RTC Policy and Procedure Regarding Unsolicited Proposals for Public-Private Partnerships
UN SOLICITED PROPOSALS

1. **Applicability.** This policy and procedure applies to Unsolicited Proposals received by RTC. It is not designed to address unsolicited proposals regarding the acquisition, lease, sale or shared use of RTC real property.

1.1 **What is an Unsolicited Proposal?** A written proposal that is submitted to RTC on the initiative of the Proposer for the purpose of obtaining a contract with RTC, not in response to a formal or informal request.

1.2 **What distinguishes an Unsolicited Proposal?** It must have the following qualities:

- Innovative and unique;
- Independently originated and developed by the Proposer;
- Prepared without RTC’s supervision, endorsement, direction, or direct involvement; and
- Sufficiently detailed that its benefits in support of RTC’s mission and responsibilities are apparent.

An Unsolicited Proposal is distinguishable from a project already part of RTC’s long-term budget planning process if it uses innovative and unique solutions to offer added value, such as enhanced financing options or materially advancing delivery dates. Sales tax bonds or other governmental bonds and certificates of participation are not, on their own, unique and innovative financing tools.

1.3 **Should Proposers interested in a published solicitation submit an Unsolicited Proposal?** No. An Unsolicited Proposal is not:

- An offer responding to RTC’s previously published expression of need or request for proposals; or
- An advance proposal for property or services that RTC could acquire through competitive methods (submitted within the budget year before release of a published request for proposal).

2. **Process Overview.** Unsolicited Proposals shall be submitted to the RTC Purchasing and Contracts office. Prior to initiating procurement, RTC receives and evaluates Unsolicited Proposals using a two-phased approach. Phase One is for Conceptual Proposals. Phase Two is for Detailed Proposals. In the event that the project proceeds beyond Phase Two or otherwise involves a competitive proposal or sole source procurement, RTC’s general procurement procedures and policies will apply. RTC may, at any time, choose not to proceed any further with the Unsolicited Proposal.

3. **Phase One – Conceptual Proposal.**

3.1 **Introduction – Conceptual Proposal.** The purpose of Phase One is for RTC to receive written, concept-level proposals and to screen those proposals to determine whether RTC would like to review additional information in Phase Two.
3.1.1 **Process – Conceptual Proposal.** A team of persons will be identified for the threshold review, described below in Sections 3.1.3 and 3.1.4, of the proposal and to determine the next steps, including whether to proceed to Phase One evaluation.

3.1.2 **Content – Conceptual Proposal.** Conceptual Proposals should include the information identified in the Conceptual Proposal Form (Exhibit A to this Policy).

3.1.3 **Threshold Review.** At this phase, RTC Purchasing and Contracts staff will take the following threshold steps:

- Promptly acknowledge receipt of the proposal; and
- Determine whether the proposal meets the threshold requirements of an Unsolicited Proposal described below in Section 3.1.4.

3.1.4 **Threshold Review Requirements.** Before initiating an evaluation, the RTC Purchasing and Contracts staff will determine if the Conceptual Proposal meets the following threshold requirements:

- Meets the definition of an Unsolicited Proposal;
- Contains the required content;
- Approved by a responsible official or other representative authorized to contractually obligate the Proposer; and
- Complies with marking requirements for data use and disclosure.

3.1.5 **Post-Threshold Procedure.** If the proposal meets the threshold requirements, RTC Purchasing and Contracts staff will take the following steps:

- Log in the proposal and assign it a number;
- Set and notify the Proposer of the schedule for internal evaluation;
- Assemble an evaluation team that may include technical and financial subject-matter experts related to the Unsolicited Proposal;
- Schedule a meeting with the Proposer, if a meeting is requested and would be helpful to more fully understand the proposal;
- Facilitate the evaluation process as needed; and
- Notify the Proposer of RTC’s decision. The possible outcomes may be to discontinue the process, proceed to Phase Two, or pursue a competitive procurement. RTC will provide a general explanation of the reasons for the decision.

3.2 **Evaluation – Conceptual Proposal.** Conceptual Proposals will be evaluated promptly in accordance with the criteria set out in this section.
3.2.1 **Evaluation Process.** At Phase One, the evaluation process will include the following:

- The evaluation team will have access to the entire Conceptual Proposal for purposes of determining the proposed project scope;
- The Proposer will have no interaction with the evaluation team.

3.2.2 **Evaluation Criteria.** The evaluation team, prior to initiating the evaluation, will determine the parameters of the evaluation criteria. Generally, the following factors will be considered:

- The proposal offers direct or anticipated benefits to RTC, its passengers, and the community;
- The proposal satisfies a need for RTC that can be accommodated in RTC’s annual long-term capital and operating budgets without displacing other planned expenditures, without placing other committed projects at risk, and without significantly increasing the cost of the proposed items;
- The proposal is consistent with RTC’s objectives and goals;
- The proposal offers unique goods or services that RTC did not intend to purchase through the normal RTC contract process;
- If the proposal contains significant financial, technical and legal components, those disciplines have approved an action that proceeds to Phase Two; and
- Other factors appropriate for the particular proposal.

3.3 **Prohibition on Use of Confidential Information.**

3.3.1 RTC personnel shall not use any data, or any confidential, patented, trademarked, or copyrighted part of an Unsolicited Proposal or confidential technical or financial proprietary information as the basis, or part of the basis, for a solicitation or in negotiations with any other firm, unless the Proposer is notified of and agrees to the intended use. Concepts or ideas are not proprietary. Specific implementing methodologies that are unique to the Proposer will be recognized.

3.3.2 Proposer must indicate the proprietary and confidential nature of the Conceptual Proposal. If no indication is made, RTC will treat the entire Conceptual Proposal as public.
4. **Phase Two – Detailed Proposal.**

4.1 **Introduction – Detailed Proposal.** The purpose of Phase Two is for RTC to receive more detailed technical and financial information to fully understand and evaluate the proposal. At this phase, RTC will decide whether to forego the proposal, to proceed to a sole source agreement, or to pursue a competitive solicitation. Note that all costs and risks undertaken by Proposer in producing the Phase Two Detailed Proposal are at Proposer’s sole expense.

4.1.1 **Process – Detailed Proposal.** Once the Detailed Proposal is received, the Purchasing and Contracts office will keep a record of the persons on the evaluation team and record the final disposition of the proposal. Outside advisors will be consulted only if the evaluation team deems it necessary and beneficial; if evaluation by others outside of RTC is deemed necessary, the Proposer’s permission will be requested. The prohibition on the use of confidential information, outlined in Section 3.3, continues to apply in Phase Two.

4.1.2 **Content – Detailed Proposal.** Request for Detailed Proposal. If RTC desires to proceed to Phase Two, RTC Purchasing and Contracts will issue a Request for a Detailed Proposal that formally tells the Proposer to proceed to Phase Two. Depending on the circumstances, the Request may include the following:

- Essential terms and conditions that could be part of a subsequent agreement between RTC and the Proposer;
- A goal for participation of disadvantaged/small business enterprises (DBE/SBE);
- Schedule and important deadlines for the Proposer;
- Specific technical, financial, or other information necessary to fully evaluate the proposal;
- Evaluation criteria; and
- Requests for specific modifications or clarifications to the scope of the original proposal.

4.1.3 **Threshold Review.** Before initiating a comprehensive evaluation, the RTC Purchasing and Contracts staff will determine if the Detailed Proposal continues to meet the threshold requirements set out in Phase One and the requirements specifically set out in the Request for Detailed Proposal.

4.2 **Content – Detailed Proposal.** In addition to the information provided in Phase One, a Detailed Proposal must, at a minimum, include the following information:

4.2.1 **Technical information.**
• Names and professional information of the Proposer’s key personnel who would be committed to the project;
• Type of support needed from RTC; e.g., facilities, equipment, materials, or personnel and financial resources; and
• A sufficiently detailed description of the scope of work being offered to allow RTC to evaluate the value received for the price proposed;
• Proposed price or total estimated cost for the effort and/or the revenue generated in sufficient detail for meaningful evaluation, including an annual cash flow for the project;
• A schedule for the implementation including specific details for any property and/or services to be provided by RTC; and
• Proposed duration of effort.

4.2.2 Supporting information.

• Type of contract preferred;
• Description of the organization, previous experience in the field, and facilities to be used;
• Required statements, if applicable, about organizational conflicts of interest, and environmental impacts; and
• Information demonstrating to RTC that the Proposer has the necessary financial resources to complete the project, as determined by RTC Finance Director or Manager. Such information may include (i) financial statements, including an Auditor’s Report Letter or an Accountant’s Review Letter, Balance Sheets, Statements of Income and Stockholder’s Equity, and a Statement of Change in Financial Position; (ii) unaudited balance sheets; (iii) names of banks or other financial institutions with which the Proposer conducts business; (iv) letter of credit commitments; and (v) DUNS number.

4.3 Evaluation – Detailed Proposal. Detailed Proposals will be evaluated in accordance with the criteria set out in this section.

4.3.1 Evaluation Criteria. At Phase Two, the evaluation team will consider the same evaluation criteria set forth in Phase One in addition to the following factors:
• The Proposer’s capabilities, related experience, facilities, techniques, or unique combinations of these that are integral factors for achieving the proposal objectives;
• The Proposer’s financial capacity to deliver the goods or services defined in the proposal;
• Viability of the proposed schedule and RTC’s ability to meet activities required of RTC;
• RTC’s capacity to enter into a contract under NRS Chapter 338, 332, 277A, and any other applicable statute;
• The qualifications, capabilities, and experience of key personnel who are critical in achieving the proposal objectives;
• The specific details of the cost/revenue generated; and
• Any other factors appropriate for the particular proposal.

4.3.2 Recommendation. The evaluation team will make a recommendation on the disposition of the Detailed Proposal to RTC’s General Manager (“RTC GM”) for review and approval. If the RTC’s Board of Commissioners’ (“RTC Board”) approval is required, the Proposer will be notified of the date of the meeting when the proposal will be discussed.

4.4 Decision. Nothing in this policy or otherwise requires RTC to act or enter into a contract based on an Unsolicited Proposal. RTC may return and/or reject, for any reason or no reason, an Unsolicited Proposal at any time during the process. If the Detailed Proposal is accepted, the following are potential next steps:

4.4.1 Sole Source Award. If it is impossible to describe the property or services offered without revealing proprietary information or disclosing the originality of thought or innovativeness of the property or services sought, RTC may make a sole source award, as provided in RTC’s Sole Source Award Policy. A sole source award may not be based solely on the unique capability of the Proposer to provide the specific property or services proposed.

4.4.2 Competitive Procurement. Except as provided above, RTC may decide to enter into a competitive procurement to obtain any or part of the services or goods incorporated in the Unsolicited Proposal in compliance with the prohibition on the use of confidential information.

5. Phase Three – Final Contract Procurement.
5.1 **Sole Source Awards – Proceed to Contract Negotiation.** The contracting officer or other designated RTC representative(s) may commence negotiations only after the following prerequisites have been met:

- An Unsolicited Proposal has received favorable comprehensive evaluation results including in comparison to any proposals received following publication as provided in this policy;
- The RTC supports its recommendation, furnishes the necessary funds, and provides a sole source justification; and
- RTC GM or RTC Board approves the Unsolicited Proposal.

5.2 **Competitive Bidding – Full and Open Competition.** RTC’s receipt of an Unsolicited Proposal does not, by itself, justify a contract award. Before entering into a contract resulting from an Unsolicited Proposal, RTC will take the following steps:

5.2.1 **Receipt.** RTC will publicize its receipt of the Unsolicited Proposal by posting on the Nevada Gov eMarketplace Service and advertising in the Las Vegas Review Journal legal notices section and in any other relevant trade publications that advertise contracting solicitations. Such publication of receipt could occur at any phase of the process, to be determined by the RTC Purchasing and Contracts Staff.

5.2.2 **Adequate Description.** RTC’s publication of its receipt of the Unsolicited Proposal will include an adequate description of the property or services offered without improperly disclosing proprietary information or disclosing the originality of thought or innovativeness of the property or services sought.

5.2.3 **Interest in the Property or Services.** RTC also will publicize its interest in acquiring the property or services described in the proposal using the same or similar methods provided above.

5.2.4 **Adequate Opportunity to Compete.** RTC will provide an adequate opportunity for interested parties to comment or submit competing proposals, and/or requests for an opportunity to respond within a time frame (minimum of 14 days) specified by RTC’s Purchasing and Contracts staff.

5.2.5 **Contract Award Based on Proposals Received.** Finally, RTC will publicize its intention to award a contract based on the Unsolicited Proposal or another proposal submitted in response to the publication using the same or similar methods provided above.
Phase One of RTC’s Unsolicited Proposal process involves submitting this form. Submit only the information required by this form. If RTC determines that the proposal should proceed to Phase Two, RTC will issue a Request for Detailed Proposal.

PART 1. BASIC INFORMATION

Proposer Information:

Name: ________________________________
Address: ________________________________
Further Contact Information: ________________________________
Type of Organization: ________________________________
Technical Personnel Names & Contact Information:

__________________________________________________________________________

Business Personnel Names & Contact Information:

__________________________________________________________________________

These individuals should be responsible for answering RTC’s technical or business questions concerning the proposal or any subsequent agreement concerning the Proposal.

PART 2. TECHNICAL INFORMATION

Title of the Proposal: ________________________________

☐ Abstract of the Proposal is attached. To move forward in the Unsolicited Proposal process, the Abstract must include a brief – but complete – discussion of the following:

1. Objectives;
2. Method of approach;
3. Nature and extent of anticipated results; and
4. Manner in which the work will help support accomplishment of RTC’s mission.

Technical expertise the Proposer needs from RTC: ________________________________
PART 3. FINANCIAL INFORMATION

Proposed Price or Total Estimated Cost: ________________________________

Revenue: ________________________________

Be concise but provide sufficient detail for RTC to meaningfully evaluate the Proposal.

Financial information the Proposer needs from RTC: ________________________________

PART 4. PROCEDURAL INFORMATION

Period of Time for which the proposal is valid: ________________________________

☐ Proprietary data has been submitted with this proposal and is deemed confidential by the Proposer in the event of a request submitted to RTC under the Nevada Public Records Act. Any proprietary data must be clearly designated.

☐ Other government entities or private parties have received this proposal. Please explain: __________________________________________________________

☐ Other government entities or private parties may provide funding for this proposal. Please explain: __________________________________________________________

☐ There are patents, copyrights and/or trademarks applicable to the goods or services proposed. Please explain: __________________________________________________________

☐ A meeting with RTC staff is requested.

Questions, comments or concerns that the Proposer intends to raise at meeting:

________________________________________________________________________

☐ There is additional information not requested in this form that would allow RTC to evaluate this proposal at this conceptual phase. Describe:

________________________________________________________________________

PART 5. SIGNATURE

Name: ____________________________________________________________________
Date: ____________________________________________________________________
Title: ____________________________________________________________________

The person who signs this form must be authorized to represent and contractually obligate the Proposer.