.

Costs

All costs of an Unsolicited Proposal are the sole responsibility of the proposer. DMWW will not be responsible for reimbursement of any such costs incurred by any proposer in preparing or presenting an Unsolicited Proposal.

Gifts

Unsolicited Proposals are subject to Chapter 68B of the Iowa Code, "Government Ethics and Lobbying Act."