REQUEST FOR PROPOSALS

Notice is hereby given that the Commissioners' Court of Gaines County, Seminole, Texas is accepting sealed proposals for the following:

REQUEST FOR PROPOSAL [#20230621] to provide a web based financial system software including details on all costs related to software, required internet bandwidth, conversion of existing data, installation, training and project management.

A copy of the Request for Proposals (RFP) with instructions on submittals may be obtained physically from Esmeralda Felan, the Gaines County Auditor, at 101 S. Main St., Room 207, Seminole, TX 79360, request by email at efelan@co.gaines.tx.us; or by the postal system at Gaines County Auditor, P.O. Box 847, Seminole, TX 79360. The RFP may also be viewed on the County's internet website.

The deadline for submission of Request for Proposals is June 14, 2023 @ 10:00 a.m. at the office of the County Auditor. Proposals received after this time will not be considered. The Request for Proposals will be publicly opened on June 15, 2023 @ 9:00 a.m. The Request for Proposal will be awarded on June 21, 2023 during a regular Commissioners' Court meeting that will be held at the Gaines County Courthouse located at 101 S. Main Street, Seminole, Texas and begins at 9:00 a.m.

Published in the Seminole Sentinel on May 28 and 31, June 4, 7 and 11, 2023

Gaines County

Request for Proposal [#20230621]

Enterprise Resource Planning Software

General Ledger, Accounts Payable, Purchasing, Budgeting, Payroll, Human Resources, Cash Receipting

All proposals must be received in writing in the Gaines County Auditor's offices. They can either be hand delivered to the Gaines County Courthouse, Room 207, 101 S. Main Street or mailed to the Gaines County Auditor, PO Box 847, Seminole, TX 79360.

Whatever the delivery method, they **must be received BEFORE 10:00 a.m. Wednesday, June 14, 2023.** It is the responsibility of the company submitting the proposal to ensure the proposal is received prior to the deadline.

The successful vendor will have availability in their project schedule to begin system conversion within 60 days or as soon as thereafter of contract award.

Note: Responses to this RFP are due by 10:00 a.m. June 14, 2023

TABLE OF CONTENTS

Section 1 – Project
Overview

Gaines County is requesting proposals for replacement software for their current systems. The County desires to upgrade to a single web-based software system that provides fully integrated solutions for accounting, budgeting, payroll, cash receipting, with the ability to import or export data directly to State/Federal reporting systems and to interface with any third-party systems as required.

Gaines County is located in west Texas, north of Odessa/south of Lubbock and has an estimated population of 21,600. The County is organized with a five member Commissioner Court, comprised of four Commissioners elected by precinct and a County Judge who is elected at-large.

The County currently budgets approximately 160 employees (including elected/appointed officials) on a full-time equivalent basis and 13 part-time positions. The County's general fund budget for the fiscal year 2022-2023 is approximately $16.348 million and the overall budget, including capital projects and internal service funds, is approximately $35 million.

The primary users of the integrated financial software, the Auditor's office and the Treasurer's office, have approximately nine (9) employees who will be using the system on a daily basis.

The County is seeking a web-based software solution to address our current requirements and that is scalable for future growth the County will experience.

GENERAL PROPOSAL REQUIREMENTS

- Vendors will submit their proposals on the forms provided b y the request for proposal (RFP) and pricing should be detailed by module
- Pricing should include detail on all costs related to software, required internet bandwidth, conversion of existing data, installation, training, project management, any additional out-of-pocket expenses the County would incur through the implementation/training of the software and annual recurring costs.
- Although the County prefers a single Vendor for all solutions, Vendors who choose to submit a joint RFP by combining various software packages, must submit a single RFP detailing the responsible vendor for each module and detail levels of integration, mutual support and responsibilities for each Vendor involved.
- Vendors may be selected by the County to provide a demonstration of programs proposed during the post RFP evaluation process at no cost to the County.

The County will select the successful proposal based upon several evaluation metrics including features as outlined in the RFP, effective integration of modules, company experience/stability, data conversion, training/implementation plan, technical support and price. The selection of finalists and the final award will be decided based on the proposal submitted by a qualified vendor that best meets the needs of Gaines County as determined by the County. The County reserves the right to reject any or all proposals.

Gaines County is seeking a web-based local government solution that will provide:

- True web-based software that does not require third-party software such as Windows Remote Desktop Services or Citrix
- Provide secure connectivity to the software from any computer with internet access
- Fully-integrated modules with standard interface with other third-party systems
- MS SQL Server database
- Native compatibility with MS Office tools
- Reliable and responsive support, company growth and stability, deployment of software to similar sized counties

Section 2– Project Scope and Current Systems

This RFP defines seven required modules and one (1) required system integration. The County will review required modules under general selection criteria of product, service, reputation, and pricing. The County reserves the right to procure any of these modules as separate decisions.

Following are the modules required by the County:

Modules
1.   General Ledger
2.   Accounts Payable
3.   Purchasing
4.   Budgeting
5.   Payroll
6.   Human Resources
7.   Cash Receipting

County's Current Software Systems

The County's current financial system is provided by Share Net Corp which was implemented over 30+ years ago. The system runs on an IBM AS-400 i-series operating system using an embedded database. The County currently has ten (10) years of data on this system to be converted to the new system. The modules provided for the financial package are General Ledger, Budgeting, Purchasing, Accounts Payable, Payroll, Human Resources, and Revenues.

Section 3– Project Timeline

<u>**Tentative Timeline**</u>

The County intends to complete the selection process using the following schedule. However, the County reserves the right to adjust or reschedule milestones as necessary.

RFP Issued	May 24, 2023
Submission Deadline for RFP's	June 14, 2023, 10:00 a.m.
Evaluation of RFP's	June 15, 2023, 09:00 a.m.
Award Contract	June 21, 2023

Section 4 – Vendor Instructions

DEADLINE: Proposals must be received in the County Auditor's office prior to **10:00 am on Wednesday, June 14, 2023**. Proposals will be received and publicly acknowledged on June 15, 2023 at 9:00 am or soon thereafter in the Gaines County Commissioners Courtroom, 2nd floor, Gaines County Courthouse, 101 S. Main Street, Seminole, Texas 79360. ***Late proposals will not be accepted under any circumstances.***

SUBMITTAL: Completed Proposals, **original and six (6) copies,** must be in a sealed envelope clearly marked with "INTEGRATED FINANCIAL SOFTWARE PROPOSAL", "PROPOSAL NUMBER 23-0621", "JUNE 14, 2023" AND "10:00 A.M." written in the lower left-hand corner of the envelope containing the proposal.

PROCUREMENT SCHEDULE: Requests For Proposals (RFP) will be available on May 24, 2023, after approval by the Gaines County Commissioners Court. Proposal submission deadline is 10:00 a.m. on June 14, 2023.

RFP Issued	May 24, 2023
Submission Deadline for RFP's	June 14, 2023, 10:00 a.m.
Evaluation of RFP's	June 15, 2023, 09:00 a.m.
Award Contract	June 21, 2023

ADDRESS: Sealed proposals may be hand-delivered or mailed to Gaines County Auditor Esmeralda Felan, Gaines County, 101 S. Main Street, Room 207, Seminole, Texas 79360.

METHODS: All proposals must be returned in a sealed envelope with the proposal name, number, opening date and time clearly marked on the outside. **If an overnight delivery service is used,** the proposal name, number, opening date, and time must be clearly marked on the outside of the delivery service envelope. Facsimile and electronic mail transmittals are not acceptable.

WITHDRAWAL OR ALTERATIONS OF PROPOSAL: Proposals may be withdrawn at any time prior to the official opening. Alterations made before opening time must be initialed by vendor guaranteeing authenticity. After the official opening, proposals may not be amended, altered or withdrawn without the recommendation of the County Auditor and the approval of the Commissioners' Court.

NO OFFER: Please indicate on your "NO OFFER" response any area/concern that may have influenced your decision to indicate "NO OFFER."

PROPOSAL OPENING: Proposals will be received and publicly acknowledged at the location, date and time stated above. Vendors, their representatives, and interested persons may be present. The proposals shall be reviewed and acknowledged only so as to avoid disclosure of the contents to competing vendors and kept confidential during negotiations. However, all proposals shall be open for public inspection after the contract is awarded, except for trade secrets and confidential information contained in the proposal and identified by vendor as such.

Proposal Response Format: The RFP response should adhere to the following format:

Section	Title	Contents
1	**Executive Summary**	Overview description of proposed solutions, vendor experience, and contact information (one page).
2	**Requirements**	Completed Requirements documents (Section 5) in MS Word format. The vendors should provide a ranking of 4, 3, 2, 1, 0 or F (Future) as described in Section 5. Vendors must also provide a short description of how each functional requirement can be supported with the software.
3	**Pricing**	Estimates that include pricing for software, maintenance, and implementation services, which includes installation, configuration, training, and data conversion (list amount of data to be converted for each system).
4	**Implementation Methodology**	A summary of implementation methodology that includes a boilerplate implementation plan. Include a proposed plan for implementation of modules in a phased approach.
5	**Support Strategy**	Description of strategy to support ongoing use of the software after initial implementation.
6	**Other Information**	General Information and Overview. Client Reference List. Copy of Vendor Contract to be used for software subscription and services.

Vendors that deviate from this format may be deemed unresponsive. Proposals should be prepared simply, providing a straightforward, concise delineation of the capabilities necessary to satisfy the requirements of the RFP. Elaborate promotional materials should not be submitted. Emphasis in the proposals should be on completeness, clarity of content and adherence to the presentation structure required by this RFP. Costs for developing proposals in response to the RFP are the obligation of the vendor. All proposals and accompanying documentation will remain and become the property of Gaines County and will not be returned.

Pre-Submittal Questions: There will be no pre-bidders conference. Questions regarding the RFP may be submitted to the Gaines County Auditor Esmeralda Felan (432-758-4643) or Gaines County Treasurer Michael Lord (432-758-4609) by June 9, 2023 (or via email) at efelan@co.gaines.tx.us or mlord@co.gaines.tx.us.

RFP Amendments: The County reserves the right to request clarification on any proposal or to ask respondents to supply additional material deemed necessary to assist in the evaluation of the proposals. The County reserves the right to amend the RFP schedule or issue amendments to the RFP at any time. Gaines County also reserves the right to cancel or reissue the RFP.

Rejection of Proposals: The County reserves the right to reject any or all proposals, to waive any minor informalities or irregularities contained in any proposal, and to accept any proposal deemed to be in the best interest of Gaines County.

Proposal Validity Period: Submission of a proposal will signify the vendor's agreement that its proposal and the content thereof are valid for 180 days following the submission deadline and will become part of the contract that is negotiated between Gaines County and the successful vendor.

Non-Obligation: Receipt of proposals in response to this RFP does not obligate Gaines County in any way. The right to accept or reject any proposal shall be exercised solely by Gaines County. Gaines County shall retain the right to abandon the proposal process at any time prior to the execution of a contract with a vendor, and Gaines County shall bear no financial or other responsibility in the event of such abandonment.

Section 5– Vendor and System Requirements

This section includes the vendor, technical and functional requirements to be evaluated in this RFP. This is not a comprehensive list of all of the County's requirements but includes the key requirements that will be used to evaluate the RFPs and will be included as part of the signed contracts. Responses to each line item should be concise and straightforward.

The County expects vendors to respond in a factual manner, clearly identifying software that is fully released, in testing, or slated for future release for each functional requirement. Vendors must provide a rating for every item. If the requirement does not pertain to the proposal being submitted, enter "N/A". If a submitted RFP includes blank responses, then the document may be considered in violation and rejected. Use the following rating system to complete the RFP and evaluate the requirements and include a brief description of how the software supports the stated requirement.

Rating	Definition
4	**Standard and available in the current release**. Software fully supports this requirement. No customization or modification is required.
3	**Meets requirement with minor configuration or modification.** Vendor configuration is required, vendor maintains the application on upgrade paths. Testing and production of modifications will be completed by implementation date. Show any costs for the modification.
2	**Available with third-party software application.** Indicate name of the application recommended and number of installations jointly completed.
1	**Does not meet requirement and requires substantial system modification.** Indicate timing required and estimated cost of modification.
0	**Not available.** Software will not meet requirement.
F	**Future Release.** Requirement will be available in future release. Indicate anticipated release month and year.

REQUIREMENTS OF ALL MODULES

Description	Rating	How is requirement accomplished?
General System Requirements		
1. Complete online help		
2. Multiple-users can work in the same module simultaneously, as well as generate reports against the same data at the same time		
3. Drill down from queries or screens from summary to transactional detail		
4. Support services to County personnel from 8:00AM – 5:00PM CST weekdays except for holidays		
Data Structure		
1. Interface with similar data in other modules (see table on page 5)		
2. Import and export data in formats compatible with Microsoft Office		
3. Preference for MS SQL Server 2014 or higher; no proprietary databases		
4. User defined fields that can be accessed through queries and reports		
5. Encrypt database both in transit and at rest		
Accounting Principles		
1. Multiple year history to be maintained separately, by year (changes to current year G/L account structure do not impact historical amounts)		
2. Real time batch processing in all modules		
Auditing Capabilities		
1. View history of who has accessed, created or modified data in each module		
Access Controls		
1. Provide secure internet access to software using Microsoft supported versions of Edge, Firefox and Google Chrome.		
2. Role based security where users can be assigned to multiple roles. Modify, view, or restrict access controls		

Description	Rating	How is requirement accomplished?
Query Capabilities		
1. Conduct searches, review transactions and generate reports at all levels of the account structure by fiscal year, month, calendar years, or selected date		
2. Perform keyword, wild card, and multiple field queries		
3. Save queries and make saved query available to other users		
Reports		
1. Report writer that produces both PDF and Excel formats		
2. Generate and save custom reports from queries or system-generated data		
3. Customizable templates for common reports		
4. Report criteria selection via drop downs, queries, or pick lists		
5. View reports online		
6. Export data grids and reports in an Excel format		
7. Directly e-mail a report		
8. Historical reporting of prior financial data		
Printing		
1. Preview reports to screen as PDFs		
2. Print directly from software to any printer with a currently supported Windows driver		
3. Printing to non-proprietary forms and labels		

REQUIRED MODULES

1. General Ledger

Description	Rating	How is requirement accomplished?
Structure and Accounting Principles		
1. The chart of accounts should allow the user complete control over structure		
2. The system should be consistent with General Accounting Standards Board (GASB) standards		
3. Ability to drill down to transactions specific to that account		
4. Ability to easily view and reconcile bank statements for multiple bank accounts		
5. Ability to provide secure online access to reports for designated users		
6. Allow multiple periods, including an adjustment period, to remain open at once		
7. Ability to lock previous year after year end closure to avoid inadvertent changes		
8. Ability to lock the previous month after month end closure to avoid inadvertent changes		
9. View history of who has accessed, created, or modified information		
10. Automatic journal entry reversals		
11. Allow for templated recurring journal entries		
12. Allows the user to define project numbers and designate part of the account number structure for reporting		
13. Allows for native attachment of images as documentation for journal entries		
Budgeting		
1. Support multiple active budget versions (i.e. original, amended, adopted, etc.)		
2. Ability to increase/decrease budget amounts by account under a variety of methods such as percentages and/or fixed amounts		
3. Ability to create departmental budgets with the click of a button and lock each budget upon completion separately		
4. Ability to attach any file type to specific budget line item, including images, PDFs, Excel or Word documents		
5. Online view of reports		

2. Accounts Payable

Description	Rating	How is requirement accomplished?
1. Track aging of items and other exceptions		
2. Allow for simplified addition of new vendors directly from transaction input process		
3. Recurring payables processing		
4. Vendor discount management		
5. Access vendor history by vendor name, invoice date, check date and account		
6. Block duplicate invoice processing		
7. Check printing		
8. Supports 1099 reporting requirements. 1099 management to the invoice line item level; not just the vendor or the invoice		
9. Payment approval list generated for County commissioners court		
10. Electronic payment to vendors (ACH, wire, debit)		
11. Allows for native attachment of images such as purchase orders, invoices, etc.		
12. Automatically saves image of check to invoice when paid		

3. Purchasing

Description	Rating	How is requirement accomplished?
1. Ability to define approval levels, user account levels, user access, notification and routing of Requisitions requiring approvals		
2. Requisition input should be processed in a batch format creating a system level audit trail of input, edit, approval, and update of data. Batches can be department specific for approval and processing purposes		
3. Approving the requisition and creating the purchase order will establish an encumbrance in the general ledger		
4. When the Invoice is matched to the Purchase Order and received, this will create an open item in Accounts Payable and clear the related encumbrance in the General Ledger		
5. Requisition approvals can be routed with text/email notifications or both		
6. Provide dashboard for Requisition Approvals by user		
7. Provide budget validation for all Requisitions with account restrictions by user		
8. Ability to natively attach documents and images to the Requisition or the Purchase Order		
9. Shares Vendor File with Accounts Payable		
10. Allow multiple Requisition/Purchase Order formats that can be printed and attached using Microsoft Word templates		
11. Requisitions can be reviewed using a smart device/tablet in the field, thereby eliminating the requirement to return to the office. The approver can review/approve or reject from the smart device		

4. Payroll

Description	Rating	How is requirement accomplished?
1. Decentralized web-based time entry that compiles input into payroll module with approval levels		
2. Ability to integrate an electronic timekeeping system		
3. Direct deposit to multiple bank accounts		
4. Generate an electronic ACH file for employees. Allow electronic submission of related payroll benefits and deductions		
5. Calculate multiple rules-based leave accruals based on length of service, employee group or position		
6. Check printing		
7. Process pay by hourly, salary and other user defined special pay types		
8. Calculate overtime rates using built-in rates		
9. Allocate costs through multiple account codes by either a fixed amount or percentage		
10. Unlimited user defined payroll deduction fields		
11. Fully integrated with General Ledger and Accounts Payable		
12. Allows for native attachment of images to employee record and timesheets (doctor's notes, leave requests, etc.)		
13. Support multiple payroll run dates (weekly, bi-weekly, monthly)		
14. Support multiple versions of user defined salary and rate tables		
15. Support mid-period hiring/termination payroll, automatic calculation of final pay amounts related to accruals and benefits		
16. Reporting requirements for federal tax, deferred compensation and retirement versus social security		
17. Automatic generation of W-2's		
18. Automatic calculation of retroactive pay for delayed merit pay adjustments relative to employee anniversary dates		
19. Automatically increases accruals based on anniversary date		
20. Automatic reporting of comp time, sick leave and vacation hours with reporting on employee pay stub, employee portal and time entry pages		
21. Web-based employee portal for paycheck history, W-2's, changes to demographic information, time off requests, benefits and other information		

5. *Human Resources*

	Description	Rating	How is requirement accomplished?
1.	Provide a dashboard that displays certificate expirations, license renewals, pending/past due reviews and other relevant data		
2.	List employee demographics such as address, contact information, birthdate, ethnicity, licenses		
3.	Capture dependents, emergency contacts, education, work experience and examinations with results		
4.	User-defined setup of tracking elements for employee information		
5.	Certification tracking to include type, hours, completion date, expiration date, provider and ability to attach supporting documents		
6.	User-defined review process according to personnel policies to include steps, responsible parties, attachments, and notes		
7.	Define disciplinary incident types, actions to take, start/end dates for probation periods, responsible party, schedule next review, email/text notifications of scheduling, and notes		
8.	Define training courses, types, hours attended, scheduled/completed dates, email/text notifications of required training, notes and ability to attach documents/images		
9.	Ability to track assets issued to employees with user-defined categories. Track issue date, date returned, notes and ability to attach documents/images		
10.	Folder to capture employee forms such as resume, application, W-4, insurance application and other employee specific documents		
11.	Provide employee-level folder for storing digital records such as employment application, resume, I-9, W-4 and historical W-2's		
12.	Allow document generation using Microsoft Word templates		

6. *Cash Receipting*

Description	Rating	How is requirement accomplished?
1. Provide separate batches and reporting for each defined cashier. Allow multiple separate batches to be consolidated for posting to the General Ledger		
2. Provide payment for a single item or multiple items on the same receipt		
3. Provide the ability to track payment method		
4. Provide a daily deposit with breakdown by cash, check, money order and credit card		
5. Generate a receipt for each transaction. Provide batch register listing all transactions for balancing		
6. Allow multiple users to operate in Cash Receipting at the same time		
7. Complete integration with General Ledger		
8. Ability to view Transaction History reports online		
9. Provide audit trail and reporting for voided payments		

Section 6 - Evaluation of Proposals

The County's project team will evaluate the RFPs. The evaluators will consider how well the proposed solution meets the County's requirements as described in the RFP. It is important that the responses be clear and complete to ensure that the evaluators can adequately understand all aspects of the proposal.

Evaluation Factors: Selection of finalists will be evaluated based on the following criteria:

- Quality, clarity and completeness of the proposal
- Adherence to requirements for RFP preparation. Vendor viability and strength
- Ability to meet County's functional and technical requirements
- Software scalability, flexibility and ease of use
- Vendor's experience on similar projects
- Total cost of ownership

The evaluation factors identified above reflect a wide range of considerations. While cost is important, other factors are also significant. The County may select other than the lowest cost solution. The objective is to choose a vendor capable of providing a reliable and integrated solution within a reasonable budget. All proposals will be evaluated using the same criteria.

Criteria	Weight Given
1. Responsiveness of the written proposal to the purpose and scope of service	5%
2. Software Quality and Features: Ability of the vendor to meet the Section 5 – Vendor and System Requirements	25%
3. Vendor's Experience and Technical Support: Experience in successful software conversion, implementation and maintenance, as well as dedicated resources and technical support during and after implementation	25%
4. Amount of proposed cost of system, implementation, conversion, training and annual subscription	45%

Site Visits: The County may choose to conduct site visit(s) to the software vendor's headquarters and/or vendor's clients as part of the evaluation process. The site visits may be used to determine the successful vendor, and will be conducted following any scheduled software demonstrations of the short-listed vendors. Evaluation of the vendor client sites will be based on the following:

- Assessment of the vendor's service during system implementation.
- Assessment of the quality of vendor's ongoing support.
- Overall user satisfaction with the system.

Contract Award and Execution: The County reserves the right to make an award without further discussion of the proposal submitted. The County shall not be bound or in any way obligated until both parties have executed a vendor contract. The County also reserves the right to delay contract award and/or not to make a contract award.

Contract Administration: Under this contract, Esmeralda Felan, County Auditor and Michael Lord, County Treasurer, shall be the contract administrators with designated responsibility to ensure compliance with contract requirements, such as but not limited to, acceptance, inspection, and delivery. The contract administrators will serve as liaisons between Gaines County Commissioner's Court and the successful vendor. In order to ensure fair and objective evaluation, all questions related to this RFP should be addressed to the persons named above.

Turn-Key Project: The County is seeking a turn-key implementation of the software contemplated by this RFP. The Vendor shall provide all labor, materials, supplies and services necessary for the complete performance of any agreement resulting from this RFP. Vendor must include in its price all design, engineering, system and application database development, integration, delivery, installation, testing, training and warranty costs associated with all elements of the proposed system.

Section 7– TERMS AND CONDITIONS

CONFLICT OF INTEREST: No public official shall have interest in this contract in accordance with Vernon's Texas Codes Annotated, Local Government Code Title 5, Subtitled C, Chapter 171, including, but not limited to, Local Government Code §171.002 and §171.003.

DISCLOSURE REQUIREMENTS: All prospective vendors shall complete the conflict of interest questionnaire and submit it with their proposal in accordance with Local Government Code §176.003.

ETHICS: The vendor shall not accept or offer gifts or anything of value nor enter into any business arrangement with any employee, official or agent of Gaines County.

SOFTWARE DEFECTS: Vendor shall promptly and properly correct all software defects no later than three (3) business days from when the problem is reported to the vendor.

WARRANTY: The vendor shall provide a minimum of one-year warranty from the date of installation. Vendor shall warranty (during the warranty period) that the system will be free of defects in material and workmanship. Warranty shall include labor, materials, freight and equipment sold to or loaned to the County.

TERMINATION OF CONTRACT: This contract shall remain in effect until:
      1) Contract expires
      2) Delivery/completion and acceptance of products and or services ordered
      3) Terminated by either party with a thirty (30) days written notice prior to any cancellation.

The successful vendor must state therein the reasons for such cancellation. In the event the contract is cancelled, the County reserves the right to award to the next best proposal, as it deems to be in the best interest of the County.

TERMINATION FOR DEFAULT: Gaines County reserves the right to enforce the performance of this contract in any manner prescribed by law or deemed to be in the best interest of the County in the event of breach or default of this contract. Non-Performance of the vendor shall be a basis for termination of the contract by the County. Gaines County reserves the right to terminate the contract immediately in the event the successful vendor fails to: 1) meet delivery or completion schedules, or 2) otherwise perform in accordance with these specifications. Breach of contract or default authorizes the County to award to another vendor, purchase elsewhere and charge the full increase in cost and handling to the defaulting successful vendor. The County shall not pay for any commodities / services that are unsatisfactory. Vendors will be given a reasonable opportunity before termination to correct the deficiencies. This, however, shall in no way be construed as negating the basis for termination for non-performance.

FORCE MAJURE: Neither party shall be responsible for delays caused by "Acts of God", non-county governmental processes, national emergency or any other causes beyond their reasonable control. Upon the discovery of such an event, the affected party shall notify the other and arrange a meeting to propose a program for a solution to the problem, and if necessary, to establish an estimated period of time of suspension or extension of the work.

Satisfaction of the County Attorney: The acceptance and subsequent award of a submitted proposal shall be at the review and satisfaction of the County Attorney and the County Auditor.

COMPLIANCE WITH LAWS: The successful vendor shall comply with all applicable federal, state and local laws and regulations.

INVOICING: Invoices shall be sent directly to the Gaines County Auditor's office, attention Accounts Payable, P.O. Box 847, Seminole, Texas 79360. Payments will be processed within thirty (30) days after receipt of invoice or items, whichever is later. Invoices must be itemized and must reference the Gaines County Purchase Order Number in order to be processed for payment.

PAYMENT: Payment shall be made by check from the County upon satisfactory completion and acceptance of items and submission of a valid invoice. Payments shall be made in accordance with the State of Texas Prompt Payment Act, Vernon's Texas Codes Annotated, Government Code Title 10, Subtitled F, Chapter 2251. Successful vendor is required to pay subcontractors within ten (10) days after the successful vendor receives payment from the County.

Payment inquiries should be directed to the Auditor's Office, 1st Assistant County Auditor Nadine Gonzales 432-758-4641 or 2nd Assistant County Auditor Kayla Pipkin, 432-758-4638.

VENUE: This agreement will be governed and construed according to the laws of the State of Texas. This agreement is performable in Gaines County, Texas.

ASSIGNMENT OF CONTRACT: The successful vendor shall not assign, sell, transfer, subcontract, or convey this contract, in whole or in part, without the prior written consent of Gaines County Commissioners Court.

SILENCE OF SPECIFICATIONS: The apparent silence of these specifications as to any detail, or the apparent omission from it of a detailed description concerning any point, shall be regarded as meaning that only the best commercial practices are to prevail and that only material and workmanship of the finest quality are to be used. All interpretations of these specifications shall be made on the basis of this statement

HOLD HARMLESS AGREEMENT: Vendor shall indemnify and hold Gaines County harmless from all claims for personal injury, death and/or property damage arising from any cause whatsoever, resulting directly or indirectly from contractor's performance. Vendor shall procure and maintain, with respect to the subject matter of this proposal, appropriate insurance coverage including, as a minimum, public liability and property damage with adequate limits to cover vendor's liability as may arise directly or indirectly from work performed under terms of this proposal. Certification of such coverage must be provided to the County upon request.

WAIVER OF SUBROGATION: By virtue of acceptance of this contract, both vendor and insurance carrier waive any and all rights whatsoever with regard to subrogation against Gaines County as an indirect party to any suit arising out of personal or property damages resulting from vendor's performance under this agreement.

INSURANCE: Before commencing work, the successful vendor shall be required, at his own expense, to furnish the Gaines County Auditor's Office within ten (10) days of notification of award with certificates of all insurance policies for all requirements as stated below to be in force throughout the term of the contract.

A. Commercial General Liability insurance at minimum combined single limits of $500,000 per occurrence and $500,000 general aggregate for bodily injury and property damage, which coverage shall include products / completed operations at $500,000 per occurrence. Coverage must be written on an occurrence form.

B. Commercial Automobile Liability insurance at minimum combined single limits of $300,000 per occurrence for bodily injury and property damage, including owned, non-owned, and hired vehicle coverage.

All insurance must be written on forms filed with and approved by the Texas State Board of Insurance. Certificates of Insurance shall be prepared and executed by the insurance company or it's authorized agent.

All required insurance shall be in force throughout the term of this contract. Failure to provide or any lapse in the required insurance may be cause for immediate cancellation of award of this contract.

QUESTIONS REGARDING PROPOSAL DOCUMENTS: Questions concerning this proposal should be directed to either Esmeralda Felan, County Auditor at 432-758-4643 or Michael Lord, County Treasurer at 432-758-4609.

GAINES COUNTY RESERVES THE RIGHT TO ACCEPT OR REJECT IN PART OR IN WHOLE ANY PROPOSALS SUBMITTED, AND TO WAIVE ANY TECHNICALITIES FOR THE BEST INTEREST OF THE COUNTY.

DO NOT SIGN OR SUBMIT WITHOUT READING ENTIRE DOCUMENT

Section 8 - CONTRACT

The undersigned agrees, if this proposal is accepted, to furnish any and all items upon which prices are offered, at the price(s) and upon the terms and conditions contained in the specifications.

The undersigned, by his/her signature, affirms and represents that he/she is duly authorized to execute this contract and bind the vendor to fully comply with terms and conditions of the attached documents for the amount(s) shown on the accompanying proposal. Further, the undersigned affirms and represents that this proposal has not been prepared in collusion with any other vendor, and that the contents of this proposal have not been communicated to any other vendor prior to the official opening of this proposal.

By signing below, you affirm that you have read the entire document and agree to the terms therein.

Signature of Person Authorized to Sign Proposal   Date

Printed Name and Title of Signer:_____

Mailing Address:_____

City:_____ State:_____ Zip:_____

E-mail:_____ Phone No.:_____ Fax No.:_____

The Commissioners Court of Gaines County, Texas does hereby agree to contract with _____ _____ to provide integrated financial hardware / software for the County, inclusive, in accordance with the request for proposal submissions set forth hereto.

PASSED THIS _____ DAY OF _____, 2023.

APPROVED: ATTEST:

_____   _____
CINDY THERWHANGER, COUNTY JUDGE   TERRI BERRY, COUNTY CLERK

AFFIDAVIT

STATE OF TEXAS
COUNTY OF _____

      BEFORE ME, the undersigned authority, on this day personally appeared _____ _____ known to me to be the person whose name is subscribed to the following, who upon oath, says:

I am the Manager, Secretary or other agent or officer or the principal of the vendor in the matter of the proposals to which this affidavit is attached, and I have full knowledge of the relations of the vendor with the other firms in this same line of business, and the vendor is not a member of any trust, pool or combination to control the price of supplies proposed on, or to influence any person to propose or not to propose thereon.

I further affirm that the vendor has not given, offered to give, nor intends to give at any time hereafter any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant in connection with the submitted proposal.

                                          _____
                                          Affiant

      SWORN TO AND SUBSCRIBED BEFORE ME by the above Affiant, who, on oath states that the facts contained in the above are true and correct, this _____ day of _____, 2023.

_____

                          Notary Public in and for _____County, Texas

Name of Vendor: _____

Signed by:
Name / Title: _____

Date: _____

NOTE: PROPOSALS NOT ACCOMPANIED BY THIS AFFIDAVIT WILL NOT BE CONSIDERED

The County of Gaines does not discriminate on the basis of race, color, national origin, sex, religion, age and disability in employment or the provision of services.

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor or other person doing business with local governmental entity

FORM CIQ

This questionnaire is being filed in accordance with chapter 176 of the Local Government Code by a person doing business with the governmental entity.

By law this questionnaire must be filed with the records administrator of the local government not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. *See* Section 176.006, Local Government Code.

A person committs an offense if the person violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.

1 | Name of person doing business with local governmental entity.

2

☐ Check this box if you are filing an update to a previously filed questionnaire.

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than September 1 of the year for which an activity described in Section 176.006(a), Local Government Code, is pending and not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)

3 | Name each employee or contractor of the local governmental entity who makes recommendations to a local government officer of the governmental entity with respect to expenditures of money AND describe the affiliation or business relationship.

4 | Name each local government officer who appoints or employs local government officers of the governmental entity for which this questionnaire is filed AND describe the affiliation or business relationship.

Adopted 11/02/2005

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor or other person doing business with local governmental entity

---

5 Name of local government officer with whom filer has affilitation or business relationship. (Complete this section only if the answer to A, B, or C is YES.

This section, item 5 including subparts A, B, C & D, must be completed for each officer with whom the filer has affiliation or other relationship. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income from the filer of the questionnaire?

☐ Yes   ☐ No

B. Is the filer of the questionnaire receiving or likely to receive taxable income from or at the direction of the local government officer named in this section AND the taxable income is not from the local governmental entity?

☐ Yes   ☐ No

C. Is the filer of this questionnaire affiliated with a corporation or other business entity that the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?

☐ Yes   ☐ No

D. Describe each affiliation or business relationship.

6

_____   _____
Signature of person doing business with the governmental entity   Date

Adopted 11/02/2005

I M P O R T A N T

BIDDER'S / PROPOSER'S CHECKLIST

Check off each of the following as the necessary action is completed.

[   ]   The prices have been checked.

[   ]   The PROPOSAL SUBMISSION has been completed, including all requested information, and is included in your proposal package.

[   ]   The CONTRACT with the County Commissioners (Page 24) has been completed, signed, dated and included in your proposal package.

[   ]   The AFFIDAVIT (Page 25) signed and notarized and included in your proposal package.

[   ]   The CONFLICT OF INTEREST QUESSIONAIRE (Page 26-27) has been completed, signed, dated and included in your proposal package.

[   ]   The mailing envelope has been addressed to:

Gaines County
County Auditor Esmeralda Felan
101 S. Main Street, Room 207
Seminole, Texas 79360

[   ]   The mailing envelope contains the original and six (6) copies.

[   ]   The mailing envelope has been sealed and marked:

A.   Proposal number
B.   Name of proposal
C.   Opening date and time

GAINES COUNTY WISHES TO THANK ALL VENDORS FOR THEIR PARTICIPATION.

Section 9– APPENDICES: VENDOR BID RESPONSE FORMS

APPENDIX A: GENERAL INFORMATION AND OVERVIEW

APPENDIX B: VENDOR BID

Appendix C: User Reference list