

Official Notice

102-1-2020

ACH (Automated Clearing House)

Payment Processing Services

The City of Milwaukee

DPW – Milwaukee Water Works

2020

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ACH (Automated Clearing House) Payment Processing Services

1 Project Scope

The scope of this project is to provide transmission service and collection of funds for automated clearing house transactions authorized by MWW Customers. This will also include NOC (Notice of Change) processing requirements.

2 INTRODUCTION

Milwaukee Water Works is a public utility regulated by the Wisconsin Public Service Commission that delivers pure, safe drinking water to residential, commercial, and industrial customers in Milwaukee and 15 other communities in southeastern Wisconsin.

Milwaukee Water Works is currently accepting Requests for Proposal (RFP) to replace our current provider of ACH (Automated Clearing House) payment processing.

This is a negotiated procurement, so the award of the contract does not have to be made to the Proposer submitting the lowest cost proposal, but rather to the Proposer submitting the best, most responsive proposal satisfying the Milwaukee Water Works' requirements.

3 BACKGROUND

The Milwaukee Water Works (MWW) is a self-financing business enterprise of the City of Milwaukee. MWW serves the City of Milwaukee and 15 suburban communities with a user population of approximately 833,000 people. Ten (10) wholesale clients operate their own water utilities, billing customers and maintaining the distribution systems in their communities. Wholesale customers are Brown Deer, Butler, Greendale, Menomonee Falls, Milwaukee County Grounds, New Berlin, Shorewood, Wauwatosa, West Allis, and Mequon/Thiensville. Four (4) retail customers receive full water service from MWW, including customer billing and distribution system maintenance. They are Greenfield, Hales Corners, St. Francis, a portion of Franklin and West Milwaukee.

3.1: Customer Service Section

In 2018, MWW upgraded the enQuesta Utility Suite product, its Customer Information and Billing System, and part of the upgrade project involved the upgrade of the utility's IVR system and the utility's self-service website. The

website and IVR upgrade allowed MWW customers to use Master Card, VISA and Discover Card and non-recurring ACH (E-Check) to make payments.

The Customer Service Section responds to customer inquiries over the phone and at our service counter located in the Municipal building. This location also services walk in payments. In 2019, 174,412 calls were processed through the IVR system. MWW Customer Service Representatives: 72,489 customer contacts were handled *via calls that transferred out of the IVR*. In 2019, the Customer Service and Cashiering stations on the 4th floor of the Municipal Building handled 25,650 customer contacts, 5,126 counter cashiering transactions, and processed 20,524 payments that were dropped off at the MWW offices.

3.2: Online/Web-Based Banking Services:

MWW uses online web-based systems for the purpose of making payments, payment research and payment correction decisions. File transfers and other routine banking procedures are all done online. This includes all system reporting functionality. This will be a contract standard.

3.3: Billing & Collection Cycles:

The MWW is responsible for the generation and collection of the Municipal Services Bill. This statement involves the following charges:

- Water Services
- Sewer User Fee
- Sewer Maintenance Fee
- Ice and Snow Fee
- Extra Cart Fee

The MWW operates its billing and collection operation on a quarterly and monthly cycle. The majority of the over 162,000 MWW customers are billed quarterly, with the 1,200 largest MWW customers being billed monthly.

Statements are processed and mailed weekly to approximately 15,000 customers; this equals over 780,000 annually. In 2019, MWW, through its vendors, processed 539,272 transactions equaling \$235,841,717 in payments.

4 File Format

The transfer file format is critical to the MWW billing and accounting system. The transfer file format mandated by this contract must be designed to interface with the MWW Customer Information/Billing System, enQuesta. The system's Oracle database and browser interfaces allocate and post all amounts including late and other penalty fees. All links to the City system will be as secure as technology can make them and must be approved by the appropriate City personnel before they are installed.

5 TIMELINE

PROPOSED PROJECT TIMELINE

RFP Release	October 9, 2020
Questions due to MWW	October 20, 2020
Addendum(s) Issued	October 28, 2020
Proposal Closing Date	November 5, 2020
Oral Presentations, at discretion of city	Proposer will be contacted To schedule
Selection of Proposer	November 13, 2020
Finalization of Contract Terms	November 27, 2020
Contract Commencement Date	December 01, 2020

6 CATEGORIES OF PAYMENTS

The Milwaukee Water Works receives money through various payment channels. The ACH transactions listed below are total accounts processed. The annual amount of files transmitted for ACH operations is approximately 72 files.

Although there is no guarantee of the volume or dollar amount, approximately the following number of payments and total values were collected in 2019.

2019 Transaction Traffic:

Collection Channel Transactions Annual Amount

Lock Box	331,156	\$139,200,785.30
Checks – Cashier	7925	\$7,836,183.57
ACH	40314	\$17,599,211.85
Mail/Drop Off	14,812	\$31,066,628.72
Cash – Cashier	13,251	\$4,295,403.82
Metavante ACH	13,950	\$2,753,552.26
Web ACH (E-check)	60,060	\$18,183,770.66
Master Card	13,739	\$3,320,271.75
Discover Card	1,558	\$390,331.45
Visa Card	42,452	\$10,185,600.70
EFT (EDI)	55	\$1,009,976.50
TOTAL	539,272	\$235,841,716.58

7 Contracts and Terms

7.1 Term. The contract will be awarded for an initial term of four years, and the term may be extended for three additional one-year terms upon the mutual consent of the parties.

7.2 Negotiation. Upon notification to the proposer that the City has preliminarily selected it, the City and the successful proposer will engage in contract negotiations for a period of not more than ten business days (the "Negotiation Period"). If the terms of an agreement cannot be reached by the end of the Negotiation Period, the City may, at its option, begin negotiations with another proposer.

7.3 Non-Negotiable Terms. The City's standard terms and conditions can be found at <https://city.milwaukee.gov/ImageLibrary/Groups/doaPurchasing/CityofMilwaukee-PurchasingDivisionTermsandConditionsdatedFebruary042020-FINALcadb01264971.CAODOA1.pdf>. These terms and conditions are incorporated herein, and are considered to be generally nonnegotiable. Should a proposer require any modification of these terms in its eventual contract, that proposer must take exception to the term(s) in the appropriate section of its proposal, and such exceptions will be taken into consideration during the scoring process. Failure to take exception to any term constitutes the proposer's acceptance of that term in any eventual contract and a waiver of that proposer's ability to negotiate that term during the Negotiation Period.

Please note that the proposer will not be required provide proof of automotive, garage keepers, professional liability, or pollution coverage. The term "Purchasing Director" includes both the City of Milwaukee Purchasing Director, and the Commissioner of the Department of Public Works.

8 Proposal Format

8.1 Length. To facilitate review and scoring, please keep proposals short and concise. Voluminous marketing materials that are not specifically responsive to any category of this RFP should not be included and will not be reviewed. Please provide the proposal in pdf format via email to afowle@milwaukee.gov. Please note that members of the scoring committee may elect to print the proposals, and will do so in grayscale. Graphics and colored text must be easily readable in grayscale.

8.2 Verifiable and Signed. All information provided should be verifiable by documentation if requested by the City. Proposals shall be signed by a person with authority to bind the proposer.

8.4 Copies . Proposer will supply 3 copies of their proposed plan.

8.3 Content and Format. All pages shall be numbered. Each proposal must contain the following elements organized into the specified sections:

<p>Section A</p>	<p>A.1. Cover sheet (complete Exhibit A to this RFP).</p> <p>A.2. Table of contents.</p> <p>A.3. Cover letter/executive summary on company letterhead signed by a person with the corporate authority to enter into any contract that results from the proposal.</p>	
<p>Section B</p>	<p>Experience and Qualifications (30 points possible)</p> <p>B.1. Provide the names and relevant experience of key persons who will interact with the City and perform work under the contract. Identify the responsibilities those key persons will have under the contract.</p> <p>B.2. Describe your experience in providing ACH services in general and notice of change process.</p> <p>B.3. Provide evidence that you have the appropriate ACH capabilities in your current business to meet the City's needs.</p> <p>B.4. Provide a secure solution for file transmission, retrieval confirmations, NOC reporting and NSF Reporting.</p> <p>B.5. The Proposer shall act as the Originating Depository Financial Institution (ODFI), under the terms of this specification and the rules of the National Automated Clearing House Association (NACHA) and the Wisconsin Automated Clearing House Association (WACHA).</p> <p>B.6. Describe your physical presence in the state of Wisconsin and in the City.</p> <p>B.7. Provide a list of references, preferably from already using ACH services.</p>	
<p>Section C</p>	<p>Technology and Quality Control (20 points possible)</p>	

	<p>C.1. Describe how you keep your data secure, and how you will keep the City’s data secure (when stored by you and in transmission).</p> <p>C.2. Provide your most recent service organization control report (commonly referred to as SOC 1 or SOC 2 reports) or similar document describing the effectiveness of your internal control environment as it relates to data security.</p> <p>C.3. Explain your firm’s capability to interface with the computer system and data transfer protocols that are described in the RFP.</p> <p>C.4. Describe or provide a copy of your quality control policies.</p>	
Section D	<p>Communication with the City (15 points possible)</p> <p>D.1. Proposer must be capable of providing reports confirming file transmission receipt and if acceptable. In addition, a file total should be confirmed with the transmission initiated by MWW to proposer.</p>	
Section E	<p>Cost Proposal (20 points possible)</p> <p>E.1. Attach your cost proposal. Proposer must list all fees, costs, and charges associated with the provision of services in this RFP. Provide costs in the following categories, if applicable to your proposal. Note that if you are only proposing on one portion of the business, you may still earn up to 20 points for this section.</p> <ul style="list-style-type: none"> • Cost per item in transmission file • Notice of change cost per item • Return Item charges • Account maintenance cost • File transmission costs • Confirmation email cost • Other pertinent costs in ACH processing 	
Section F	<p>Exceptions to Contract Terms (10 points possible)</p> <p>F.1. List all terms listed in RFP to which you take exception, provide a reason for your exception to that term(s), and <u>propose a redline of the City’s term that varies as little as possible</u>. This must be completed on</p>	

	<p>an individual, term by term, basis. Proposer may not substitute its own standard terms and conditions for those of the City, as this will lead to the rejection of the proposal. . General disclaimers that the proposer reserves the right to negotiate all or substantially all terms will also lead to the rejection of the proposal.</p>	
Section G	Value Added/How do you distinguish yourself from others in the field? (5 points possible)	
Section H	<p>Additional materials (points as noted below)</p> <p>H.1. <u>Local Business Enterprise.</u> If a Local Business Enterprise (LBE) is a responsive and responsible proposer, an additional five (5) percent shall be applied to the total score attained by the LBE proposer. The Local Business Enterprise Program Affidavit of Compliance form must be submitted in order to qualify for additional LBE points, and is attached as Exhibit B. If the proposer (i.e. the prime contractor) is an LBE and an SBE, the proposal may be awarded up to 10 addition points total for this section K.1. (5-10%(Percent) additional possible).</p> <p>H.2. <u>Socially responsible contracting.</u> An additional five (5) percent will be applied to increase the total score attained by a socially-responsible contractor. Each proposer seeking to qualify as a socially-responsible contractor shall submit, as part of its proposal, a sworn affidavit describing actions taken and programs implemented to eliminate, or substantially reduce,the barriers to employment for current and prospective employees of the contractor, and the outcomes of these actions and programs. The Socially-Responsible Contractor Affidavit of Compliance form can is attached as Exhibit C. (five (5) percent) possible)</p> <p>H.3. <u>Small Business Enterprise.</u> There is no mandatory SBE requirement RFP; however, proposers are encouraged to partner with a certified small business enterprise. Proposals that demonstrate that 18% of the work under the contract will be performed by a certified small business enterprise shall receive an additional five (5) percent. Include the forms attached hereto as Exhibit D, along with your proposal if you believe you qualify for these points. The proposal must document specifically how the SBE subcontractor will be utilized. Please see the City of Milwaukee’s Office of Small Business Enterprise website at for more information _____</p>	

	https://city.milwaukee.gov/OSBD#.XMynVxRKiUk and a directory of certified small business	
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enterprises. (5 % (Percent) possible)

Proposal Scoring

Proposals will be scored by a scoring committee according to the points noted for each Tab of section 8.3. Should a proposer provide a response to any section that the City determines would, in its reasonable discretion, yield an unworkable or impracticable working relationship, that response may disqualify that proposer. The City may ask individual proposers clarifying questions or ask individual proposers to provide oral presentations, as the City deems necessary.

Public Information

All proposals are considered "Records" subject to the Wisconsin Public Records Law (see Exhibit A, "Public Records"). Should you consider any information in your proposal to be confidential within the confines of that law, you may complete the designation of confidential and proprietary information form, attached as Exhibit F. Completing this form does not guarantee that the City will refuse to disclose such information in response to a public records request, but the City will consider the form as part of its analysis.

Submittal Requirements

All proposals must be emailed to Billing and Collections Manager Richard Zawlocki at rzawloc@milwaukee.gov and received no later than 2:00 P.M. on the proposal closing date set forth in the Schedule. Proposals that are not received on time will not be accepted. Proposers are wholly responsible for the timely delivery of the submitted proposals.

Questions or requests for clarifications concerning the RFP may be submitted to Billing and Collections Manager Richard Zawlocki in writing via e-mail at rzawloc@milwaukee.gov by 2 p.m. CST in accordance with the Schedule. Proposers are directed not to contact any other City of Milwaukee staff for questions, meetings, conferences, or technical discussions that are related to this RFP. Any additional information or clarifications concerning the RFP provided will be issued to all interested proposers in the form of an Addendum in accordance with the Schedule. The Addendum will be emailed to all interested proposers. Should you be interested in receiving the Addendum, you must email Billing and Collections Manager Richard Zawlocki at rzawloc@milwaukee.gov and so indicate. Please use subject line: ACH RFP - Addendum Requested, and include your preferred contact person to receive the emailed Addendum. You should receive a confirmation that your initial email was received within two business days. If you do not receive such confirmation, your email was likely not received. In that case, please call 414-286-2834.

Exhibit A - Coversheet

VENDOR INFORMATION

Name of Vendor:

Telephone Number:

Address:

Federal Employer Identification Number:

Contact Name:

Contact Position:

Contact Email Address:

By signing this proposal, Vendor(s) certifies, acknowledges, understands and agrees to be bound by the conditions set forth in this RFP.

VENDOR'S LEGALLY AUTHORIZED SIGNATURE DATE

PRINT NAME

Exhibit B - Local Business Enterprise Forms



DEPARTMENT OF ADMINISTRATION
PURCHASING DIVISION

Revised December 28, 2016

**LOCAL BUSINESS ENTERPRISE (LBE) PROGRAM
AFFIDAVIT OF COMPLIANCE**

IMPORTANT: This form must be submitted with your bid to be considered for LBE status.

Bid/RFP #: _____

Company Name: _____

Address: _____

City, State, Zip _____

This signed and notarized affidavit of compliance will be the contractor’s sworn statement that the business satisfies all of the following criteria:

1. Operates a business, or owns or leases property within the geographical boundaries of the City of Milwaukee. Post office boxes shall not suffice to establish status as a Local Business Enterprise.
2. A residential address may suffice to establish compliance as a Local Business Enterprise, but only if the business does not operate another business, or own or lease other real property, either within or outside the geographical boundaries of the City of Milwaukee.
3. Leased property shall not suffice to establish compliance as a Local Business Enterprise unless at least half of the acreage of all the real property owned or leased by the business is located within the geographical boundaries of the City of Milwaukee.
4. Has been doing business in the City of Milwaukee for at least one (1) year.
5. The business is not delinquent in the payment of any local taxes, charges or fees, or the business has entered into an agreement to pay any delinquency and is abiding by the terms of the agreement.
6. The business will perform at least 10% of the monetary value of the work required under the contract.

**IMPORTANT: Is your business certified as a Small Business Enterprise (SBE) with the City of Milwaukee?
Please Select: ___ Yes or ___ No**

NOTE: If you are the primary owner of more than one business location and the other business location(s) is not located within the geographical boundaries of the City of Milwaukee, the business you are seeking to qualify as a Local Business Enterprise must serve as the primary functionally operational entity that is capable of providing the required services, commodities, or supplies for the purposes of this Bid/RFP. If you own more than one business, please list the name of the business(es) and their addresses on the “Business Property Location” form.

SITE VISITS: Please note the contractor agrees to allow the City to verify Local Business Enterprise status by allowing City Staff to visit the operation(s) of the business that is seeking Local Business Enterprise status at any time without notice, in an effort to maintain the integrity of the City’s bidding process.

I hereby declare compliance with the City of Milwaukee Code of Ordinances Chapter 365.

Authorized Signature: _____

Printed Name: _____

Date: _____

NOTARIZATION

Subscribed to before me on this _____ day of _____ in the year _____, at
_____ County, _____ State.

NOTARY PUBLIC SIGNATURE: _____

(SEAL)

PRINT NAME: _____

My commission expires: _____

PLEASE SUBMIT THIS FORM WITH YOUR BID OR PROPOSAL



DEPARTMENT OF ADMISTRATION
PURCHASING DIVISION

Revised: October 10, 2017

**LOCAL BUSINESS ENTERPRISE (LBE) PROGRAM
BUSINESS PROPERTY LOCATION FORM**

Important Note: This form must be submitted with your bid to be considered for LBE status.

Bid / RFP # _____

Property Location 1

Name:	
Address:	
City, State, Zip	
Total Square Feet	

Property Location 2

Name:	
Address:	
City, State, Zip	
Total Square Feet	

Property Location 3

Name:	
Address:	
City, State, Zip	
Total Square Feet	

Property Location 4

Name:	
Address:	
City, State, Zip	
Total Square Feet	

PLEASE SUBMIT THIS FORM WITH YOUR BID OR PROPOSAL

Exhibit C - Socially Responsible Contracting Forms

Socially-Responsible Contractors (SRC) Provisions

General

A. Effective December 12, 2018, the City of Milwaukee adopted (09/25/2018) the Socially-Responsible Contractors Ordinance 310-10 (published: 10/11/2018) that supports a bid scoring system that awards additional points to socially-responsible contractors who make efforts to eliminate, or significantly reduce, barriers to employment. To this end, all contracting agencies shall apply an award standard in all formal competitive bids/RFPs (\$50K or more) so that an otherwise responsive and responsible bidder which is an SRC shall be awarded the contract, provided that its bid does not exceed the lowest bid by more than 5% or \$25,000. An additional number of points, equal to 5% of the maximum number of points used in the evaluation of Request for Proposals (RFPs), shall be applied to increase the total score attained by a socially-responsible contractor. The purpose of this ordinance is to ensure contributions toward community betterment made by socially-responsible contractors are recognized and rewarded.

B. Bidders or proposers seeking the SRC preference shall prepare and submit with the bid or RFP a completed and notarized affidavit certifying their SRC status. Failure to do so may result in an SRC forfeiting their rights to be considered for the bid incentive.

C. Sanctions – If any document submitted to the city by a contractor under this chapter for the purpose of participating in any city contract contains false, misleading or fraudulent information, the City Purchasing Director may direct the imposition of any of the following sanctions on the offending contractor:

1. Withholding of payment.
2. Termination, suspension or cancellation of the contract in whole or in part.
3. Denial to participate in any further contracts awarded by the City.

D. Penalty – Any person, business or corporation knowingly engaging in fraud, misrepresentation or in any attempt, direct or indirect, to evade the provisions of this chapter by providing false, misleading or fraudulent information shall, upon conviction, forfeit not less than \$2,000 nor more than \$5,000 together with the costs of prosecution.

SRC Criteria

Each bidder or proposer seeking to qualify as a socially-responsible contractor shall submit, as part of its bid or proposal, a sworn affidavit describing actions taken and programs implemented to eliminate, or substantially reduce, the barriers to employment for current and prospective employees of the contractor, and the outcomes of these actions and programs.

Actions or implemented programs shall include at least three (3) out of thirteen (13) actions or programs as set forth in the ordinance and the Socially-Responsible Contractors Affidavit of Compliance form located on the Purchasing Division's website at: city.milwaukee.gov > [Directory](#) > [Purchasing Division](#) > [Forms & Affidavits](#).

1. Hire persons with felony convictions;
2. Assist current or prospective employees with earning their high school diploma;
3. Underwrite or facilitate industry-linked career-assessed pre-employment services and subsidized work experience including: internships, job shadowing, on-the-job training, and summer employment;
4. Partner with an employment service agency to monitor and track individualized employment plans;
5. Provide, underwrite, or facilitate industry-linked career-based instruction to current or prospective employees in areas such as the following: blueprint reading, basic math and measurement, technical math, labor history, construction culture and essential skills, health and safety awareness, manufacturing processes and production, maintenance, and budgeting and financial literacy;
6. Provide or facilitate occupational skills training and related adult mentoring and networking;
7. Underwrite or facilitate subsidized or unsubsidized programs which provide supportive services for current or prospective employees to obtain or fund the following:
 - a. A valid driver's license
 - b. Transportation vouchers to work and home
 - c. Appropriate work attire, work safety gear, and other needed equipment
 - d. Testing and certification fees
 - e. Legal aid services
 - f. Child care and family-related dependent care
 - g. Emergency housing, health care, and short-term emergency assistance
 - h. Career and training services
 - i. School supplies, books, and fees
 - j. Referrals for medical services and exams
 - k. Reasonable accommodations for persons with disabilities
8. Partner with employment agencies to supplement subsidized wages to ensure employees receive a living wage;
9. Provide breast feeding facilities for employees who are nursing children;
10. Provide a minimum of 120 hours of paid sick leave;
11. Provide a minimum of five (5) paid sick days;

12. Provide an employer-assisted housing program providing homebuyer assistance in the form of mortgages, down payment assistance, or homebuyer education for residences within walking distance of their employer;
13. Provide assistance to reduce fees and penalties on tardy child support payments, manage payment of child support arrears, and become current on child support obligations.

Socially-Responsible Contractors (SRC) Application

- A. If the bids of two or more socially-responsible contractors do not exceed the lowest bid by more than 5%, the contract shall be awarded to the socially-responsible contractor that submitted a bid that exceeded the lowest bid by the smallest amount.
- B. If a bid submitted by a non-socially-responsible contractor and a bid submitted by a socially-responsible contractor are identical, the contract shall be awarded to the socially-responsible contractor, even if the bids are only identical due to the 5% award standard provided for in this chapter.
- C. If two bids submitted by two socially-responsible contractors are identical, the winner will be determined in accordance with the process for tie-breakers as established by the City Purchasing Director.
- D. If the difference between the low bidder's amount and the lowest socially-responsible contractor amount is within 5% of the low bidder and exceeds \$25,000, then the provisions in SRC Application - point A shall not apply.
- E. SRC Application – point A shall only be applied to the “base bid”.
- F. If a bidder or proposer is seeking to qualify for the SRC bid incentive, that bidder or proposer may not also seek to qualify for the City's other bid incentive programs such as the Local Business Enterprise (LBE) bid incentive (city.milwaukee.gov/Purchasing/Programs) or the Buy American bid incentive (city.milwaukee.gov/Purchasing/Programs). Should there be a conflict between multiple bidders that are seeking to qualify for these incentives, precedence shall be given to the bidder seeking to qualify for a bid incentive in the following descending order:
 1. LBE bid incentive
 2. Buy American bid incentive
 3. SRC bid incentive



DEPARTMENT OF ADMINISTRATION-PURCHASING DIVISION

**SOCIALLY-RESPONSIBLE CONTRACTORS (SRC)
AFFIDAVIT OF COMPLIANCE**

NOTE: *This affidavit must be completed in its entirety and submitted with your bid or proposal to be considered for SRC bid incentive.*

Bid or RFP #: _____

Company Name: _____

Address, City, State, Zip: _____

A “Socially-Responsible Contractor” or “SRC” is an entity submitting a bid as part of the City’s formal competitive bidding process that has acted or implemented a program to eliminate, or significantly reduce, barriers to employment for current and prospective employees of the contractor. Actions or implemented programs shall include at least three (3) of the programs listed in **Section I** below. To indicate which programs you have acted or implemented, place a checkmark in the box next to each item pertaining to the business entity as a bidder or proposer for the City of Milwaukee.

I. SRC CRITERIA

- A. Hire persons with felony convictions;
- B. Assist current or prospective employees with earning their high school diploma;
- C. Underwrite or facilitate industry-linked career-assessed pre-employment services and subsidized work experience including: internships, job shadowing, on-the-job training, and summer employment;
- D. Partner with an employment service agency to monitor and track individualized employment plans;
- E. Provide, underwrite, or facilitate industry-linked career-based instruction to current or prospective employees in areas such as the following: blueprint reading, basic math and measurement, technical math, labor history, construction culture and essential skills, health and safety awareness, manufacturing processes and production, maintenance, and budgeting and financial literacy;
- F. Provide or facilitate occupational skills training and related adult mentoring and networking;
- G. Underwrite or facilitate subsidized or unsubsidized programs which provide supportive services for current or prospective employees to obtain or fund the following:
 - A valid driver’s license
 - Transportation vouchers to work and home
 - Appropriate work attire, work safety gear, and other needed equipment
 - Testing and certification fees
 - Legal aid services
 - Child care and family-related dependent care
 - Emergency housing, health care, and short-term emergency assistance
 - Career and training services
 - School supplies, books, and fees
 - Referrals for medical services and exams
 - Reasonable accommodations for persons with disabilities
- H. Partner with employment agencies to supplement subsidized wages to ensure employees receive a living wage;
- I. Provide breast feeding facilities for employees who are nursing children;
- J. Provide a minimum of 120 hours of paid sick leave;
- K. Provide a minimum of five (5) paid sick days;
- L. Provide an employer-assisted housing program providing homebuyer assistance in the form of mortgages, down payment assistance, or homebuyer education for residences within walking distance of their employer;
- M. Provide assistance to reduce fees and penalties on tardy child support payments, manage payment of child support arrears, and become current on child support obligations.

II. DISCLOSURE

The purpose of the *Socially-Responsible Contractor* Program (SRC) is to ensure contributions toward community betterment made by socially-responsible contractors are recognized and rewarded. Each bidder or proposer seeking to qualify for the SRC bid incentive shall submit, as part of its bid or proposal, this sworn affidavit describing actions taken and programs implemented to eliminate, or significantly reduce, the barriers to employment for current and prospective employees of the contractor. The outcomes of these actions and programs shall be described in verifiable detail in the section below. (Please include an attachment if additional line space is required).

This signed and notarized affidavit of compliance will be the contractor's sworn statement that the business satisfies the criteria for Socially-Responsible Contractors pursuant to Chapter 310-10 of the City of Milwaukee Code of Ordinances.

I hereby declare compliance with Chapter 310-10 of the City of Milwaukee Code of Ordinances.

Authorized Signature: _____

Printed Name: _____

Date: _____

III. NOTARIZATION

Subscribed to before me on this _____ day of _____ in the year _____, at
_____ County, _____ State.

NOTARY PUBLIC SIGNATURE: _____

(SEAL)

PRINT NAME: _____ My commission expires: _____

PLEASE SUBMIT THIS FORM WITH YOUR BID OR PROPOSAL TO:
841 N BROADWAY, ROOM 506
MILWAUKEE, WISCONSIN 53202
OR FAX TO 414-286-8110

Exhibit D- Small Business Enterprise Forms

City Of Milwaukee

Department Of Public Works

Small Business Enterprise (SBE) Provisions

I. General

- A. In accordance with Chapter 370 of the Milwaukee Code of Ordinances, Small Business Enterprise (SBE) participation is required in all contracting activities of the Department of Public Works. The ordinance requires that certified SBEs be utilized for 25% of the total dollars annually expended through prime contracts or subcontracts for Construction and the purchase of Goods and Services. For the purchase of Professional Services the requirement is 18%. To that end, the Commissioner of Public Works, as a contracting officer for the City, requires all bidders to utilize SBEs as subcontractors and material suppliers on all contracts. For this contract, bidders are required to achieve the minimum percent of SBE participation listed in the Acknowledgements page/section and/or the Official Notice document.
- B. The prime contractor shall prepare and submit accurate and timely SBE utilization forms and reports to the Department of Public Works. The reports shall include, but not be limited to, Compliance Plan (Form A), monthly utilization (Form D), and SBE subcontractor payment certification (Form E) forms as directed. Failure to submit the required forms and reports to the Department of Public Works may result in disqualification of future bids, delay of payments, or other appropriate sanctions. Final contract payments will not be made until final SBE utilization reports and SBE subcontractor payment certification forms are on file with the Department of Public Works.
- C. During the performance of this contract, the Department of Public Works reserves the right to conduct compliance reviews. If the contractor is not in compliance with the specifications, the Commissioner of Public Works will notify the contractor in writing of the corrective action that will bring the contractor into compliance. If the contractor fails or refuses to take corrective action as directed, the Department of Public Works may take one or more of the actions listed below:
1. Terminate or cancel the contract, in whole or in part.
 2. Consider possible debarment of the prime contractor from bidding.
 3. Withhold payments on the contract.
 4. Any other remedy available to the City at law or in equity.

II. Definitions

- A. "SMALL BUSINESS ENTERPRISE" (SBE) means a small business concern that is 51% owned, operated and controlled by one or more individuals who are a minority, woman and/or a small business owner (who is at an "economic disadvantage"). The individuals must have day-to-day operational and managerial control and interest in capital, financial risks and earnings commensurate with the percentage of their ownership.
- B. "OWNED, OPERATED AND CONTROLLED" means a business which is one of the following:
1. A sole proprietorship legitimately owned and operated and controlled by a minority, women or an individual at a disadvantage as defined in Chapter 370.
 2. A partnership or joint venture legitimately owned, operated and controlled by individuals who are minorities, women or individuals who are at a disadvantage and who own at least 51% of the beneficial ownership interests in the enterprise and who hold at least 51% of the voting interests of the enterprise eligible as defined in Chapter 370.

3. A corporation legitimately owned, operated and controlled by one or more individuals who are a minority, woman or individual at a disadvantage and who own at least 51% of the outstanding shares and who hold at least 51% of the voting interests of the corporation eligible as defined in Chapter 370.

III. SBE Utilization Requirements

- A. Each prime contractor shall utilize SBE to the minimum percent listed in the Acknowledgements section/page and or Official Notice Document for this contract. Note that the prime contractors shall be required to attain SBE participation on their base bid excluding specified allowances, alternatives, and change orders. SBE commitments relative to contract award shall be based upon the approved SBE Compliance Plan (Form A).
- B. The determination of SBE utilization shall be based on the following criteria:
 1. The firms identified as SBE by the prime contractor on the SBE Compliance Plan (Form A) must be certified by the Office of Small Business Development prior to bid opening.
 2. The prime contractor shall be credited for the entire expenditure to SBE firms only if all of the identified scope of work is performed directly by the certified SBE firm.
 3. The prime contractor shall be credited for the entire expenditure to SBE manufacturer only if the manufacturer produces goods from raw materials or substantially alters them for resale. Only 20% of the SBE goals may be expended for SBE suppliers that do not manufacture products they supply.
 4. The prime contractor shall count toward the SBE requirement only those payments to SBEs who perform a commercially-useful function in the actual performance of the contract. While that generally means an SBE should be engaged in direct contract work, a "commercially-useful function" may also include management of a third tier subcontractor. For example, while an SBE trucking subcontractor is always expected to perform some direct work on the project, in some cases it may become necessary to subcontract work out to one or more third tier subcontractors. If a third tier subcontractor is also an SBE, the full amount of the work performed by that third tier SBE can be counted toward SBE participation. However, if the third party subcontractor is not an SBE, the prime contractor may only count 20% of the amount being subcontracted to the third tier non-SBE subcontractor. SBEs are required to notify the Department of Public Works if they subcontract out work so that the Department can determine how much, if any, of the subcontracted work can be counted toward the SBE requirement. The Commissioner of Public Works will make the final determination and evaluation of whether the SBE is performing a commercially-useful function.
- C. The contractor, by signing and submitting a bid, certifies that the contractor understands the provisions of Chapter 370 and knows of and intends to comply with them. The completed SBE Compliance Plan (Form A) must be submitted by the apparent low bid contractor within three (3) working days after the identification of the "low bidder."
 1. Information on Form A shall include, but not be limited to:
 - a. The names, addresses, telephone numbers, SBE Certification designation and contact person names for the certified SBE contractors that will participate on the project as subcontractors or suppliers;
 - b. A description of the scope of work to be performed by the SBE on this project; and
 - c. The SBE contractor dollar value(s) and corresponding percentages that the dollar values represent of the total contract amount.

2. Listing an SBE on the Compliance Plan (Form A) shall constitute a representation that the contractor has communicated directly with the SBEs listed. If awarded the contract, the bidder will enter into a subcontract with the firm for the portion of the work listed.
3. SBE participation is an element of bid responsiveness. Failure to meet the specified SBE requirements will render the bid unresponsive. The contract may then be awarded to the next apparent low bidder. Under certain circumstances, failure to meet specified SBE requirements after submission of an apparent low bid may result in surrender of the bidder's bid bond.
4. Only SBEs that have been certified by the Office of Small Business Development may be listed on the SBE Compliance Plan (Form A) and counted towards the percentage requirements on this project. A listing of the currently City certified SBE firms is maintained at:

Office of Small Business Development
200 East Wells Street
City Hall, Room 606
Milwaukee, Wisconsin 53202
Phone: (414) 286-5553
FAX: (414) 286-8752
www.milwaukee.gov/osbd

- D. After execution of the contract, if for any reason an SBE cannot perform, the prime contractor shall contact the Commissioner of Public Works for approval to substitute another certified SBE firm. The prime contractor must submit a written request for substitution which specifies the reasons for the request. Approval must be obtained prior to making substitutions. Any difference in the cost occasioned by such substitution shall be borne by the prime contractor. If the prime contractor cannot find another certified firm to do the work at a comparable price, a non-SBE firm may be substituted with the approval of the Commissioner of Public Works.
- E. If the prime contractor has a problem in meeting the SBE requirements or if any other problems relative to SBE(s) arise during the completion of this project, the prime contractor shall immediately contact the Commissioner of Public Works.
- F. Certification from programs other than the Office of Small Business Development is neither accepted by the City of Milwaukee nor do they have any bearing whatsoever on the eligibility criteria established by the City of Milwaukee.
- G. Right to Appeal.

All contracts awarded under ss.7-14-2 and 7-22 of the City Charter shall be awarded by the Commissioner of Public Works to the lowest responsible bidder determined in accordance with applicable City ordinances for participation of the Office of Small Business Development. Following the opening of any bid involving a determination under applicable City ordinances for participation of SBE, the Commissioner of Public Works shall make a written recommendation as to the lowest responsible bidder and notify all bidders by publication in an official City newspaper as to the content of the written recommendation. Any bidder who objects to the recommendation on grounds of determinations made under applicable City ordinances for participation of SBE may appeal the recommendation on such grounds by filing a written appeal with the Commissioner of Public Works within five (5) working days of the date of publication. The appeal shall state the specific objection to the recommendation, include supporting documentation and specify an alternative recommendation. The Commissioner of Public Works shall schedule a hearing before an appeals committee consisting of the Chair of the Economic Development Committee or the Chair's designee, a member of the Economic Development Committee selected by the Chair and the Director of the Office of Small Business Development to be held within five (5) days of receipt of the appeal. The Committee shall have authority by majority vote to affirm or set aside the recommendation of the Commissioner of Public Works and its decision in this regard shall be final. In the event a timely appeal, meeting the requirements above is not filed, or the Committee affirms

the Commissioner's recommendation following a timely appeal, meeting the requirements above, the Commissioner shall make an award in accordance with the recommendation.

H. **Percentage of Required SBE Participation**

Construction 25%

The Purchase of Goods and Services 25%

The Purchase of Professional Services 18%

Rev. 5-2013

SBE provisions 5-13

**FORM A - COMPLIANCE PLAN - CITY OF MILWAUKEE – DEPARTMENT OF PUBLIC WORKS
SBE PARTICIPATION FOR SUBCONTRACTORS AND/OR MATERIAL SUPPLIERS**

PRIME CONTRACTOR’S NAME: _____

OFFICIAL NOTICE NUMBER: _____

DATE: _____

TOTAL BID AMOUNT: _____

TOTAL SBE AMOUNT: _____

This Form A must be completed in its entirety and is a **required** submission in conjunction with a Bid or Request for Proposal. Submit either with the bid or within **3** days of being notified as the apparent low bidder. List all proposed SBE subcontractor(s) and/or material supplier(s) for this project. **NOTE:** To receive full credit, SBE’s must perform commercially useful work at the job site. **ONLY** up to twenty percent (20%) credit may be given under certain circumstances to SBE suppliers or other SBE contractors who assist in management of the project. I/We propose to utilize the following SBE subcontractor(s) and/or material supplier(s):

Fill in BID REQUIREMENTS: _____%SBE

SBE FIRM(S) NAME ADDRESS/CONTACT PERSON AND PHONE NUMBER	LIST DESIGNATION: WHETHER SUPPLIER OR CONSTRUCTION LABOR	PERCENT OF BID	AMOUNT	EXPLAIN WORK TO BE PERFORMED/MATERIAL SUPPLIED	AUTHORIZED SBE(S) OWNER/REPRESENTATIVE SIGNATURE OF ACKNOWLEDGEMENT
1.					
2.					
3.					
4.					
5.					

I certify that the information included on this Form A is true and complete to the best of my knowledge. I further understand and agree that this Form A is a condition of my Bid/RFP responsiveness. Failure to submit this form and/or meet the specified SBE requirements may render the Bid/RFP nonresponsive.

CONTRACTOR: _____ DATE: ____/____/____
(SIGNATURE & TITLE REQUIRED)

REVIEWED BY OSBD ANALYST: _____ DATE: ____/____/____

DEPARTMENT OF PUBLIC WORKS: _____ DATE: ____/____/____

Exhibit E - Confidential and Proprietary Information Form

DESIGNATION OF CONFIDENTIAL, TRADE SECRET AND PROPRIETARY INFORMATION

Material submitted in response to the City of Milwaukee's (the "City") Request for Proposal includes information that we have determined is proprietary, confidential and/or information which qualifies as a trade secret, as provided in Wis. Stat. Section 19.36(5), or is otherwise material that can be kept confidential under the Wisconsin Public Records Law. As such, the proposer asks that certain pages, as indicated below, of this proposal be treated as confidential material and not be released to the public. I am providing the following information with the understanding that it is being submitted to the City under a pledge of confidentiality. I would not have submitted this information had the City not pledged to keep it confidential* and request that the following pages not be released:

Section Page Topic

***NOTE: Proposers are cautioned that the ENTIRE PROPOSAL MAY NOT FALL WITHIN THE CONFINES OF THE PLEDGE OF CONFIDENTIALITY. THE ABOVE DESIGNATION(S) OF CONFIDENTIALITY IN NO WAY GUARANTEES THAT DESIGNATED INFORMATION WILL BE KEPT CONFIDENTIAL. UNDER THE PROVISION OF THE PUBLIC RECORDS LAW, PROPOSER IS NOT ENTITLED TO NOTIFICATION PRIOR TO RELEASE OF INFORMATION, AND IS NOT ENTITLED TO GO TO COURT TO BLOCK DISCLOSURE OF ANY PORTION OF THE PROPOSAL.**

IF THE CITY AGREES WITH PROPOSER'S DESIGNATION OF TRADE SECRET OR CONFIDENTIALITY AND THE DESIGNATION IS CHALLENGED, THE UNDERSIGNED HEREBY AGREES TO PROVIDE LEGAL COUNSEL OR OTHER NECESSARY ASSISTANCE TO DEFEND THE DESIGNATION OF TRADE SECRET OR CONFIDENTIALITY.

Failure to include this designation in the proposal response may mean that all information provided as part of the proposal response will be open to examination and copying.

Signature (Authorized Representative)

Telephone Number

Name (Please Print)

Company Name

Title

Date

NOTE: The City as custodian of these public records has the obligation, pursuant to the Public Records Law, to determine whether the above information can be kept confidential.

PROPRIETARY INFORMATION: A proposer responding to this proposal should not include any proprietary information or protected trade secret(s) as part of its proposal unless the proposer 1) designates the specific information that it maintains is proprietary or trade secret and the reason(s) for such designation in a separate document, and 2) identifies the specific information when it occurs within the proposal.

The City's preference is for the proposer to segregate all information designated as confidential into one section of the Request for Proposal and/or a separate document for easier removal to maintain its confidential status. The response to the proposal should indicate which portion of the requested information is confidential and where this information is located within the response, i.e. under separate cover, in confidential Section No. _____, etc. Data contained in the proposal and all documentation become property of the City.

Generally, proposals are available for public review after the City has awarded a contract.

Glossary

DEFINITIONS.

Words, phrases or other expressions used in these contract documents shall have meanings as follows:

- i. "Contract" or "contract documents" shall include the items enumerated above under CONTRACT DOCUMENTS.
- ii. "City" shall mean the City of Milwaukee, acting through its Commissioner of Public Works and his duly authorized agents.
- iii. "Commissioner" shall mean the Commissioner of the Department of Public Works of the City of Milwaukee.
- iv. "Proposer" shall mean the corporation, company, and partnership, firm or individual named and designated in the Contract Agreement or His/Her duly authorized representatives.
- v. "Proposer Error" shall mean an error caused by the proposer or any agent designated by the proposer where contractual expectations are not met and financial impact occurs to either the end customer or the City of Milwaukee.
- vi. "Date of Contract", or equivalent words, shall mean the date written on the Contract Agreement.
- vii. "Financial Impact" shall mean; a loss of revenue to the City of Milwaukee, billable charges/fees and/or a loss of funds to an end customer.
- viii. "Due Date" shall mean the date of settlement and is the date the receiving account is charged.
- ix. "Payments" shall mean amounts due for water and municipal services.
- x. "ACH" shall mean Automated Clearing House transactions, under the rules of the National Automated Clearing House Association and

the Wisconsin Automated Clearing House association.

- xi. "NOC" shall mean Notice of Change information for ACH transactions.
- xii. "URL", abbreviation of Uniform Resource Locator, is the global address of documents and other resources on the World Wide Web.
- xiii. "Website" shall mean a collection of web pages (documents that are accessed through the Internet).
- xiv. "FTP" File Transfer Protocol. This protocol allows users to copy/transmit files between their system and Milwaukee Water Works. Information will be encrypted in the manner specified by the Milwaukee Water Works.
- xv. "HTTPS" means a secure means of transferring data using hypertext transfer protocol secure, with transport Layer Security (TLS) TLS 1.2 and later encryption.
- xvi. "FTPS" File Transfer Protocol Secure. This protocol allows users to copy/transmit files between their system and Milwaukee Water Works. Information will be encrypted in the manner specified by the Milwaukee WaterWorks.
- xvii. "Real -time" means a quality that a process occurs synchronously and on-demand as opposed to a process occurring sometime after the "demand", or request, when other conditions traditional must be met, such as in "batch" processing.
- xviii. "Authentication" is the process by which a customer user submits identifying data to the Biller's Proposer, and by which that data is corroborated against verified data.