

METROPOLITAN STATE UNIVERSITY
A member of Minnesota State

REQUEST FOR PROPOSAL
(RFP) FOR
BRAND IDENTITY SYSTEM

SPECIAL NOTE: This Request for Proposal (RFP) does not obligate the Minnesota State Colleges and Universities (Minnesota State) system, its Board of Trustees or Metropolitan State University to award a contract or complete the proposed project and each reserves the right to cancel this RFP if it is considered to be in its best interest. Proposals must be clear and concise. Proposals that are difficult to follow or that do not conform to the RFP format or binding specifications may be rejected. Responding vendors must include the required information called for in this RFP. Minnesota State reserves the right to reject a proposal if required information is not provided or is not organized as directed. Minnesota State also reserves the right to change the evaluation criteria or any other provision in this RFP by posting notice of the change(s) on <https://www.minnstate.edu/vendors/index.html>. For this RFP, posting on the captioned web site above constitutes written notification to each vendor. Vendors should check the site daily and are expected to review information on the site carefully before submitting a final proposal.

**REQUEST FOR PROPOSAL (RFP)
FOR BRAND IDENTITY SYSTEM**

September 1, 2020

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Section I. General Information

Background

Metropolitan State University is a member of the Minnesota State system. Minnesota State is the third-largest system of higher education in the United States. It is comprised of 30 two-year colleges and 7 four-year universities with 54 campuses located in 47 Minnesota communities. The System serves approximately 350,000+ students each year. Minnesota State is an independent state entity that is governed by a 15 member Board of Trustees. The law creating the system was passed by the Minnesota Legislature in 1991 and went into effect July 1, 1995. The law merged the state's community colleges, technical colleges and state universities into one system, other than the University of Minnesota campuses. For more information about Minnesota State, please view its website minnstate.edu.

Metropolitan State University is a member of the Minnesota State system. Metropolitan State University, a comprehensive public urban university, serves nearly 10,000 students throughout the metropolitan area. The university provides flexible and affordable bachelor, graduate and doctoral education at multiple convenient locations in a richly diverse urban environment, and has nearly 90% transfer students from local community colleges, the University of Minnesota, and other four-year universities.

Students at Metropolitan State range in age from 16 to 74, with an average age of 30. Nine out of 10 are working adults, so Metropolitan State has an unparalleled understanding of the unique needs of students who are trying to fit education into the rest of their lives, that is, “where life and learning meet.” Metropolitan State’s graduates number more than 40,000. The university continues to build on its strengths as an innovative, comprehensive university that meets the higher education needs in the greater Twin Cities region.

Metropolitan State is a critical educational provider in meeting the current and future needs of the Twin Cities region for a highly educated workforce. It is the most affordable four-year or graduate degree options in the State of Minnesota and serves an increasingly diverse population of students. Students find success at Metropolitan State because of the small class size, expert faculty, individualized opportunities for degree completion, and connection and engagement with local communities and economy through academic programs, outreach, job placement and commitment to anti-racism. It has been recognized for its impact on the social mobility of its graduates moving from low-income to middle class strata. The University is home to unique programs such as Individualized Studies, Advanced Dental Therapy, Advocacy and Public Leadership, MS Cyber Security, and Urban Education. Its undergraduate Social Work program is one of the most diverse in the region and emphasizes preparation for dealing with culturally distinct populations in urban settings. A new, world class Science Education Center has resulted in new STEM programs that produce graduates who are as culturally and linguistically diverse as the University as a whole. The entrepreneurial and innovative spirit of Metro students and alumni should be highlighted, in addition to showcasing their caliber and accomplishments.

The University is not well known in the region, often referred to by those who learn about its work and successes with educating diverse, low income, first generation students as a “hidden gem.” The University does not recruit traditionally aged high school graduates because of its partnerships with the two-year community colleges. Due to its low visibility and the challenges facing its students, the University does not have a strong reputation in the employment market despite producing graduates with exceptional resilience and maturity.

Nature of RFP

Brand Identity System

The purpose of this proposal is to contract a firm to develop a comprehensive, compelling brand identity system and value proposition to evoke immediate recognition of Metropolitan State University, a university known for its accessibility, flexibility and affordability. This proposal includes assessing and updating the primary branding elements including the University's name, the development of a logo (or logos), graphics, color and font specifications, usage guidelines, graphic standards, positioning statements, and key messages. The selected firm will prepare a complete implementation plan along with supporting materials, documentation and creative collateral. The university's constituents and mission are distinct in Minnesota's higher education market—and give the university a rare and unique character. The new brand identity system must use that character to distinguish Metropolitan State University from its competitors. The current brand identity system can be found at:

<https://www.metrostate.edu/about/departments/marketing-communications>.

Anticipated Deliverables:

- Create a documented process involving key Metropolitan State University decision-makers and representatives in the development of the University's brand and brand identity.
- Evaluate existing naming convention; brand and identity guidelines to assess gaps and opportunities for updates.
- Identify the promises in which Metropolitan State University stakeholders believe and find inspiring.
- Update existing or develop a new name, wordmark, logo and associated graphic elements including an expanded color palette to convey the University's brand.
- Identify and provide rationale for the universities updated brand architecture.
- Document Metro's brand attributes and how they:
 - differentiate the university from competitors
 - are relevant to those who interact with the university
 - develop knowledge about the university's offerings
 - enhance the reputation of the university
- Develop a process for introducing and managing the university brand identity across the institution.
- Document compliance with Minnesota State co-branding guidelines.

METROPOLITAN STATE UNIVERSITY is in need of a distinctive image to support its strategic growth and is requesting proposals to create and implement a new Brand Identity System which is unified, consistent, and flexible. The Brand Identity System must include a new logo, tagline, and unified messaging which conveys its mission and vision and incorporates distinctive visual elements and brand standards. The Brand Identity System should integrate seamlessly with a website graphic update.

The new brand identity system is intended to increase brand recognition via multiple routes of delivery among prospective students, employers, alumni, donors, the community and other higher education institutions. The Brand Identity System should inspire pride and strengthen confidence in the university's ability to meet the current and evolving educational needs of the Twin Cities region.

Through this project, we expect to:

- Clarify and build Metropolitan State’s identity and position within Minnesota’s higher education sector while incorporating university brand guidelines
- Increase awareness of desirable attributes of a Metropolitan State University education among key audiences including prospective students, donors, employers, alumni and the community
- Strengthen partnerships with transfer partners, communities and businesses including other members of the Minnesota State system
- Develop greater recognition of the critical role Metropolitan State plays in meeting the educational and workforce needs of the Twin Cities and inspire stronger support from opinion leaders and public officials
- Increase enrollment and retention
- Increase opportunities for graduates by building recognition of the unique academic strengths of Metropolitan State
- Increase philanthropic support by building awareness of the shared future we create when we support the student populations and programs at Metropolitan State University.

This RFP is undertaken by METROPOLITAN STATE UNIVERSITY pursuant to the authority contained in provisions of Minnesota Statutes § 136F.581 and other applicable laws.

Accordingly, METROPOLITAN STATE UNIVERSITY shall select the vendor(s) whose proposal(s), and oral presentation(s), if requested, demonstrate in METROPOLITAN STATE UNIVERSITY’s sole opinion, the clear capability to best fulfill the purposes of this RFP in a cost-effective manner.

METROPOLITAN STATE UNIVERSITY reserves the right to accept or reject proposals, in whole or in part, and to negotiate separately as necessary in order to serve the best interests of METROPOLITAN STATE UNIVERSITY. This RFP shall not obligate the METROPOLITAN STATE UNIVERSITY to award a contract or complete the proposed project and it reserves the right to cancel this RFP if it is considered to be in its best interest.

General Selection Criteria

General criteria upon which proposals will be evaluated include but are not limited to:

Firms offering proposals must demonstrate considerable expertise and proven success in developing distinctive brands, preferably in higher education. Firms must be expert in developing brand identity systems that convey the unique mission and attributes of the University and include development of a new university logo, supporting tagline, cohesive and flexible visual elements that can be used for collateral, the University website, interior and exterior signage, print collateral, as well as electronic signatures. Firms must demonstrate comprehensive understanding of the current trends and developments within the higher education sector and the challenges institutions like Metropolitan State face in today’s competitive marketplace. Firms must have a demonstrable track record of applying originality, creativity, and innovative approaches to development of brand identity systems.

The recommended approach to this project is as follows:

Phase 1

Research and Strategy
Brand Identity
Development
Identity System and Guidelines

Phase 2

Internal and External Identity Launch

**Selection and Implementation Timeline
ESTIMATED, SUBJECT TO CHANGE**

September 14, 2020	Publish RFP notice in <i>State Register</i>
September 28, 2020, 4pm CT	Deadline for questions related to RFP (info pg. 8)
October 2, 2020	Answers posted as Addendum to RFP on Register
<u>October 13, 2:00 p.m. CT</u>	Deadline for RFP proposal submissions
October 14, 2020 to October 23, 2020	Proposals Reviewed, finalists selected
November 2 -November 6, 2020	Finalists presentations
November 9-13, 2020	Finalist selected
November 16- December 4, 2020	Negotiate contract
December 18, 2020	Finalize contract

Contract Term

METROPOLITAN STATE UNIVERSITY desires to enter into a contract with the successful vendor(s) **no later than December 2020**. The length of such contract(s) shall be up to 12 months. If METROPOLITAN STATE UNIVERSITY and the vendor is unable to negotiate and sign a contract by December 18, 2020, then METROPOLITAN STATE UNIVERSITY reserves the right to seek an alternative vendor(s).

Parties to the Contract

Parties to this contract shall be the State of Minnesota, acting through its Board of Trustees of Minnesota State on behalf of METROPOLITAN STATE UNIVERSITY and the successful vendor(s).

Contract Termination

The State of Minnesota, acting through its Board of Trustees of Minnesota State, may cancel the contract(s) upon 30 days written notice, with or without cause.

Definitions

Wherever and whenever the following words or their pronouns occur in this proposal, they shall have the meaning given here:

Minnesota State acting through its Board of Trustees of the Minnesota State on behalf of METROPOLITAN STATE UNIVERSITY.

School: METROPOLITAN STATE UNIVERSITY

System Office: The central system office of Minnesota State is located at 30 7th Street East, Suite 350, St. Paul, Minnesota 55101.

Vendor: The firm selected by METROPOLITAN STATE UNIVERSITY as the successful responder(s) responsible to execute the terms of a contract.

Applicable Law

A contract entered into as a result of this RFP shall be governed and interpreted under the laws of the State of Minnesota.

Contract Assignment

A contract or any part hereof entered into as a result of this RFP shall not be assigned, sublet, or transferred directly or indirectly without prior written consent of the Vice President for Marketing, Communications and Recruitment.

Entire Agreement

A written contract and any modifications or addenda thereto, executed in writing by both parties constitutes the entire agreement of the parties to the contract. All previous communications between the parties, whether oral or written, with reference to the subject matter of this contract are void and superseded. The resulting contract may be amended at a future date in writing by mutual agreement of the parties.

Deviations and Exceptions

Deviations from and exceptions to terms, conditions, specifications or the manner of this RFP shall be described fully on the vendor's letterhead stationery, signed and attached to the proposal submittal page(s) where relevant. In the absence of such statement the vendor shall be deemed to have accepted all such terms, conditions, specifications and the manner of the RFP. A vendor's failure to raise an issue related to the terms, conditions, specifications or manner of this RFP prior to the proposal submission deadline in the manner described shall constitute a full and final waiver of that vendor's right to raise the issue later in any action or proceeding relating to this RFP.

Duration of Offer

All proposal responses must indicate they are valid for a minimum of one hundred eighty (180) calendar days from the date of the proposal opening unless extended by mutual written agreement between METROPOLITAN STATE UNIVERSITY and the vendor.

Prices and terms of the proposal as stated must be valid for the length of the resulting contract.

Authorized Signature

The proposal must be completed and signed in the firm's name or corporate name of the vendor, and must be fully and properly executed and signed in blue or black ink by an authorized representative of the vendor. Proof of authority of the person signing must accompany the response.

Proposal Rejection and Waiver of Informalities

This RFP does not obligate Minnesota State, its Board of Trustees or METROPOLITAN STATE UNIVERSITY to award a contract or complete the proposed project and each reserves the right to cancel this RFP if it is considered to be in its best interest.

METROPOLITAN STATE UNIVERSITY also reserves the right to waive minor informalities and, notwithstanding anything to the contrary, reserves the right to:

1. reject any and all proposals received in response to this RFP;
2. select a proposal for contract negotiation other than the one with the lowest cost;
3. negotiate any aspect of the proposal with any vendor;
4. terminate negotiations and select the next most responsive vendor for contract negotiations;
5. terminate negotiations and prepare and release a new RFP;
6. terminate negotiations and take such action as deemed appropriate.

Section II. Parties to the RFP: METROPOLITAN STATE UNIVERSITY

Section III. Vendor Requirements

See Nature of RFP and General Selection Criteria

Information Contact

METROPOLITAN STATE UNIVERSITY's agent for purposes of responding to inquiries about the RFP is: Audrey Bergengren, Vice President of Marketing, Communications and Recruitment, 700 East Seventh Street, St. Paul, MN 55106-5000, audrey.bergengren@metrostate.edu

Questions must be received by 4pm, Monday, September 28; with response submitted by 4pm, Friday, October 2, 2020.

Other persons are not authorized to discuss RFP requirements before the proposal submission deadline and METROPOLITAN STATE UNIVERSITY shall not be bound by and responders may not rely on information regarding RFP requirements obtained from non-authorized persons. Questions must include the name of the questioner, telephone number, and e-mail address. Anonymous inquiries will not be answered.

This effort includes the development of a logo (or logos), color and font specifications, usage guidelines, graphic standards, positioning statements and key messages. The selected firm will prepare an in-depth implementation plan along with supporting materials, documents and creative.

- Environmental inventory – Discovery, review, and cataloging of all the communications material and channels that could or should be used to communicate the brand
- Visual Identity Development – Create brand strategy that includes the development of a naming structure, type selection/creation, color palette selection, logo mark creation, tagline, and specific system, individual name lock-up schemes and options, and trademark research/approval. Testing of multiple versions of visual identity and brand elements with stakeholder groups is key, and detail/costs involved in garnering university-wide feedback, acceptance, and support should be included.
- Project Plan and Visual Identity Rollout
 - Detailed phased implementation plan with components of each phase
 - Timeline, cost, and measurable benchmarks and outcomes
 - Phased, prioritized approach with different options regarding price
 - A well-thought-out process to infuse the brand both internally and externally. This includes discussion of who enforces and monitors use and a process for resolving issues
 - A brief video that captures the spirit and emotion of the brand
 - Brand standards guide that fully captures the language of the brand and provides recommendations/examples of some of the more common uses of the phrases and uses of the brand
 - Training sessions on the new brand and its use for the President's Executive Council,

- President's Cabinet, Leadership Assembly and Marketing Department Staff
- Design of communications collateral materials including:
 - Website Homepage and two secondary pages
 - Signage
 - Letterhead/Envelops
 - Social media graphics
 - Business cards
 - Presentation templates (6-10 PPT slide layouts)
 - Collateral material templates (brochures, flyer and direct mail, two each)
 - Email signature block
 - Fleet graphics
 - Online, print and outdoor ad designs (three each)

Note: Firms should advocate for their own best recommendations and will not be bound by this list. However, firms should provide pricing for items listed here as to provide a platform comparison.

- Detailed report and compelling presentations to University Leadership Groups including creative examples, messaging elements, cost projections, as well as supporting documentation needed to position the University for long-term strength with critical stakeholders and audiences
 - Steering committee – up to three presentations
 - President's Executive Council – up to two presentations
 - Minnesota State Chief Marketing Officer and Chancellor – one presentation
 - Faculty and Staff – one presentation, given at all four main locations, or zoom if pandemic does not allow for in person presentations

Section IV. Response Evaluation

The following criteria and their identified weight will be used by METROPOLITAN STATE UNIVERSITY to evaluate the responses:

The following criteria and assigned weights will facilitate proposal evaluation:

- Adequacy and strength of the proposal (30%)
- Cost, service and value to Metropolitan State University (30%)
- Evidence the vendor can carry out the project (15%)
- Targeted business inclusion, veteran, minority, women (up to 10%)
- Relevant experience and references including prior experience with four-year universities or comparable postsecondary institutions (10%)
- Awareness and understanding of Metropolitan State University, Minnesota State and the competitive higher education environment in the Twin Cities region (5%)

Proposal(s) may be rejected if it is determined a vendor's ability to work with the existing University infrastructure will be too limited or difficult to manage. Proposals must include:

- Detailed descriptions demonstrating how the vendor will help Metropolitan State University achieve the goals and objectives of this project
- Itemized estimated costs
- Detailed timeline
- Outline of vendor's related experience
- Work experience highlights of personnel who will be assigned to the project
- Brief descriptions and work samples of a minimum of three clients for whom the vendor has completed related work with contact information

A proposal may be rejected if it is determined that a vendor's ability to work with the existing infrastructure will be too limited or difficult to manage.

In some instances, an interview will also be part of the evaluation process. METROPOLITAN STATE UNIVERSITY reserves the right to name a date at which all responding vendors will be invited to present demonstrations or participate in an interview. METROPOLITAN STATE UNIVERSITY does not agree to reach a decision by any certain date although it is hoped the evaluation and selection will be completed by the date identified in the **Selection and Implementation Timeline** above.

A proposal may be rejected if it is determined that a vendor's ability to work with the existing infrastructure will be too limited or difficult to manage.

Section V. Additional RFP Response and General Contract Requirements

Notice to Vendors and Contractors

As a condition of this contract, CONTRACTOR is required by Minn. Stat. §270C.65 to provide a social security number, a federal tax identification number or Minnesota tax identification number. This information may be used in the enforcement of federal and state tax laws. These numbers will be available to federal and state tax authorities and state personnel involved in approving the contract and the payment of state obligations. Supplying these numbers could result in action to require CONTRACTOR to file state tax returns and pay delinquent state tax liabilities. This contract will not be approved unless these numbers are provided.

If you are an independent contractor, Minn. Stat. §256.998 requires the state to report your name, address and social security number to the New Hire Reporting Center of the Minnesota Department of Human Services unless your contract is for less than two months in duration with gross earnings of less than \$250.00 per month. This information may be used by state or local child support enforcement authorities in the enforcement of state and federal child support laws.

Problem Resolution Process

A formal problem resolution process will be established in the contract to address issues raised by either METROPOLITAN STATE UNIVERSITY or the vendor.

Affidavit of Non-Collusion

All responding vendors are required to complete the Affidavit of Non-Collusion form and submit it with the response.

Human Rights Requirements

For all contracts estimated to be in excess of \$100,000 all responding vendors are required to complete the Human Rights Certification Information and Affirmative Action Data Page and submit it with the response. As required by Minnesota Rule 5000.3600, "It is hereby agreed between the parties that Minnesota Statutes §363A.36 and Minnesota Rule 5000.3600 are incorporated into any contract between these parties based upon this specification or any modification of it. Copies of Minnesota Statutes §363A.36 and Minnesota Rules 5000.3400 - 5000.3600 are available from the Minnesota Bookstore, 660 Olive Street, St. Paul, MN 55155. All responding vendors shall comply with the applicable provisions of the Minnesota Affirmative Action law, Minnesota Statutes §363.A36. Failure to comply shall be grounds for rejection.

Preference Points

In accordance with Minnesota Rules part 1230.1810 subpart B and Minn. Stat. § 16C.16, subd. 6a, Minnesota State may award up to a six percent preference to certified Economically Disadvantaged Businesses and Service Disabled/Veteran-owned Businesses.

Preference to Economically Disadvantaged Business and Individuals (up to 6%), if applicable (see below); and Preference to Service Disabled / Veteran-Owned Business and Individuals (see below) (up to 6%), if applicable (see below).

Supplier Diversity

Pursuant to policy 5.14 and Minn. Stat. 16C.16, Minnesota State Colleges & Universities is committed to taking affirmative action to ensure that minority-owned (MBEs) and women-owned (WBEs) businesses are given equal opportunity to provide their goods & services to Minnesota State. Targeted Business inclusion is a part of the criteria for this request for proposal to facilitate Minnesota State's fulfillment of this commitment.

Metropolitan State University is committed to developing a supply chain that resembles the diversity of our student body and business community. As a part of Minnesota State's Supplier Diversity Pilot, Targeted Businesses (TGB's) are considered to be certified minority-owned (MBE) and woman-owned (WBE) business enterprises. TGB's must be currently certified by one of the following certifying agencies:

- State of Minnesota – Department of Administration
- City of Saint Paul Central (CERT) Program
- North Central Minority Supplier Development Council (regional affiliate of the National Minority Supplier Development Council)
- Women's Business Development Center (regional affiliate of the Women's Business Enterprise National Council)

For all goods & services contracts estimated to be in excess of \$50,000, all responding Vendors are required to complete the attached **Targeted Business Inclusion Form** and attach hard copies of TGBs certificates verifying that the Vendor is certified by one of the certifying agencies recognized by Minnesota State (*see acceptable certifications in the definitions section of this RFP*). Vendors are **not** required to include TGBs in their bid response; however, it should be noted that TGBs is up to ten percent (10%) of the total proposal criteria.

- **Preference to Economically Disadvantaged Business and Individuals**

In accordance with Minnesota Rules, part 1230.1810, subpart B certified Economically Disadvantaged (ED) Businesses submitting proposals as prime contractors shall receive up to six percent (6%) preference in the evaluation of their proposal. Eligible ED businesses must be currently certified by the Minnesota Department of Administration's Office of Equity in Procurement (OEP) prior to the solicitation opening date and time.

- **Veteran-Owned Preference**

In accordance with Minn. Stat. § 16C.16, subd. 6a, (a) Except when mandated by the federal government as a condition of receiving federal funds, the commissioner shall award up to a six percent (6%) preference, but no less than the percentage awarded to any other group under this section on state procurement to certified small businesses that are majority-owned and operated by veterans.

State Audit

The books, records, documents and accounting practices and procedures of the vendor relevant to the contract(s) must be available for audit purposes to Minnesota State and the Legislative Auditor's Office for six (6) years after the termination/expiration of the contract.

Minnesota Government Data Practices Act

The requirements of Minnesota Statutes § 13.05, subd. 11 apply to the contract. The vendor must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data provided by Minnesota State, its schools and the System Office in accordance with the contract and as it applies to all data created, gathered, generated or acquired in accordance with the contract. All materials submitted in response to this RFP will become property of the State of Minnesota and will become public record after the evaluation process is completed. Pursuant to the statute, completion of the evaluation process occurs when Minnesota State has completed negotiating the contract with the selected vendor. If the vendor submits information in response to this RFP that it believes to be trade secret materials as defined by the Minnesota Government Data Practices Act, the vendor must:

- mark clearly all trade secret materials in its response at the time the response is submitted;

- include a statement with its response justifying the trade secret designation for each item;
- defend any action seeking release of the materials it believes to be trade secret, and indemnify and hold harmless the State of Minnesota, Minnesota State, its agents and employees, from any judgments or damages awarded against the State or Minnesota State in favor of the party requesting the materials, and any and all costs connected with that defense. This indemnification survives Minnesota State's award of a contract. In submitting a response to this RFP, the responder agrees this indemnification survives as long as the trade secret materials are in possession of Minnesota State.

Minnesota State will not consider the prices submitted by the Responder to be proprietary or trade secret materials.

Conflict of Interest

The vendor must provide a list of all entities with which it has relationships that create, or appear to create, a conflict of interest with the work that it is contemplated in this Request for Proposal. The list should indicate the names of the entity, the relationship, and a discussion of the conflict.

Organizational Conflicts of Interest

The responder warrants that, to the best of its knowledge and belief, and except as otherwise disclosed, there are no relevant facts or circumstances that could give rise to organizational conflicts of interest. An organizational conflict of interest exists when, because of existing or planned activities or because of relationships with other persons, a vendor is unable or potentially unable to render impartial assistance or advice, or the vendor's objectivity in performing the contract work is or might be otherwise impaired, or the vendor has an unfair competitive advantage. The responder agrees that, if after award, an organizational conflict of interest is discovered, an immediate and full disclosure in writing must be made to the respective school's chief financial officer or the System Office's Business Manager that must include a description of the action which the vendor has taken or proposes to take to avoid or mitigate such conflicts. If an organizational conflict of interest is determined to exist, the school or System Office may, at its discretion, cancel the contract. In the event the responder was aware of an organizational conflict of interest prior to the award of the contract and did not disclose the conflict to the contracting officer, the school or System Office may terminate the contract for default. The provisions of this clause must be included in all subcontracts for work to be performed similar to the service provided by the prime contractor, and the terms "contract," "contractor," and "contracting officer" modified appropriately to preserve Minnesota State's rights.

Physical and Data Security

The vendor is required to recognize that on the performance of the contract the vendor will become a holder of and have access to private data on individuals and nonpublic data as defined in the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13; and other applicable laws.

In performance of the contract, the vendor agrees it will comply with all applicable state, federal and local laws and regulations, including but not limited to the laws under Minnesota Statute Chapters 13 relating to confidentiality of information received as a result of the contract. The vendor agrees that it, its officers, employees and agents will be bound by the above confidentiality laws and that it will establish procedures for safeguarding the information.

The vendor agrees to notify its officers, employees and agents of the requirements of confidentiality and of the possible penalties imposed by violation of these laws. The vendor agrees that neither it, nor its officers, employees or agents will disclose or make public any information received by the vendor on behalf of Minnesota State and METROPOLITAN STATE UNIVERSITY.

The vendor shall recognize Minnesota State's sole and exclusive right to control the use of this information. The vendor further agrees it shall make no use of any of the described information, for either internal or external purposes, other than that which is directly related to the performance of the contract.

The vendor agrees to indemnify and hold harmless the State of Minnesota, Minnesota State and METROPOLITAN STATE UNIVERSITY from any and all liabilities and claims resulting from the unauthorized disclosure by the vendor, its officers, employees or agents of any information required to be held

confidential under the provisions of the contract. The vendor must return all source data to the “Authorized Representative” to be identified in the contract.

Reimbursements

Reimbursement for travel and subsistence expenses actually and necessarily incurred by the contractor as a result of the contract will be in no greater amount than provided in the current "Commissioner's Plan" promulgated by the commissioner of Employee Relations. Reimbursements will not be made for travel and subsistence expenses incurred outside Minnesota unless it has received the State's prior written approval for out of state travel. Minnesota will be considered the home state for determining whether travel is out of state.

Section VI. RFP Response Submission

Submission

Sealed proposals must be **received** at the following address not later than **2:00 p.m. CT, Tuesday, October 13, 2020**.

METROPOLITAN STATE UNIVERSITY
Attn: Margaret Soukup, Marketing
St. John's Hall 272
700 East Seventh St, St. Paul, MN 55106-5000

The responder shall submit [3] hard copies of its RFP response, and electronic files on USB flash drive in Microsoft Word, PowerPoint format, or as a Portable Document Format (.pdf) file. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. One copy of the proposal must be unbound and signed in blue or black ink by an authorized representative of the vendor. Proof of authority of the person signing must accompany the response.

Proposals received after this date and time will be returned to the responder unopened.

Fax and e-mail responses will not be considered.

Proposals made in pencil will be rejected. Alterations in cost figures used to determine the lowest priced proposal will be rejected unless initialed in ink by the person responsible for or authorized to make decisions as to price quoted. The use of “white out” is considered an alteration.

Submit the following forms completed:

- Affidavit of Non-Collusion
- Human Rights Certification Information and Affirmative Action Data Page and Form
- Veteran-Owned Preference Form
- Targeted Business Inclusion Form

STATE OF MINNESOTA AFFIDAVIT OF NON-COLLUSION

I swear (or affirm) under the penalty of perjury:

1. That I am the Responder (if the Responder is an individual), a partner in the company (if the Responder is a partnership), or an officer or employee of the responding corporation having authority to sign on its behalf (if the Responder is a corporation);
2. That the attached proposal submitted in response to the _____ Request for Proposal has been arrived at by the Responder independently and has been submitted without collusion with and without any agreement, understanding or planned common course of action with, any other Responder of materials, supplies, equipment or services described in the Request for Proposal, designed to limit fair and open competition;
3. That the contents of the proposal have not been communicated by the Responder or its employees or agents to any person not an employee or agent of the Responder and will not be communicated to any such persons prior to the official opening of the proposals; and
4. That I am fully informed regarding the accuracy of the statements made in this affidavit.

Responder's Firm Name: _____

Authorized Signature: _____

Date: _____

Subscribed and sworn to me this _____ day of _____

Notary Public: _____

My commission expires: _____

NOTICE TO CONTRACTORS

AFFIRMATIVE ACTION CERTIFICATION OF COMPLIANCE

It is hereby agreed between the parties that Minnesota State will require that affirmative action requirements be met by contractors in relation to Minnesota Statutes §363A.36 and Minnesota Rules, 5000.3400 to 5000.3600. Failure by a contractor to implement an affirmative action plan or make a good faith effort shall result in revocation of its certificate or revocation of the contract (Minnesota Statutes §363A.36, subdivisions 3 and 4).

Under the Minnesota Human Rights Act, §363A.36, businesses or firms entering into a contract over \$100,000 which have more than forty (40) full-time employees within the state of Minnesota on a single working day during the previous twelve (12) months, or businesses or firms employing more than forty (40) full-time employees on a single working day during the previous twelve (12) months in a state in which its primary place of business is domiciled and that primary place of business is outside of the State of Minnesota but within the United States, must have submitted an affirmative action plan that was received by the Commissioner of Human Rights for approval prior to the date and time the responses are due. A contract over \$100,000 will not be executed unless the firm or business having more than forty (40) full-time employees, either within or outside the State of Minnesota, has received a certificate of compliance signifying it has an affirmative action plan approved by the Commissioner of Human Rights. The Certificate is valid for four (4) years. For additional information, contact the Department of Human Rights, Freeman Building, 625 Robert Street North, Saint Paul, MN 55155.

Effective July 1, 2003. The Minnesota Department of Human Rights is authorized to charge a \$150.00 fee for each Certificate of Compliance issued. A business or firm must submit its affirmative action plan along with a cashier's check or money order in the amount of \$150.00 to the Minnesota Department of Human Rights or you may contact the Department for additional information at the Compliance Services Unit, Freeman Building, 625 Robert Street North, Saint Paul MN 55155.

State Of Minnesota – Affirmative Action Certification

If your response to this solicitation is or could be in excess of \$100,000, complete the information requested below to determine whether you are subject to the Minnesota Human Rights Act (Minnesota Statutes 363A.36) certification requirement, and to provide documentation of compliance if necessary. It is your sole responsibility to provide this information and—if required—to apply for Human Rights certification prior to the due date of the bid or proposal and to obtain Human Rights certification prior to the execution of the contract. The State of Minnesota is under no obligation to delay proceeding with a contract until a company receives Human Rights certification.

BOX A – For companies which have employed more than 40 full-time employees within Minnesota on any single working day during the previous 12 months. All other companies proceed to BOX B.

Your response will be rejected unless your business:

has a current Certificate of Compliance issued by the Minnesota Department of Human Rights (MDHR)

—or—

has submitted an affirmative action plan to the MDHR, which the Department received prior to the date the responses are due.

Check one of the following statements if you have employed more than 40 full-time employees in Minnesota on any single working day during the previous 12 months:

- We have a current Certificate of Compliance issued by the MDHR. **Proceed to BOX C. Include a copy of your certificate with your response.**
- We do not have a current Certificate of Compliance. However, we submitted an Affirmative Action Plan to the MDHR for approval, which the Department received on _____ (date). **Proceed to BOX C.**
- We do not have a Certificate of Compliance, nor has the MDHR received an Affirmative Action Plan from our company. **We acknowledge that our response will be rejected. Proceed to BOX C. Contact**

Please note: Certificates of Compliance must be issued by the Minnesota Department of Human Rights. Affirmative Action Plans approved by the Federal government, a county, or a municipality must still be received, reviewed, and approved by the Minnesota Department of Human Rights before a certificate can be issued.

BOX B – For those companies not described in BOX A

Check below.

- We have not employed more than 40 full-time employees on any single working day in Minnesota within the previous 12 months. **Proceed to BOX C.**

BOX C – For all companies

By signing this statement, you certify that the information provided is accurate and that you are authorized to sign on behalf of the responder. You also certify that you are in compliance with federal affirmative action requirements that may apply to your company. (These requirements are generally triggered only by participating as a prime or subcontractor on federal projects or contracts. Contractors are alerted to these requirements by the federal government.)

Name of Company: _____ Date _____

Authorized Signature: _____ Telephone number: _____ Printed Name: _____

_____ Title: _____

For assistance with this form, contact:

Minnesota Department of Human Rights, Compliance & Community
Relations Freeman Building, 625 Robert Street North, Saint Paul, MN
55155

Phone: 651-296-5663

Toll Free: 800-657-3704

Fax: 651-296-9042

TTY: 651-296-1283

Web: mn.gov/mdhr

Email: compliance.mndh@state.mn.us

MINNESOTA STATE NOTICE TO VENDORS AFFIRMATIVE ACTION CERTIFICATION OF COMPLIANCE

The amended Minnesota Human Rights Act (Minnesota Statutes §363A.36) divides the contract compliance program into two categories. Both categories apply to any contracts for goods or services in excess of \$100,000.

The first category applies to businesses that have had more than 40 full-time employees within Minnesota on a single working day during the previous 12 months. The businesses in this category must have submitted an affirmative action plan to the Commissioner of the Department of Human Rights prior to the due date and time of the response and must have received a Certificate of Compliance prior to execution of the contract or agreement.

The secondary category applies to businesses that have had more than 40 full-time employees on a single working day in the previous 12 months in the state in which its primary place of business is domiciled.

The businesses in this category must certify to Minnesota State that it is in compliance with federal affirmative action requirements before execution of the contract. For further information, contact the Department of Human Rights, Compliance Services Unit, 625 Robert Street North, Saint Paul MN 55155; Voice: 651296-5663; Toll Free: 800-657-3704; TTY: 651-296-1283.

Minnesota State is under no obligation to delay the award or the execution of a contract until a vendor has completed the Human Rights certification process. It is the sole responsibility of the vendor to apply for and obtain a Human Rights certificate prior to contract execution.

It is hereby agreed between the parties that Minnesota State will require affirmative action requirements be met by vendors in relation to Minnesota Statutes §363A.36 and Minnesota Rules, 5000.3400 to 5000.3600.

Under the Minnesota Human Rights Act, §363A.36, subdivision 1, no department or agency of the state shall execute an order in excess of \$100,000 with any business within the State of Minnesota having more than 40 full-time employees in a single working day during the previous 12 months unless the firm or business has an affirmative action plan for the employment of minority persons, women, and the disabled that has been approved the Commissioner of Human Rights. Receipt of a Certificate of Compliance issued by the Commissioner shall signify that a firm or business has an affirmative action plan approved by the Commissioner.

Failure by the vendor to implement an affirmative action plan or make a good faith effort shall result in revocation of its certificate or revocation of the order (Minnesota Statutes §363A.36, subdivisions 3 and 4). A certificate is valid for a period of four (4) years.

DISABLED INDIVIDUAL CLAUSE

- A. A vendor shall not discriminate against any employee or applicant for employment because of physical or mental disability in regard to any position for which the employee or applicant for employment is qualified. The vendor agrees to take disabled individuals without discrimination based on their physical or mental disability in all employment practices such as the following: employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection of training, including apprenticeship.
- B. The vendor agrees to comply with the rules and relevant order of the Minnesota Department of Human Rights issued pursuant to the Minnesota Human Rights Act.
- C. In the event of a vendor's noncompliance with the requirements of this clause, actions for noncompliance may be taken by the Minnesota Department of Human Rights pursuant to the Minnesota Human Rights Act.
- D. The vendor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Commissioner of the Minnesota Department of Human Rights. Such notices shall state the vendor obligation under the law to take affirmative action to employ and advance in employment qualified disabled employees and applicants for employment and the rights of applicants and employees.
- E. The vendor shall notify each labor union or representative of workers with which it has a collective bargaining agreement or other order understanding, that the vendor is bound by the terms of Minnesota Statutes §363A.36 of the Minnesota Human Rights Act and is committed to take affirmative action to employ and advance in employment physically and mentally disabled individuals.

It is hereby agreed between the parties that Minnesota Statutes §363A.36 and Minnesota Rules 5000.3400 to 5000.3600 are incorporated into any order of Minnesota Statutes §363A.36 and Minnesota Rules, 5000.3400 to 5000.3600 are available from Minnesota Bookstore, 660 Olive Street, St. Paul, Minnesota 55155.

By signing this statement the vendor certifies that the information provided is

accurate. NAME OF COMPANY: _____

AUTHORIZED SIGNATURE: _____

TITLE: _____

DATE: _____

STATE OF MINNESOTA VETERAN-OWNED PREFERENCE FORM

In accordance with Minn. Stat. §16C.16, subd. 6a, the Minnesota State may award up to a 6% preference in the amount bid on state procurement to certified small businesses that are majority owned and operated by veterans.

Veteran-Owned Preference Requirements - See Minn. Stat. §16C.19(d):

1. Principal place of business is in Minnesota.

and

2. The United States Department of Veterans Affairs verifies the business as being a veteran-owned small business under Public Law 109-461 and Code of Federal Regulations, title 38, part 74.

Statutory requirements and appropriate documentation must be met **by the solicitation response due date and time** to be awarded the veteran-owned preference. The preference applies only to the first \$500,000 of a solicitation response.

Claim the Preference

By signing below I confirm that:

My company is claiming the veteran-owned preference afforded by Minn. Stat. § 16C.16, subd. 6a. by making this claim, I verify that:

- My company's principal place of business is in Minnesota; and
- The United States Department of Veteran's Affairs verifies my company as being a veteran owned small business. (Supported By Attached Documentation)

Name of Company: _____ Date: _____

Authorized Signature: _____ Telephone: _____

Printed Name: _____ Title: _____

Attach documentation, sign, and return this form with your solicitation response to claim the veteran- owned preference.

Targeted Business Inclusion Form

Business:	_____	Contact Name:	_____
RFP Title:	_____	Phone:	_____
Institution:	_____	E-mail:	_____

In accordance with Board Policy 5.14, Minnesota State aims to enhance and optimize business and contracting opportunities for historically under-utilized businesses. By checking one or both of the boxes below, the respondent will receive 10% of the entire RFP score which is allocated for Targeted Business (W/MBE) inclusion.

Certified W/MBE:

Respondent is a currently certified W/MBE. Attach a copy of your current certification document. Certification agencies recognized by Minnesota State are identified in the Additional Notes section at the end of this document. **if MBE, identify the race, ethnicity, and/or gender of the person with at least 51% ownership.*

Ownership Race/Ethnicity: Choose an item.

Ownership Gender: Choose an item.

W/MBE Partner or Sub-Contractor:

Respondent will purchase goods/services or sub-contract 10% or more of the contract to a certified W/MBE. Respondent is required to attach a copy of the current W/MBE certificate for the Targeted business(es) partnering on this contract and list them below.

Targeted Business: _____
Certification Agency: _____
Scope of work to be completed by TGB partner(s): _____

**if MBE, identify the race, ethnicity, and/or gender of the person with at least 51% ownership.*

Ownership Race/Ethnicity: Choose an item.

Ownership Gender: Choose an item.

Targeted Business: _____
Certification Agency: _____
Scope of work to be completed by TGB partner(s): _____

**if MBE, identify the race, ethnicity, and gender of the person with at least 51% ownership.*

Ownership Race/Ethnicity: Choose an item.

Ownership Gender: Choose an item.

Targeted Business: _____
Certification Agency: _____
Scope of work to be completed by TGB partner(s): _____

**if MBE, identify the race, ethnicity, and gender of the person with at least 51% ownership.*

Ownership Race/Ethnicity: Choose an item.

Ownership Gender: Choose an item.

Additional Notes:

1. Respondent's score may be negatively impacted by past performance such as non-compliance or failure to meet previous W/MBE commitments.
2. Minnesota State defines a Targeted Business as one which is 51% owned and controlled by women or minorities, and certified as such by one of the following programs:
 - [State of Minnesota – Department of Administration](#)
 - [City of Saint Paul Central \(CERT\) Program](#) (certifies, WBE's, MBE's, and SBE's)
 - [North Central Minority Supplier Development Council](#) (regional affiliate of the National Minority Supplier Development Council)
 - [Women's Business Development Center](#) (regional affiliate of the Women's Business Enterprise National Council)