

Office of Business Services
9221 Corporate Blvd
Rockville, MD 20850

REQUEST FOR PROPOSAL

RFP NO. E521-023

RFP TITLE: VIDEO MANAGEMENT SYSTEM

All proposals MUST BE RECEIVED **electronically** by 3:00pm Eastern Standard Time on **April 1, 2021**

Prices must remain firm for: **120 DAYS AFTER PROPOSAL CLOSING DATE AND TIME**

Proposal Bond Requirements: NONE

**Performance, Labor and
Material Bond requirements: NONE**

Pre-proposal Conference: Monday, March 8, 2021 at 4:00 P.M. via zoom
Join Zoom Meeting Link

<https://montgomerycollege.zoom.us/j/98446958494?pwd=ajQzMEZvRWJoZzQxOWhGcW9KWjcyQT09>

MINORITY VENDORS ARE ENCOURAGED TO RESPOND TO THIS SOLICITATION

Important: Your quotation will be jeopardized if any portion of this inquiry is not complete. No proposal will be accepted after the date and time stated above.



Patrick Johnson, MBA
Director of Procurement

NOTE: Prospective Offeror's that have received this document from a source other than the Procurement Office should immediately contact the Procurement Office and provide their name and e-mail address so that any amendments to the Bid/RFP or other communications can be sent to them. Failure to contact the Procurement Office may result in non-receipt of important information.

REGISTRATION OF CORPORATIONS NOT REGISTERED IN THE STATE OF MARYLAND Pursuant to 7-202 et. Seq. of the Corporation and Associations Article of the Annotated Code of Maryland, corporations not incorporated in the State of Maryland shall be registered with the State Department of Assessments and Taxation, 301 West Preston Street, Baltimore, Maryland 21201 before doing any interstate or foreign business in this State. A copy of the registration or application for registration may be requested by the College.

MONTGOMERY COLLEGE - OFFICE OF BUSINESS SERVICES
REQUEST FOR PROPOSAL TITLE: VIDEO MANAGEMENT SYSTEM
RFP NUMBER: E521-023
RFP CLOSING DATE AND TIME: 04/01/2021 3:00 P.M.

TABLE OF CONTENTS

TITLE	PAGE
SECTION 1 – PROPOSAL AND CONTRACT INFORMATION	1-7
SECTION 2 – BACKGROUND AND SCOPE OF SERVICES	8-9
SECTION 3 – QUALIFICATIONS AND SYSTEM REQUIREMENTS	10-17
SECTION 4 – PROPOSAL EVALUATION AND AWARD	18
SECTION 5 – PROPOSAL SUBMISSION	19-22
SECTION 6 – PRICE PROPOSAL	23-24
ATTACHMENT A: REFERENCES	25
ATTACHMENT B: CONFLICT OF INTEREST STATEMENT	26
ATTACHMENT C: CONTRACTOR INFORMATION FORM	27
ATTACHMENT D: NO BID RESPONSE	28
ATTACHMENT E: GENERAL CONDITIONS AND INSTRUCTIONS	29-35
ATTACHMENT F: MID-ATLANTIC PURCHASING TEAM RIDER CLAUSE	36

MONTGOMERY COLLEGE - OFFICE OF BUSINESS SERVICES
REQUEST FOR PROPOSAL TITLE: VIDEO MANAGEMENT SYSTEM
RFP NUMBER: E521-023
RFP CLOSING DATE AND TIME: 04/01/2021 3:00 P.M.

SECTION 1 – PROPOSAL AND CONTRACT INFORMATION

1.1 Intent

It is the intent of this Request for Proposal to provide Montgomery College with a Video Management System, in accordance with the terms, conditions, and specifications described herein. In the event that a special condition is contradictory to a general condition, the special condition shall prevail.

Montgomery College will hereinafter be referred to as the “College” and “MC.” Respondents to the RFP will be referred to as “Offeror’s” and “Proposers.” The Offeror to whom the contract is awarded will be referred to as the “Contractor.”

1.2 Electronic Bid Submittal Due Date

All responses to this Request for Proposal must be submitted electronically, in two separate attachments. One attachment shall consist of the Technical Proposal, and the second attachment shall consist of the Price Proposal. Both attachments shall be sent together, in a single email. See **Section 5 Proposal Submission** for complete submission instructions.

Electronic proposal and addendum or addenda, if applicable, shall be sent to the following email address by the submittal deadline date and time: vendor.proposals@montgomerycollege.edu. All responses to this Request for Proposal are due by **3:00 p.m., April 1, 2021** Eastern Standard Time (EST). **No responses will be accepted after this date and time.** In the event that the College is closed on the RFP closing date, due to an unforeseen circumstance, the RFP will close at the stated time on the next open business day, unless the Offeror is notified otherwise.

1.3 Contact Information

Request for information or technical questions related to this solicitation should be directed to **Kevin Schramm, Purchasing Agent**, via e-mail to kevin.schramm@montgomerycollege.edu. The Bidder may not initiate contact with any other College representative about this bid. All inquiries and questions must be submitted in writing via email and received by **4:00 pm, March 25, 2021**. All questions received by the noted deadline will be answered and sent to all proposing firms via issuance of an addendum. No questions will be accepted after this date.

1.4 Addenda

The College will issue an addendum or addenda to all prospective Offeror’s known to have received the document, if it becomes necessary to issue any. Only answers provided via an addendum issued by the Procurement Office will be binding. However, Offeror’s bear sole responsibility for downloading all addenda, if any, for this RFP from the College Procurement website at <http://www.montgomerycollege.edu/procure/> and it is the responsibility of the Offeror to check this site for any addenda before submitting a proposal. Acknowledgement of the receipt of all addenda must accompany the Offeror’s proposal, and all addenda shall become part of the RFP documents. Failure to acknowledge receipt does not relieve the Offeror from complying with all terms of any such addenda.

MONTGOMERY COLLEGE - OFFICE OF BUSINESS SERVICES
REQUEST FOR PROPOSAL TITLE: VIDEO MANAGEMENT SYSTEM
RFP NUMBER: E521-023
RFP CLOSING DATE AND TIME: 04/01/2021 3:00 P.M.

SECTION 1 – PROPOSAL AND CONTRACT INFORMATION -continued

1.5 Proposal Validity

Offeror's must hold their proposal prices for 120 days after the award date. In the event that the awarded Contractor is unable to perform the contract, the College reserves the right to re-solicit the contract or to award the contract to the next highest evaluated Offeror.

1.6 General Conditions and Instructions

Offeror's shall refer to, understand, and agree to Attachment E, General Conditions and Instructions, of this proposal. The College reserves the right to reject as non-responsive any offer that objects to any of the terms, conditions, or specifications of this RFP.

1.7 Submitted Pricing

All pricing is FOB Destination. Pricing must be submitted on the Price Proposal page (Section 6). The prices offered on the Price Proposal must include all charges, costs, and fees incurred in the delivery of this procurement. No allowance will be made at a later date for additional charges due to the Offeror's omission. Payment discounts, if offered, will be taken when appropriate, but will not be considered in the evaluation for award. The College reserves the right to request additional related services in support of its operations, and fees for those services shall be negotiated accordingly. The College is exempt from State of Maryland sales use tax and federal excise tax, and the College will not pay or reimburse those taxes.

1.8 References

The Offeror must provide three (3) references, with whom Offeror has provided similar services within the past three years. All references must include organization name, contact name, mailing and email address, telephone number, and service dates. Cited references must be able to confirm, without reservation, the Offeror's ability to provide services in accordance with the requirements contained in this solicitation. The College reserves the right to reject a proposal based on an unsatisfactory reference; use itself as a reference, if applicable; request additional references; contact any non-reference clients that have utilized Offeror's services; or require a site visit to one or more of the Offeror's reference locations.

1.9 Subcontractors

The College seeks proposals from Contractors performing all requested services and will enter into an agreement only with the selected Offeror. **No portion of the work shall be subcontracted without the prior written consent of the College throughout the terms of the contract, including renewals and extensions.** In the event the Contractor desires to subcontract part of the services specified herein, the Contractor shall furnish the company or individual name(s), contact name, mailing and e-mail addresses, qualifications, and experience of the proposed subcontractor(s), as well as a description of the services to be performed by the subcontractor. The primary Contractor shall remain fully liable for the work performed by the subcontractor(s) and shall assure compliance with all requirements of the contract if approved by the College. The College reserves the right to reject any proposed subcontractor in its own best interest.

MONTGOMERY COLLEGE - OFFICE OF BUSINESS SERVICES
REQUEST FOR PROPOSAL TITLE: VIDEO MANAGEMENT SYSTEM
RFP NUMBER: E521-023
RFP CLOSING DATE AND TIME: 04/01/2021 3:00 P.M.

SECTION 1 – PROPOSAL AND CONTRACT INFORMATION -continued

1.10 Proposal Evaluation

Proposals submitted in response to this solicitation will include evaluation as follows:

1.10.1 Offeror is responsible – Offeror demonstrates ability to provide products and/or services that can meet or exceed requirements. The following criteria will be used to determine responsibility:

- Offeror has the equipment, ability, and experience to perform the work as stated in the specifications listed in this RFP.
- Offeror is financially stable.

1.10.2 Offeror is responsive – Offeror follows RFP submission instructions and provides all requested materials. The following criteria will be used to determine responsiveness:

- Offeror has favorable references that can confirm its ability to provide the products and/or services as stated in the specifications listed in this RFP.
- Offeror has provided all documentation and samples requested in the Scope of Work/Specifications.

1.11 Proposal Rejection

The College reserves the right to reject any or all offers received as a result of this Request for Proposal. Offers may be rejected for any of the following reasons:

- 1.11.1 Failure to meet the mandatory specifications and requirements.
- 1.11.2 Failure to respond in a timely manner to a request for additional information, data, etc.
- 1.11.3 Failure to supply appropriate and favorable client references.
- 1.11.4 Submittal of an incomplete Price Proposal page.
- 1.11.5 Failure to sign the proposal.
- 1.11.6 Failure to return any addenda acknowledgements
- 1.11.7 Submittal of conditional, alternate or multiple proposals.
- 1.11.8 Failure to demonstrate that it is qualified to carry out the obligations of the contract and to implement and support the work specified herein.
- 1.11.9 Failure to provide samples and/or demonstration materials that are representative of the quality level sought by the College.

1.12 Required Submittal List RFP Packet should be returned in its entirety

- Technical Proposal, including all attachments and
 - References (Attachment A)
 - Conflict of Interest Statement (Attachment B)
 - Contractor Information Form (Attachment C)
 - Subcontractor List, if applicable
 - Acknowledgement of Receipt of Addenda, if applicable
- Price Proposal (Section 6)

1.13 Failure to Submit

Failure to provide any of the items noted in Section 1.12 may deem a proposal non-responsive.

MONTGOMERY COLLEGE - OFFICE OF BUSINESS SERVICES
REQUEST FOR PROPOSAL TITLE: VIDEO MANAGEMENT SYSTEM
RFP NUMBER: E521-023
RFP CLOSING DATE AND TIME: 04/01/2021 3:00 P.M.

SECTION 1 – PROPOSAL AND CONTRACT INFORMATION -continued

1.15 Contract Award

An award will be made in the best interest of the College to the highest evaluated and most responsible, responsive Offeror that can meet or exceed the terms, conditions, and specifications of this solicitation, and who meet the technical minimum evaluation points. Evaluation of Offeror's will be based on Offeror qualifications and references. The evaluation for award will be made on the basis of payment to the Contractor in Net 30 Days from the date an acceptable invoice is received by Montgomery College. The College may cancel this Request for Proposal or reject any or all proposals in whole or in part.

1.16 Contract Documents

The Request for Proposal in its entirety, the Offeror's proposal, and the College purchase order will form the contract. Offeror's requiring their signed contract or terms and conditions separate and apart from the foregoing must submit such a contract, terms, and conditions with their response. The contract will be examined and evaluated along with the Offeror's proposal. The College reserves the right to reject the Offeror's contract form and terms and conditions.

1.17 Contract Term

The initial term of this contract will be from **June 22, 2021 through June 21, 2022**. Beyond the initial term, at the sole option of the College, the contract may be renewed for four additional one-year terms, subject to funding availability and need, and provided that the Contractor has been in compliance with the terms and conditions of the contract and its service has been satisfactory. The College reserves the right to amend its requirements during the life of the contract to meet the needs of the College.

1.18 Contract Pricing

Contract prices shall remain fixed for first year of contract. Requests for price increases after first year of contract must be submitted in writing within 60 days of expiration of year one contract term. The same will apply for all successive contract renewal periods, should the College elect to exercise them. Any approved increase will take effect at the start of a contract renewal term. All contract price increase requests, along with supporting documentation must be sent to the Director of Procurement. The College reserves the right to request additional supporting documentation. Any price adjustments cannot exceed the Consumer Price Index (CPI) for the Washington, DC-Baltimore Metropolitan Area as published by the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index, All Urban Consumers (PCI-U), not seasonally adjusted; most current year final index (no preliminary).

1.19 Contract Modification and Amendment

The College retains the unilateral right to require changes in the Scope of Work as long as the changes are within the general scope of work to be performed hereunder. The College, without invalidating the contract documents, may submit a written request to order extra work or to make changes to the agreement by altering, adding to, or deducting from the work, and the contract sum shall reflect such changes. Price adjustments must be accepted, in writing, by Montgomery College before the Contractor performs additional work on the project.

The Contractor cannot accept purchase orders/requests for services or products that are not covered in this contract or make changes to the scope of work unless a price for those services or products has been negotiated with the Procurement Office, and the Contractor has received a signed contract amendment from the Procurement Office.

MONTGOMERY COLLEGE - OFFICE OF BUSINESS SERVICES
REQUEST FOR PROPOSAL TITLE: VIDEO MANAGEMENT SYSTEM
RFP NUMBER: E521-023
RFP CLOSING DATE AND TIME: 04/01/2021 3:00 P.M.

SECTION 1 – PROPOSAL AND CONTRACT INFORMATION -continued

1.21 Certificate of Liability Insurance

The Contractor shall furnish the College a Certificate of Liability Insurance as evidence of the required coverage within seven (7) days of award of the contract. Such insurance shall name the College as an Additional Insured. Policy and Certificates of Insurance shall reference Montgomery College Contract No. E521-023. Current certificates must be provided to the College throughout the contract term.

1.22 Termination of Insurance

In the event that the Contractor's insurance is terminated, the Contractor shall immediately obtain other coverage. Lack of insurance shall be grounds for immediate termination of the contract.

1.23 Contract Assignment

The Contractor may not assign, transfer, convey, sublet or otherwise dispose of the contract or its rights, title or interest therein or its power to execute such agreement to any other person, company or corporation without the previous consent and approval, in writing, by the College, and consent to such assignment shall not be unreasonably withheld or delayed. Unless otherwise agreed to in writing by the College, the assignee shall bear all costs incurred by the College, directly or indirectly, in connection with or as a result of such an assignment.

1.24 Contract Deadlines and Failure to Deliver

The Contractor is contractually obligated to meet all agreed upon deadlines. Failure of the Contractor to meet any deadline is grounds for termination by default. Additionally, if the Contractor fails to comply with established delivery requirements, the College reserves the right to make an open market purchase of required services and items and to assess, as liquidated damages, the difference between the contract price and the actual cost incurred by the College and to invoice charges to the Contractor.

1.25 Contract Billing

Summary billing for a lump sum amount is not an acceptable format on invoices billed to the College and any invoice presented for payment that lacks itemized billing may be returned. Minimally, invoices must include the College purchase order number. All true and correct invoices must be mailed to Montgomery College, Accounts Payable Office at 9221 Corporate Blvd, Rockville, Maryland 20850 or e-mailed to accountspayable@montgomerycollege.edu.

1.26 Public Record and Proprietary Information

The information contained in Proposals submitted for the College's consideration will be held in confidence until all evaluations are concluded and an award has been made. Pricing and other information that is an integral part of the offer cannot be considered confidential after an award has been made. **Offeror's must clearly mark any information considered proprietary and confidential.** The College will honor requests for confidentiality for information of a bona fide proprietary nature as permitted under the Federal Freedom of Information Act and the Maryland Public Information Act.

MONTGOMERY COLLEGE - OFFICE OF BUSINESS SERVICES
REQUEST FOR PROPOSAL TITLE: VIDEO MANAGEMENT SYSTEM
RFP NUMBER: E521-023
RFP CLOSING DATE AND TIME: 04/01/2021 3:00 P.M.

SECTION 1 – PROPOSAL AND CONTRACT INFORMATION -continued

1.27 Confidentiality

The Contractor agrees to maintain in strict confidence Montgomery College’s confidential information as listed herein. The Contractor may use the College’s confidential information solely to perform the services required, as listed herein and may not disclose such information to any person or entity without the expressed written consent of Montgomery College.

The information contained in proposals submitted for the College's consideration will be held in confidence until all evaluations are concluded and an award has been made. Pricing and other information that is an integral part of the offer cannot be considered confidential after an award has been made. Offeror’s must clearly mark any information considered proprietary and confidential. The College will honor requests for confidentiality for information of a proprietary nature. Pricing may not be deemed confidential.

1.28 Tobacco and E-Cigarette Policy

Montgomery College is a tobacco-free institution. The use of tobacco and e-cigarette products is prohibited in all indoor and outdoor College-owned property and facilities, including all buildings and building entrances; walkways; recreational and athletic areas; parking lots; bus stops/shelters; College owned or leased vehicles; and facilities leased and controlled by the College as well as at meetings or conferences sponsored by the College, regardless of the location. This use prohibition extends to the Contractor’s employees, agents, subcontractors, and Contractors.

MONTGOMERY COLLEGE - OFFICE OF BUSINESS SERVICES
REQUEST FOR PROPOSAL TITLE: VIDEO MANAGEMENT SYSTEM
RFP NUMBER: E521-023
RFP CLOSING DATE AND TIME: 04/01/2021 3:00 P.M.

SECTION 2 – BACKGROUND AND SCOPE OF SERVICES

2.1 Background

Montgomery College is Maryland's second oldest community college. The College serves roughly 55,000 students each year, through credit and noncredit programs, at nonresidential campuses located in Germantown, Rockville, and Takoma Park/Silver Spring and at off-campus sites throughout Montgomery County. To support students' academic and professional goals, the College employs more than 3,100 faculty, administrators, and staff.

2.2 Scope of Services

Montgomery College (MC) seeks a qualified vendor to provide a College-Wide, Cloud Based Video Management System that will be utilized by multiple stakeholders (i.e., Faculty, Staff, MCTV, Disability Support Services, Academic Departments, etc.) to facilitate the use of and manage access to video content. Inventory would include inhouse developed content, curated content, and 3rd party content. The primary function will be to support the use of video content in teaching and training, to address compliance with captioning and Accessible media content, and to facilitate centralized captioning support for the College community. MC has experienced an increase in the demand and need for closed captioned media content. Thus, MC seeks a solution to proactively caption video content, store and organize video content, and seamlessly integrate video content with LMS that supports content creators and users to ensure compliance with ADA, Section 504, and WCAG 2.0 AA standards.

2.3 Project Award and Schedule

The anticipated timeframe for issuing Intent of award to the highest evaluated and most responsible, responsive Offeror is May, 2021. The estimated start date for the contract will be June 22, 2021, if approved by the Board of Trustees at its June 21, 2021 meeting.

Monday 03/01/2021	RFP issued to eMaryland Market Place and MC website
Monday 03/8/2021	Pre-bid Meeting with interested bidders
Thurs 03/25/2021	Last Day for bidders to submit questions
Thursday 04/01/2021	<u>DUE DATE for bidder responses to RFP</u>
04/01/2021 – 04/30/2021	MC staff evaluate and score proposals
Mon 05/03/2021	MC Procurement staff recommend contractor for award to BOT
Mon 06/21/2021	MC BOT Meeting – Award of Contract

2.4 Pre-proposal Conference: Monday, March 8, 2021 at 4:00 P.M. via zoom

Vendors are encouraged to attend the pre-proposal conference. We will go through the bid documents and take questions. Join the Zoom Meeting via the following link

<https://montgomerycollege.zoom.us/j/98446958494?pwd=ajQzMEZvRWJozZzQxOWhGcW9KWjcyQT09>

MONTGOMERY COLLEGE - OFFICE OF BUSINESS SERVICES
REQUEST FOR PROPOSAL TITLE: VIDEO MANAGEMENT SYSTEM
RFP NUMBER: E521-023
RFP CLOSING DATE AND TIME: 04/01/2021 3:00 P.M.

SECTION 2 – BACKGROUND AND SCOPE OF WORK - continued

2.5 Current Systems

2.5.1 Administrative Systems:

Montgomery College uses Ellucian as its ERP (enterprise resource planning) and SIS (student information system) system and Blackboard as its learning management system. Any proposed platform should be compatible with other existing third-party applications MC uses. Third-party applications should be able to write and update data within the LMS.

2.5.2 Email, Calendar and Office Applications:

Montgomery College uses Microsoft Office 365 for employee and students e-mail and calendar. Employees and Students have access to the full Microsoft Office suite.

2.5.3 Video Conferencing:

Montgomery College utilizes Zoom as primary tool for remote classes and meetings.

2.5.4 Captioning Services:

Montgomery College uses 3Play media captioning services.

MONTGOMERY COLLEGE - OFFICE OF BUSINESS SERVICES
REQUEST FOR PROPOSAL TITLE: VIDEO MANAGEMENT SYSTEM
RFP NUMBER: E521-023
RFP CLOSING DATE AND TIME: 04/01/2021 3:00 P.M.

SECTION 3 – QUALIFICATIONS AND SYSTEM REQUIREMENTS

3.1 Minimum Qualifications Requirements

The Proposer must have the necessary personnel, experience, certification, knowledge, skills, abilities, licenses, facilities, equipment, supplies, insurance, and technology in place to fulfill the requirements of the resulting contract and to provide the requested services on a timely basis and in compliance with all municipal, county, state, and federal codes, ordinances, regulations, and laws and industry best practices and standards.

- 3.1.1 Must have a minimum of five (5) years' experience providing a cloud-based media management platform to educational institutions. Describe your company's experience, and history of providing a cloud-based media management platform to higher education customers.
- 3.1.2 Bidders shall provide a minimum of two (2) examples of successful projects similar in size and scope to Montgomery College (within budget, on time, within scope).
- 3.1.3 The Offeror must provide three (3) references within the past three years that are capable of confirming the Offeror's experience in providing the same or similar level of services.

3.2 General Requirements

- 3.2.1 The proposed solution must provide software-based tools for instructors and students to create ad-hoc recordings for flipped classrooms and student-generated content.
- 3.2.2 The proposed solution must support direct upload of media to the platform by instructors, students, and staff.
- 3.2.3 The proposed solution must have an easy to use interface and integration with various Learning Management Systems including but not limited to Blackboard, Blackboard Ultra (Saas) and Collaborate Ultra.
- 3.2.4 The proposed solution must have ability to track use of services, and captioning usage.
- 3.2.5 The proposed solution should support additional languages beyond English and Spanish.
- 3.2.6 Supported media formats for end-user upload and creation must include common video, audio, and image formats.
- 3.2.7 The proposed solution must provide a software-based podium lecture capture solution that supports ad hoc or scheduled classroom recording. No proprietary hardware should be required to support classroom capture.
- 3.2.8 Describe in detail a means to pre-schedule classroom recordings manually, or through Microsoft Office calendaring or other tool.

MONTGOMERY COLLEGE - OFFICE OF BUSINESS SERVICES
REQUEST FOR PROPOSAL TITLE: VIDEO MANAGEMENT SYSTEM
RFP NUMBER: E521-023
RFP CLOSING DATE AND TIME: 04/01/2021 3:00 P.M.

SECTION 3 – QUALIFICATIONS AND SYSTEM REQUIREMENTS - continued

3.3 Accessibility Requirements

- 3.3.1 The proposed solution must have an accessible interface that meets or exceeds WCAG (Web Content Accessibility Guidelines) 2.0 AA for web-based software.
- 3.3.2 The proposed solution must have ability to create autogenerated editable captions.
- 3.3.3 The proposed solution must facilitate open and closed captions.
- 3.3.4 The proposed solution must include the ability to incorporate captions and interactive transcripts into media.
- 3.3.5 The proposed solution will provide a method for automatic generation of captions and interactive transcripts (speech-to-text at minimum).
- 3.3.6 Offer should describe options for generation and the fidelity of generated captions. The solution must facilitate higher-fidelity (human-reviewed) captions and searchable interactive transcripts.
- 3.3.7 The proposed solution must provide a method for viewers to download a text transcript for media.
- 3.3.8 The proposed solution must provide a method for end-users to edit the results of speech-to-text captions and interactive transcripts from within the LMS and video portal.
- 3.3.9 The preferred solution must provide a means of searching media content based on spoken word, metadata, and slides.
- 3.3.10 The proposed solution must support keyboard controls for the media player. Include a description of accessible controls available with your media player.

MONTGOMERY COLLEGE - OFFICE OF BUSINESS SERVICES
REQUEST FOR PROPOSAL TITLE: VIDEO MANAGEMENT SYSTEM
RFP NUMBER: E521-023
RFP CLOSING DATE AND TIME: 04/01/2021 3:00 P.M.

SECTION 3 – QUALIFICATIONS AND SYSTEM REQUIREMENTS - continued

3.4 Captioning Requirements

- 3.4.1 Closed captioning (CC) and associated sub-rip transcript (SRT) file and/or text file must be available for all media items for adherence to the Americans with Disabilities Act (ADA).
- 3.4.2 Audio description must be available to content owners to capture significant actions and text-based information not included in narrations.
- 3.4.3 Content owners, or their designees, must be able to review, easily edit, and reissue the CC, audio descriptions, and transcripts to their media library and directly to their courses.
- 3.4.4 Closed captioning must automatically incorporate into all delivered media with the option to toggle on/off (ON as the default) and media must be downloadable with captions embedded.
- 3.4.5 Must be able to integrate with 3rd party captioning vendors to facilitate outsourced captioning. Montgomery College's current captioning services is provided by 3Play Media.
- 3.4.6 If a caption job does not meet the standards in timing and content, the vendor shall offer a re-work of the file, free of charge. It is crucial that the vendor ensures timely support and a variety of different means of getting assistance.

3.5 Media Storage and Delivery Requirements

- 3.5.1 Describe in detail the amount of storage and bandwidth that is provided with the proposed solution.
- 3.5.2 Describe in detail the life cycle of videos (storage, archival and removal of videos).
- 3.5.3 Describe how the solution supports media archive policies, including any rules-based archival capabilities.
- 3.5.4 Recordings must be generated in non-proprietary (i.e. mp4) formats. Offeror is to provide what video file formats are supported, including AVI, MP4, MPG, WMV, MOV, QT, ASF, 3GP, WMA, MP3, M4V, and more
- 3.5.5 Proposed solution must support at least 1080p and adaptive/dynamic bitrate.
- 3.5.6 Preferred resolutions are 360p, 480p, 720p, 1080p. Optional: 1440p and above.
- 3.5.7 Proposed solution must have adaptive bitrate and transcoding so MC users upload video in just one resolution, preferably FHD (1080p). Video platform transcodes to multiple resolutions for viewers on different devices.

MONTGOMERY COLLEGE - OFFICE OF BUSINESS SERVICES
REQUEST FOR PROPOSAL TITLE: VIDEO MANAGEMENT SYSTEM
RFP NUMBER: E521-023
RFP CLOSING DATE AND TIME: 04/01/2021 3:00 P.M.

SECTION 3 – QUALIFICATIONS AND SYSTEM REQUIREMENTS - continued

3.6 Media Management Requirements

- 3.6.1 Proposed solution must include searching and indexing option(s) for media including steps to add and edit searchable content (meta data) for items.
- 3.6.2 Vendor must identify which media formats can be uploaded into the system that are accessible for editing and redistribution.
- 3.6.3 Describe the limitation of media size, length, number of videos, associated with each user and institution.
- 3.6.4 Proposed Solution must have the ability to upload, link, embed, import content from 3rd party providers e.g. content providers, YouTube
- 3.6.5 The proposed solution must provide storage libraries for media (audio and video as well as store links to external items) organized by content owner and/or course and searchable by meta data and notes text.
- 3.6.6 The management libraries should be sharable to other organization content owners, staff and students, but should be securable to non-authorized or external users.
- 3.6.7 The proposed solution must have the ability to track and monitor system usage including viewer usage by number of recordings viewed, identification of viewers, and duration of viewing. Ability to track downloads of sessions, podcasts, and MP3s organized by instructor, course or recordings.

3.7 User Management Requirements

- 3.7.1 The proposed solution must have administrative options and settings to manage content for all users and courses within the system while providing individual content libraries for each non-administrative end user.
- 3.7.2 The proposed solution must provide a robust capability to control permissions by roles or groups.
- 3.7.3 The proposed solution must provide a detailed audit log for actions taken by both administrative and end users.
- 3.7.4 The proposed solution must have the ability to password protect and make recording public or require authentication.
- 3.7.5 Describe in detail options for Single Sign-On (SSO). Montgomery College is currently using Active Directory

MONTGOMERY COLLEGE - OFFICE OF BUSINESS SERVICES
REQUEST FOR PROPOSAL TITLE: VIDEO MANAGEMENT SYSTEM
RFP NUMBER: E521-023
RFP CLOSING DATE AND TIME: 04/01/2021 3:00 P.M.

SECTION 3 – QUALIFICATIONS AND SYSTEM REQUIREMENTS - continued

3.8 Enterprise Media Management Requirements

The proposed solution must support centralized enterprise management of all stored content.

- 3.8.1 The proposed solution must support basic metadata (title, description, category, tags) as well as custom metadata schemas. Can we define our own custom metadata?
- 3.8.2 Content uploaded on behalf of a user must be able to be re-assigned to that user for ownership, editing, and publication. Describe how your solution supports this workflow, and how it can be performed by an end user or by an administrator.
- 3.8.3 A single piece of media should be usable across multiple places (i.e. courses) without requiring the media to be copied.
- 3.8.4 It must be possible for administrators to perform bulk actions on media such as assigning categories, tags, and custom metadata.
- 3.8.5 It must be possible for administrators to enforce access control policies for media, including by IP address, domain, geolocation, and date/time. Describe any options for adding such policies to media in bulk.

3.9 Analytical Requirements

- 3.9.1 The proposed solution must provide instructors and media owners with insight into media viewership and engagement, including drop-off rates.
- 3.9.2 The proposed solution must provide administrators with insight into media viewership and engagement, including drop-off rates.
- 3.9.3 The proposed solution must support common and emerging data exchange standards in higher education. Describe your support for IMS Caliper and xAPI.
- 3.9.4 The proposed solution must support integrations with 3rd party analytic tools such as Google Analytics.
- 3.9.5 Describe your approach for such integrations.
- 3.9.6 Describe the live streaming analytics provided with your solution.
- 3.9.7 Describe if media analytics are accessible via API?

MONTGOMERY COLLEGE - OFFICE OF BUSINESS SERVICES
REQUEST FOR PROPOSAL TITLE: VIDEO MANAGEMENT SYSTEM
RFP NUMBER: E521-023
RFP CLOSING DATE AND TIME: 04/01/2021 3:00 P.M.

SECTION 3 – QUALIFICATIONS AND SYSTEM REQUIREMENTS - continued

3.10 Hosting, Scalability, Reliability and Flexibility Requirements

- 3.10.1 The proposed solution must provide a high level of availability with full redundancy.
- 3.10.2 Describe your hosting and delivery model, and any SLAs in place.
- 3.10.3 Provide information on backup and recovery procedures and redundancies.
- 3.10.4 The proposed solution must include APIs and client libraries that allow for extension of core functions and processes as well as custom development.
- 3.10.5 Describe how your proposed solution supports these options.
- 3.10.6 Describe how system administrators can download media from the platform in bulk for archiving. Where can it be archived and is there a fee associated with this download?
- 3.10.7 Describe any capabilities for automated archiving of content based on specific criteria (i.e. last played, creation date, etc.).

3.11 Project Approach and Implementation

Assume a June 22, 2021 start date. Indicate the proposed vendor implementation and training schedule for the complete implementation of the solution. The timeline should include all activities from the time Montgomery College awards the contract for the proposed solution, to the time that the system is on-line and is in daily operational use. Montgomery College will not necessarily award the contract to the company promising the shortest schedule. We are more interested in getting a realistic sense of activities required and how long implementation and training will actually take. The timeline should include development, interface, testing, and training.

Be sure to indicate any special conditions required to accomplish implementation and training according to the proposed schedule. An itemized list of consulting, training and travel costs should be included in the "Costs" section of your proposal.

3.12 Training Requirements

Describe the training provided for all essential personnel on the use and administration of the solution. The vendor should indicate training options including on-site and certification programs. Additional training should be available when necessary for a fee. Provide course descriptions, cost, and locations of training options. An itemized list of training costs, including travel costs should be included in the "Costs" section of your proposal.

The proposal must include a detailed training plan covering all training requirements and must include sample training and operations manuals for all training required by this RFP, including the following:

- 3.12.1 Method of training
- 3.12.2 Length of training
- 3.12.3 Scope of training
- 3.12.4 Montgomery College personnel who should attend
- 3.12.5 A list of training materials provided

MONTGOMERY COLLEGE - OFFICE OF BUSINESS SERVICES
REQUEST FOR PROPOSAL TITLE: VIDEO MANAGEMENT SYSTEM
RFP NUMBER: E521-023
RFP CLOSING DATE AND TIME: 04/01/2021 3:00 P.M.

SECTION 3 – QUALIFICATIONS AND SYSTEM REQUIREMENTS - continued

3.13 Maintenance and Support Requirements

- 3.13.1 Offeror must explain ongoing maintenance and support for the proposed software and hardware options.
- 3.13.2 Ongoing maintenance fees should include access to around the clock phone, and remote troubleshooting support 365 days a year.
- 3.13.3 Ongoing maintenance fees should include free vendor-developed software updates once a year or more.
- 3.13.4 Describe technical support, context sensitive online help, and customer service.

Note: Licensing and support fees must be included in the “Costs” section of your proposal. Response time for service when necessary must be less than 4 hours from the time the problem was reported. The continuous functioning of the system host (transaction processor and file server) should be considered a high support priority.

3.14 Warranty and Disaster Recovery Requirements

- 3.14.1 Please describe the System warranty proposed by the Vendor.
- 3.14.2 At the option of Montgomery College, the Vendor must be willing to participate in a disaster recovery plan by agreeing to make available all hardware and software on a temporary, as-needed basis. Please describe this program.

3.15 Network and Hosting Requirements

The proposed technology solution will be hosted by the Vendor or by a qualified 3rd party Vendor. The Vendor or its subsidiaries or subcontractors shall not transmit data on or through the College network or any devices that are a part of that network or store data on any devices that are part of that network. The College requires that all of its data be stored in the continental U.S. To review Montgomery College Information Technology Standards visit: https://info.montgomerycollege.edu/offices/information-technology/it-security/it_standards.html

3.16 Data Security Standard

Prior to contract award, if use of offered software or services includes the cloud or off-site storage of College data, bidding firms will be required to satisfactorily complete (as determined by Montgomery College IT Security Group personnel) an associated questionnaire on security and privacy controls, and/or provide its latest SOC 2 report. The College reserves the right to disqualify any bidding firm that fails to provide a satisfactory questionnaire and/or its latest SOC 2 report.

***MANDATORY REQUIREMENT:** If multi-year contract, a satisfactory SOC 2 report or completed questionnaire is required and must be submitted within thirty (30) days prior to start of contract renewal period.

MONTGOMERY COLLEGE - OFFICE OF BUSINESS SERVICES
REQUEST FOR PROPOSAL TITLE: VIDEO MANAGEMENT SYSTEM
RFP NUMBER: E521-023
RFP CLOSING DATE AND TIME: 04/01/2021 3:00 P.M.

SECTION 3 – QUALIFICATIONS AND SYSTEM REQUIREMENTS - continued

3.17 Technology Accessibility Requirements

All e-learning and information communication technology (ICT) developed, purchased, upgraded or renewed by or for the use of Montgomery College shall comply with all applicable policies, Federal and State laws and regulations including, but not limited to Section 508 of the Rehabilitation Act and all other regulations disseminated under Title II of The Americans with Disabilities Act, which are applicable to all benefits, services, programs, and activities provided by or on behalf of the College. The Contractor shall also comply with the Web Content Accessibility Guidelines (WCAG) web standards.

Accessibility Conformance Report

NOTE: Prior to contract award, the highest ranked bidder will be instructed to submit a completed Voluntary Product Accessibility Template (VPAT) or a demonstration of its product accessibility within thirty (30) days. The College reserves the right to disqualify any bidding firm that fails to provide completed VPAT or a product accessibility demonstration.

MONTGOMERY COLLEGE - OFFICE OF BUSINESS SERVICES
REQUEST FOR PROPOSAL TITLE: VIDEO MANAGEMENT SYSTEM
RFP NUMBER: E521-023
RFP CLOSING DATE AND TIME: 04/01/2021 3:00 P.M.

SECTION 4 – PROPOSAL EVALUATION AND AWARD

4.1 Evaluation Process

All proposals submitted will first be examined for responsiveness and completeness by the College evaluation team. Those proposals which do not clearly respond to the proposal submission requirements may be rejected at the discretion of the College. Those proposals not rejected will be evaluated to determine which offer best meets the requirements in the RFP and is in the best interest of the College. Proposal information will be evaluated and scored by the College, and its decision will be final.

Technical Proposals will be opened first at the date and time advised in the RFP documents, and evaluated by a College Evaluation Committee. The Price Proposals remain sealed and are held by the Procurement Office. Evaluation of Technical Proposals will be based on the criteria provided in the RFP, the substantiated ability of an Offeror to perform the required services, and the Offeror’s responsiveness to the RFP requirements.

4.2 Evaluation Criteria

Technical Proposals will be initially evaluated and scored by the College Evaluation Committee based on the following criteria:

<u>Description of Criteria</u>	<u>Maximum Point Value</u>
4.2.1 System Requirements and Functionality	50 (maximum available points)
4.2.2 Qualifications and Past Performance	10 (maximum available points)
4.2.3 Project Approach and Implementation	10 (maximum available points)
4.2.4 Oral Presentation/ Demonstration	15 (maximum available points)
4.2.5 Price Proposal	15 (maximum available points)
Highest possible evaluation score	<u>100</u>

4.3 Technical Proposal

System Requirements and Functionality, Qualifications and Past Performance, Project Approach and Implementation represent the Technical Proposal. Award will be made in aggregate, to the highest evaluated, most responsive, responsible Offeror meeting all RFP terms, conditions, and specifications.

4.4 Oral Presentation/Demonstration

Following the initial scoring by the evaluation committee respondents receiving the **top three (3) highest technical scores** will be invited to give a presentation of their proposed solutions and capabilities as part of the evaluation process.

MONTGOMERY COLLEGE - OFFICE OF BUSINESS SERVICES
REQUEST FOR PROPOSAL TITLE: VIDEO MANAGEMENT SYSTEM
RFP NUMBER: E521-023
RFP CLOSING DATE AND TIME: 04/01/2021 3:00 P.M.

SECTION 5 – PROPOSAL SUBMISSION

5.1 Proposal Organization

The proposal shall be organized using the following outline; responses to each requirement will be in order and clearly marked with the section number to which they respond. All responses must comply with the sequence and items as presented in Paragraph 5.2, RFP Outline, which lists the minimum requirements and packaging for the preparation and presentation of a response. Failure to comply may result in rejection of the response. The proposal should be specific and complete in every detail, prepared in a simple and straightforward manner, and provide sufficient detail to allow College evaluators a comprehensive and clear understanding of the Offeror's capabilities. Offeror's are expected to examine the entire Request for Proposal, including all specifications and instructions, failure to do so will be at the Offeror's risk. Each Proposer must furnish the information as required by the RFP.

5.2 Required Proposal Submittals

A submittal consisting of the Technical Proposal and the Price Proposal is required when responding to this Request for Proposal.

5.2.1 Technical Proposal

This section must contain a detailed description of the services offered by the Offeror in response to this RFP. The information submitted by the Offeror must provide sufficient detail to allow College evaluators to gain a comprehensive and clear understanding of the Offeror's capabilities.

5.2.2 Include in Technical Proposal the following:

- Transmittal Letter
- Statement of Qualifications supporting all evaluation criteria listed in Section 4.2
- Completed Reference form (Attachment A)
- Conflict of Interest Statement (Attachment B)
- Completed Contractor Information form (Attachment C)
- Subcontractor Listing (if applicable)
- Acknowledgement of Receipt of Addenda (if applicable)

MONTGOMERY COLLEGE - OFFICE OF BUSINESS SERVICES
REQUEST FOR PROPOSAL TITLE: VIDEO MANAGEMENT SYSTEM
RFP NUMBER: E521-023
RFP CLOSING DATE AND TIME: 04/01/2021 3:00 P.M.

SECTION 5 – PROPOSAL SUBMISSION-continued

Offeror's Proposal shall be organized in the following manner:

5.2.3 Transmittal Letter

The transmittal letter must be prepared on the Offeror's business stationery. The letter must introduce the company and give a brief history of the organization and the contact person responsible for the project. The letter should summarize the key points of the proposal; must indicate the Offeror's understanding of the College's requirements; and demonstrate the Offeror's ability to provide the requested services. An individual authorized to represent the Offeror for this RFP must sign the letter.

5.2.4 Statement of Qualifications

This contract requires specialized services. Offeror's statement of qualifications must address the following:

- Professional qualifications and technical competence of the firm, subcontractors, and staff proposed for the performance of the required services.
- Previous demonstrated experience
- Offeror's corporation/organization size, web presence, length of time the organization has been providing the required services listed herein, and key business relationships.

5.2.4 Project Approach and Timelines

Offeror shall submit a project approach, detailing assessment process. Approach must include completion timelines consistent with the completion date of the project. Specific plans and methodology for providing the required services (see Section 3.11).

5.2.5 References

The Offeror must submit three (3) references from current or former customers within the past three (3) years that are capable of confirming the Offeror's experience in providing the same or similar level of services. References from higher education institutions similar in size and scope to Montgomery College are preferred, but not required.

The proposal must include the names and telephone numbers of three references. Cited references must be able to confirm, without reservation, the Offeror's ability to provide these services in accordance with the requirements in this RFP. The College reserves the right to reject a proposal based on an unsatisfactory reference; to request additional references or contact any site using the Offeror's services; and to require a site visit to one or more of the Offeror's reference locations.

5.2.6 Subcontractors

Each Offeror must list the subcontractors to be used in the performance of this contract. The College reserves the right to approve or disapprove any subcontractor who will be performing work related to this project.

MONTGOMERY COLLEGE - OFFICE OF BUSINESS SERVICES
REQUEST FOR PROPOSAL TITLE: VIDEO MANAGEMENT SYSTEM
RFP NUMBER: E521-023
RFP CLOSING DATE AND TIME: 04/01/2021 3:00 P.M.

SECTION 5 – PROPOSAL SUBMISSION-continued

5.2.7 Price Proposal

Proposals must include specific price information for complete Implementation, Support and Services as stated above. The system quoted must include all aspects and be sized to accommodate the Montgomery College environment as detailed in the RFP. The price(s) offered on the Price Proposal must include all charges and costs including travel and other reimbursable costs incurred in the delivery of this procurement.

The Price Proposal must be completed in full, signed, and dated.

MONTGOMERY COLLEGE - OFFICE OF BUSINESS SERVICES
REQUEST FOR PROPOSAL TITLE: VIDEO MANAGEMENT SYSTEM
RFP NUMBER: E521-023
RFP CLOSING DATE AND TIME: 04/01/2021 3:00 P.M.

SECTION 5 – PROPOSAL SUBMISSION-continued

5.3 Electronic Proposal Submission Instructions

The following electronic proposal submission requirements supersede the delivery of bids, and bid signature requirements language in Attachment D: General Conditions and Instructions.

All Offeror's proposals must be submitted **electronically**, via one email. In the email, attach two separate PDF file attachments, by 3:00 p.m. Eastern Standard Time (EST), on **February 16, 2021**. One attachment shall include the **Technical Proposal**, and the second attachment shall include the **Price Proposal**. Subject line of email must include "Vendor Response to **RFP No. E521-017, IT Infrastructure Products and Services**

Email address: vendor.proposals@montgomerycollege.edu

- **Any proposal received electronically after the specified deadline will be automatically rejected.**
- The subject line of the email must include the following: Request for Proposal (RFP) bid number and title.

In addition to the electronic submission, one original hard copy proposal is also required. Hard copy proposal shall be delivered to the address listed below and must be received prior to contract award. Vendor proposal will not be rejected, if hardcopy is not received by the proposal submittal deadline; however, it must be received prior to contract award or sooner.

Montgomery College
Central Receiving Dept.
Attn: Office of Procurement
7602 Standish Place
Derwood, Maryland 20855

Request for Proposal (RFP) title/number should be reflected on outside of package, along with RFP closing date and time.

Note: Opening Hours: 9:30 a.m. – 2:30 p.m., **Monday through Friday**, Except for College Holidays
Phone Number: 240-567-5282

Proposals shall be certified, wet signed, and dated by a bona-fide agent of the Offeror, and include minority classification, if applicable. Failure to include all required submittals may render the Proposal non-responsive. The College will reject any offer without an authorized signature.

MONTGOMERY COLLEGE - OFFICE OF BUSINESS SERVICES
REQUEST FOR PROPOSAL TITLE: VIDEO MANAGEMENT SYSTEM
RFP NUMBER: E521-023
RFP CLOSING DATE AND TIME: 04/01/2021 3:00 P.M.

SECTION 6– PRICE PROPOSAL

Price Proposals must include specific price information for complete Implementation, Support and Services as stated above. The system quoted must include all aspects and be sized to accommodate the Montgomery College environment as detailed in the RFP.

Vendors must indicate the cost to implement the system with all one-time costs. Separately indicate all on-going costs annually for the remaining 4 years of the contract. If pricing is based upon student counts then it must be based upon Student full time equivalent (FTE) numbers and not actual count. For bidding purposes vendors should use 13,588 for our student FTE. If Montgomery College is required to purchase additional licenses if our FTE increases, the FTE count levels that would trigger the increase must be clearly stated in the RFP response. Future FTE increase pricing must be discounted at the same or higher rate than the rate applied to this initial purchase.

Line	Description	Cost
Video Management System – one-time cost		
1	Base System - Software	\$
3	Customization required	\$
4	Additional modules required or proposed addons	\$
5	3 rd Party Software, if any, required for the operation of the system	\$
6	Technical and User Documentation	\$
7	Installation/Integration Costs	\$
8	Training including Training materials and travel	\$

Price Proposal continued to page 23

MONTGOMERY COLLEGE - OFFICE OF BUSINESS SERVICES
REQUEST FOR PROPOSAL TITLE: VIDEO MANAGEMENT SYSTEM
RFP NUMBER: E521-023
RFP CLOSING DATE AND TIME: 04/01/2021 3:00 P.M.

SECTION 6– PRICE PROPOSAL - continued

Video Management System – Maintenance Costs, to include, per year		
9	Total ongoing cost to include Updates, revisions for base systems and any utilities/3 rd parties. New Releases/functionality and technical support/online help/customer service YEAR 2	\$
10	Total ongoing cost to include Updates, revisions for base systems and any utilities/3 rd parties. New Releases/functionality and technical support/online help/customer service YEAR 3	\$
11	Total ongoing cost to include Updates, revisions for base systems and any utilities/3 rd parties. New Releases/functionality and technical support/online help/customer service YEAR 4	\$
12	Total ongoing cost to include Updates, revisions for base systems and any utilities/3 rd parties. New Releases/functionality and technical support/online help/customer service YEAR 5	\$
13	Other cost (describe) (Optional)	\$
	GRAND TOTAL	\$
	Other cost (describe) (Optional)	\$

The prices offered on the Price Proposal must include all charges, costs, and fees incurred in the delivery of this procurement. No allowance will be made at a later date for additional charges due to the Offeror’s omission. An award will be made in the best interest of the College.

Montgomery College is tax exempt, certification provided upon request

By signing below, your firm agrees to provide said goods and/or services as specified and that those goods and/or services shall be provided or performed in accordance with the bid specifications, stipulations and terms and conditions specified and that your firm has read and agrees to the College terms, conditions, stipulations, and specifications and any College approved or authorized exceptions and that your firm will adhere to said terms and conditions in any contract resulting.

Company Name Name

Title Authorized Signature and Date

MONTGOMERY COLLEGE - OFFICE OF BUSINESS SERVICES
REQUEST FOR PROPOSAL TITLE: VIDEO MANAGEMENT SYSTEM
RFP NUMBER: E521-023
RFP CLOSING DATE AND TIME: 04/01/2021 3:00 P.M.

ATTACHMENT A - REFERENCES

REFERENCE 1	
Company Name	
Street Address	
City, State, Zip Code	
Contact Person/E-mail	
Title	
Telephone Number	
Service Dates	

REFERENCE 2	
Company Name	
Street Address	
City, State, Zip Code	
Contact Person/E-mail	
Title	
Telephone Number	
Service Dates	

REFERENCE 3	
Company Name	
Street Address	
City, State, Zip Code	
Contact Person/E-mail	
Title	
Telephone Number	
Service Dates	

Please note: References listed must be able to confirm the Offeror’s ability to provide the services requested in this RFP.

References submitted by: _____
Company Name

MONTGOMERY COLLEGE - OFFICE OF BUSINESS SERVICES
REQUEST FOR PROPOSAL TITLE: VIDEO MANAGEMENT SYSTEM
RFP NUMBER: E521-023
RFP CLOSING DATE AND TIME: 04/01/2021 3:00 P.M.

ATTACHMENT B – CONFLICT OF INTEREST STATEMENT

The undersigned hereby affirms and attests that to the best of its knowledge, no Montgomery College trustee or employee, or spouse, parent, child, brother, sister of the trustee or employee, own assets in this business, and of this date, are NOT employed by Montgomery College.

Company Name:	
Printed Name:	
Title:	
Signature:	
Date:	

MONTGOMERY COLLEGE - OFFICE OF BUSINESS SERVICES
REQUEST FOR PROPOSAL TITLE: VIDEO MANAGEMENT SYSTEM
RFP NUMBER: E521-023
RFP CLOSING DATE AND TIME: 04/01/2021 3:00 P.M.

ATTACHMENT C – CONTRACTOR INFORMATION FORM

B.1 I/We offer the terms, delivery and pricing for the requested products/services, and certify that I am a bona fide agent, authorized to make offers on behalf of the firm.

B.2 Minority Contractor: Yes No

If yes, please specify minority classification

B.3 Price adjustment (is is not) necessary for other public agencies as listed.

B.4 Please list any exceptions taken to any terms and conditions listed in the RFP. Please note any exceptions taken may affect the award of a contract or purchase order.

B.5 I/We certify that our firm is not currently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this solicitation by any County, State, or Federal agency. I/We agree to notify Montgomery College should a change in this status occur.

Yes No

B.6 Please provide the following information:

Print clearly

Company Name		Years in Business	
Federal Tax Number		Dun & Bradstreet Number	
Street Address		City, State, Zip Code	
Telephone Number		Fax Number	
Contact Person		Title	
Cell Number		E-Mail Address	

Company Name

Name

Title

Authorized Signature and Date

MONTGOMERY COLLEGE - OFFICE OF BUSINESS SERVICES
REQUEST FOR PROPOSAL TITLE: VIDEO MANAGEMENT SYSTEM
RFP NUMBER: E521-023
RFP CLOSING DATE AND TIME: 04/01/2021 3:00 P.M.

ATTACHMENT D – NO PROPOSAL RESPONSE FORM

Please be advised that our company does not wish to submit a proposal in response to the above-captioned RFP for the following reason(s):

Too busy at this time

Not engaged in this type of work

Project is too large or small

Cannot meet mandatory specifications (Please specify below)

Other (Please specify)

Company Name Name

Street Address Authorized Signature and Date

City, State, Zip Code Title

Please return to:	Montgomery College Office of Procurement 9221 Corporate Blvd Rockville, Maryland 20850
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MONTGOMERY COLLEGE - OFFICE OF BUSINESS SERVICES
REQUEST FOR PROPOSAL TITLE: VIDEO MANAGEMENT SYSTEM
RFP NUMBER: E521-023
RFP CLOSING DATE AND TIME: 04/01/2021 3:00 P.M.

ATTACHMENT E – GENERAL CONDITIONS AND INSTRUCTIONS

ACCEPTANCE PERIOD The selected Contractor(s) must agree to an acceptance trial period of performance not to exceed ninety (90) consecutive calendar days. During the 90-day acceptance period, the Contractor's performance must be consistent with the specifications contained herein and the Contractor's bid. Failure to satisfy the "acceptance trial period of performance" may result in cancellation of the contract. In the event that the Contractor fails to meet all requirements, the College shall declare the Contractor's services unacceptable and the Contractor in default, and terminate all agreements, written or verbal, without penalty or obligation to the College. Further, should there be any dispute/discrepancy on acceptability of said service, decisions made by the College will prevail and be final.

ADDENDA The College reserves the right to amend or add to this bid at any time prior to the bid due date. If it becomes necessary to change or add to any part of this bid, the Procurement Officer will furnish an addendum to all prospective Bidders listed as having received a copy of this bid. All addenda will be identified as such and will be sent by mail, email, or fax transmittal.

ADDITIONAL ORDERS Unless it is specifically stated to the contrary in the bid response, the College reserves the option to place additional orders against a contract awarded as a result of this solicitation at the same terms and conditions, if it is mutually agreeable.

ASSURANCE OF NON-CONVICTION OF BRIBERY The Bidder hereby declares and affirms that, to its best knowledge, none of its officers, directors or partners and none of its employees directly involved in obtaining contracts has been convicted of bribery, attempted bribery or conspiracy to bribe under the laws of any state or the Federal government.

AUDIT Bidder shall permit audit and fiscal and programmatic monitoring of the work performed under any contract issued from this solicitation. The College shall have access to and the right to examine and/or audit any records, books, documents and papers of Bidder and any subcontractor involving transactions related to this agreement during the term of this agreement and for a period of three (3) years after final payment under this agreement.

AWARD CONSIDERATIONS Awards of this bid will be made to the lowest responsible Bidder conforming to specifications with consideration being given to quantities involved, time required for delivery, purpose for which required, responsibility of bidder and its ability to perform satisfactorily with consideration to any previous performance for Montgomery College. A bid may be awarded at the sole discretion of the College in the best interest of the College. Prompt payment discounts will not be considered in bid evaluation. All discounts other than prompt payment are to be included in bid price.

BEHAVIOR OF CONTRACTOR EMPLOYEES The College is committed to providing a work and study environment that is free from discrimination and harassment on the basis of race, color, religious creed, ancestry, national origin, age, sex, marital status, handicap, pregnancy, or status as a disabled veteran or veteran of the Vietnam era. Behavior contrary to this philosophy, which has the purpose or effect of creating an intimidating, hostile, or offensive environment, will not be tolerated by the College, and it is the Contractor's responsibility to ensure that such behavior by its employees, agents, and subcontractors does not occur. The policy extends to maintaining an environment free from sexual harassment. Therefore, sexual advances or sexual remarks, requests for sexual favors, and other verbal or physical conduct of a sexual nature must not be condoned or permitted by the Contractor. This prohibition extends to such harassment within the employment context as well as harassment of students, staff, and visitors to the College. It should be assumed that all sexual behavior by the Contractor's employees, agents, and subcontractors on any campus or facility of the College, whether owned, operated, maintained or leased by the College, is improper and unwelcome.

BID AND PERFORMANCE SECURITY If bid security is required, a bid bond or cashier's check in the amount indicated on the bid cover must accompany each bid and be made payable to Montgomery College. Corporate or certified checks are not acceptable. Bonds must be in a form satisfactory to the College and underwritten by a company licensed to issue bonds in the State of Maryland. If bid security fails to accompany the bid, it shall be deemed unresponsive, unless the Vice President of Procurement deems the failure to be nonsubstantial. Such bid bonds or checks will be returned to all except the three (3) lowest Bidders within five (5) days after the opening of bids, and the remaining checks or bid bonds will be returned to all but successful Bidder(s) within forty-eight (48) hours after award of contract. If a performance bond is required, the successful Bidder must submit an acceptable performance bond in the designated amount of the bid award, prior to award of contract. All bid bonds will be returned to the successful Bidder(s) within forty eight (48) hours after receipt of the performance bond.

MONTGOMERY COLLEGE - OFFICE OF BUSINESS SERVICES
REQUEST FOR PROPOSAL TITLE: VIDEO MANAGEMENT SYSTEM
RFP NUMBER: E521-023
RFP CLOSING DATE AND TIME: 04/01/2021 3:00 P.M.

ATTACHMENT E – GENERAL CONDITIONS AND INSTRUCTIONS-CONTINUED

BIDDING INSTRUMENTS Bidding instruments include the bid, addenda, general terms and conditions, contract terms, and specifications. Bids should be prepared simply and economically, and should provide a straightforward, concise description of the Bidder's capabilities to satisfy the requirements of the bid. Emphasis should be on completeness and clarity of content. The Bidder will bear any and all costs incurred in the preparation and submission of bids.

BRAND NAMES Brand name materials used in these specifications are known and acceptable. Bids including proposals to use alternate brands are invited as long as they are of equal type and equal or better quality. The burden of proof that alternate brands are in fact equal or better falls on the Bidder, and proof must be to the College's satisfaction.

CARE OF PREMISES Precautions taken for safety and protection shall be in accordance with the mandatory requirements of the safety codes prevailing within the jurisdiction in which the work is to be performed. During the performance of the contract, the Contractor shall take the necessary precautions to protect all areas upon which or adjacent to which work is performed as a part of this contract. Any damage caused as a result of Contractor's neglect, directly or indirectly, shall be repaired to the College's satisfaction at the Contractor's expense.

CANCELLATION Montgomery College reserves the right to cancel this bid solicitation or to reject all bids received, if the College's Vice President of Procurement, in accordance with procedures approved by the College's President, determines that it is fiscally advantageous or in the best interest of the College to cancel the bid.

COMPLIANCE WITH LAWS Bidder agrees to comply, at no additional expense, with all applicable Executive orders, Federal, State, bi-county, regional and local laws, ordinances, rules and regulations in effect as of the date of this agreement and as they may be amended from time to time, including but not limited to the equal employment opportunity clause set forth in 41 CFR 60-250.4.

CONFLICT OF INTEREST No employee of the College or of the State of Maryland, or any department, commission, agency or branch thereof whose duties as employees include matters relating to or affecting the subject matter of this bid shall, while an employee, become or be an employee of the party or parties contracting with the College, the State of Maryland, or any department, commission, agency or branch thereof.

CONTINGENT FEES Bidder hereby declares and affirms that neither it nor any of its representatives has employed or retained any person, partnership, corporation, or other entity, other than a bona fide employee or agent working for the Bidder, to solicit or secure a contract, and that it has not paid or agreed to pay any person, partnership, corporation, or other entity, other than a bona fide employee or agent, any fee or any other consideration contingent on the making of a contract as a result of this solicitation.

CONTRACT AMENDMENTS The College, without invalidating the contract documents, may submit a written request to order extra work or to make changes to the agreement by altering, adding to, or deducting from the work, and the contract sum shall reflect such changes. Price adjustments must be accepted, in writing, by Montgomery College before the supplier performs additional work on the project. The Contractor cannot accept purchase requests for products or services that are not covered in this contract or make changes to the scope of work unless a price for those products or services has been negotiated with the College, and the Contractor has received a signed contract amendment from the Procurement Office.

CONTRACT DEADLINES The Contractor is contractually obligated to meet all agreed upon deadlines. Failure of the Contractor to meet any deadline is grounds for termination by default. If the Contractor defaults, the College reserves the right to assess liquidated damages and/or make an open market purchase.

CONTRACT DOCUMENTS Unless otherwise noted, the general conditions of this bid, the Contractor's bid, and the signed purchase order form the contract. Contractors requiring a signed contract form separate and apart from the foregoing are to submit the contract with their bid. The Contractor's contract form will be examined and evaluated along with the Contractor's bid and, at the College's option, may be utilized as the contract.

CONTRACTOR IDENTIFICATION Contractor's employees are required to wear identification badges and/or carry picture identification when they are on College grounds.

MONTGOMERY COLLEGE - OFFICE OF BUSINESS SERVICES
REQUEST FOR PROPOSAL TITLE: VIDEO MANAGEMENT SYSTEM
RFP NUMBER: E521-023
RFP CLOSING DATE AND TIME: 04/01/2021 3:00 P.M.

ATTACHMENT E – GENERAL CONDITIONS AND INSTRUCTIONS-CONTINUED

CONTRACT TERMINATION The contract may be terminated for any of the following reasons:

- Failure of the Contractor to meet the mandatory requirements as described in this bid.
- Failure of the Contractor to meet required deadlines.
- Failure of the Contractor to resolve problems in a timely manner.
- Lack of College funding.

CONTRACTORS This bid invitation is extended to individuals or firms as primary Contractors, and the Contractor will execute the work specified with bona fide employees. The Contractor is responsible for ensuring that the supervisor, lead worker, and subcontractors can communicate in English. Subcontractors cannot assume the primary award of this contract on behalf of the primary Contractor nor can the awarded Contractor be relieved of its obligation or responsibility to this contract. The College reserves the right to reject any subcontractor.

DELIVERY AND PACKING. All prices quoted must include delivery. All goods delivered under this contract shall be packed in accordance with accepted trade practices. No charges may be made over and above the bid price for packaging, or for deposits or containers unless specified in the bid. No charge will be allowed for cartage unless by prior written agreement. Complete deliveries must be made by the successful bidder to the designated location as indicated on the Montgomery College purchase order. A packing slip shall be included in each shipment. All deliveries must be prepaid and must be delivered to each location designated on purchase order at no additional cost. **DELIVERIES MUST BE MADE TO THE SPECIFIED LOCATION. NO COLLECT SHIPMENTS OR SIDEWALK DELIVERIES WILL BE ACCEPTED.**

DELIVERY OF BIDS Sealed bids must be received in the Procurement Office by the date and time specified in the bid in order to be considered. **NO LATE BIDS OR PROPOSALS WILL BE ACCEPTED.** Late bids will be returned to the Bidder unopened. Bids submitted by mail must be addressed to the Procurement Office, Montgomery College, 9221 Corporate Blvd, Rockville, Maryland 20850, and clearly marked to indicate the bid number, title and opening date. Hand delivered bids will be accepted only at the Procurement Office, Montgomery College, 9221 Corporate Blvd, Rockville, Maryland 20850.

ERRORS IN BIDS Bidders are assumed to be informed regarding conditions, requirements, and specifications prior to submitting bids. Failure to do so will be at the Bidder's risk. Bids already submitted may be withdrawn without penalty prior to bid opening. Errors discovered after bid opening may not be corrected. In the case of an error in price extension, the unit price will govern. The intention of the Bidder must be evident on the face of the bid.

FAILURE TO DELIVER If the Contractor fails to comply with any established delivery requirements, the College reserves the right to make an open market purchase of required items and to assess, as liquidated damages, the difference between the contract price and the actual cost incurred by the College and to invoice charges to the Contractor.

INDEMNIFICATION The Contractor shall be responsible for any loss, personal injury, expense, death and/or any other damage which may occur by reason of Contractor's acts, negligence, willfulness or failure to perform any of its obligations under this agreement. Any acts, negligence, willfulness or failure to perform any of the Contractor's obligations under this agreement, on the part of any agent, director, partner, servant or employee of Contractor are deemed to be the Contractor's acts. Contractor agrees to indemnify and hold harmless the College and its trustees, employees, agents and students from any claim, damage, liability, injury, expense, and/or loss, including defense costs and attorney's fees, arising directly or indirectly out of Contractor's performance under this agreement.

Accordingly, the College shall notify Contractor promptly in writing of any claim or action brought against the College in connection with this agreement. Upon such notification, Contractor shall promptly take over and defend any such claim or action. The College shall have the right and option to be represented in any such claim or action at its own expense. This indemnification provision shall survive the termination and/or completion of this agreement.

HAZARDOUS AND TOXIC SUBSTANCES Bidder must comply with all applicable Federal, State, County and bi-county laws, ordinances and regulations relating to hazardous and toxic substances, including such laws, ordinances and regulations pertaining to access to information about hazardous and toxic substances, and as amended from time to time. Bidder shall provide the College with a "Material Safety Data Sheet" or in the case of a controlled hazardous waste substance, a hazardous waste manifest for all hazardous chemicals listed or subsequently added to the Chemical Information List in compliance with applicable laws, ordinances and regulations.

MONTGOMERY COLLEGE - OFFICE OF BUSINESS SERVICES
REQUEST FOR PROPOSAL TITLE: VIDEO MANAGEMENT SYSTEM
RFP NUMBER: E521-023
RFP CLOSING DATE AND TIME: 04/01/2021 3:00 P.M.

ATTACHMENT E – GENERAL CONDITIONS AND INSTRUCTIONS-CONTINUED

INSPECTION OF PREMISES If a site visit is recommended or required, each Bidder is responsible for visiting the site(s) prior to submitting a bid in order to observe the existing conditions affecting the work, and to obtain precise dimensions of the area(s) involved. No allowance will be made to the successful Bidder, at a later date for additional work required because of his or her failure to visit the site and/or to obtain the exact dimensions. Discrepancies, if any, must be reported to the College.

INSURANCE If a contract results from this bid, the Contractor shall maintain such insurance as will indemnify and hold harmless the College from Workmen's Compensation and Public Liability claims for property damage and personal injury, including death, which may arise from the Contractor's operations under this contract, or by anyone directly or indirectly employed by him/her.

MARYLAND PUBLIC INFORMATION ACT Bidder recognizes that the College is subject to the Maryland Public Information Act, Title 10 of the State Government Article of the Annotated Code of Maryland. Bidder agrees that it will provide any justification as to why any material, in whole or in part, is deemed to be confidential, proprietary information or trade secrets and provide any justification of why such materials should not be disclosed pursuant to the Maryland Public Information Act.

MINORITY PARTICIPATION Pursuant to Board Resolution #87-83, adopted on July 20, 1987, it is the policy of Montgomery College to encourage minority businesses to provide goods and services for the performance of College projects. Minority businesses are defined as firms that are 51% owned and controlled by a member of a socially or economically disadvantaged minority group, which includes African Americans, Hispanics, Native Americans, Alaskan Natives, Asians, Pacific Islanders, women, and the mentally or physically disabled.

NON-ASSIGNMENT AND SUBCONTRACTING Bidder shall not assign any contract or any rights or obligations hereunder without obtaining prior written consent of the College. No contract shall be made by Bidder with any other party for furnishing the services to be performed under a contract issued from this solicitation without the written approval of the College. These provisions will not be taken as requiring the approval of the contract of employment between Bidder and its personnel.

NON-COLLUSION Bidder certifies that it has neither agreed, conspired, connived, or colluded to produce a deceptive show of competition in the compilation of the bid or offer being submitted herewith; Bidder also certifies that it has not in any manner, directly or indirectly, entered into any agreement, participated in any collusion to fix the bid price or price proposal of the Bidder or offeror herein or any competitor, or otherwise taken any action in restraint of free competitive bidding in connection with the contract for which the bid or offer is submitted.

NON-DISCRIMINATION Bidder assures the College that, in accordance with applicable law, it does not, and agrees that it will not discriminate in any manner on the basis of sex, race, age, color, creed, national origin, religious belief, handicap, marital status, or status as a disabled veteran or veteran of the Vietnam era. Bidder further agrees to post in conspicuous places notices setting forth the provisions of the nondiscrimination clause and to take affirmative action to implement the provisions of this section. Bidder further assures the College that, in accordance with the Immigration Reform and Control Act of 1986, it does not and will not discriminate against an individual with respect to hiring, or recruitment or referral for a fee, of the individual for employment or the discharging of the individual from employment because of such individual's national origin or in the case of a citizen or intending citizen, because of such individual's citizenship status.

NON-DISCRIMINATION POLICY The College is committed to providing a work and study environment that is free from discrimination and harassment on the basis of race, color, religious creed, ancestry, national origin, age, sex, marital status, handicap, pregnancy or status as a disabled veteran or veteran of the Vietnam era. Behavior contrary to this philosophy, which has the purpose or effect of creating an intimidating, hostile, or offensive environment, will not be tolerated by the College, and it is the Contractor's responsibility to ensure that behavior by its employees, agents, and subcontractors does not occur. This policy extends to maintaining an environment free from sexual harassment. Therefore, sexual advances or sexual remarks, requests for sexual favors, and other verbal or physical conduct of a sexual nature must not be condoned or permitted by the Contractor. This prohibition extends to harassment within the employment context as well as harassment of students, staff and visitors to the College. It should be assumed that all sexual behavior by the Contractor's employees, agents and subcontractors on any campus or facility of the College, whether owned, operated, maintained or leased by the College, is improper and unwelcome. Contractor will also insure that all technicians who work with College users exhibit a high degree of professionalism in their dealings with those users.

MONTGOMERY COLLEGE - OFFICE OF BUSINESS SERVICES
REQUEST FOR PROPOSAL TITLE: VIDEO MANAGEMENT SYSTEM
RFP NUMBER: E521-023
RFP CLOSING DATE AND TIME: 04/01/2021 3:00 P.M.

ATTACHMENT E – GENERAL CONDITIONS AND INSTRUCTIONS-CONTINUED

NON-VISUAL ACCESS The bidder or offeror warrants that the information technology offered under this bid or proposal (1) provides equivalent access for effective use by both visual and nonvisual means; (2) will present information, including prompts used for interactive communications, in formats intended for both visual and nonvisual use; (3) if intended for use in a network, can be integrated into networks for obtaining, retrieving, and disseminating information used by individuals who are not blind or visually impaired; and (4) is available, whenever possible, without modification for compatibility with software and hardware for nonvisual access. The bidder or offeror further warrants that the cost, if any, of modifying the information technology for compatibility with software and hardware used for nonvisual access will not increase the cost of the information technology by more than 5 percent. For purposes of the regulation, the phrase “equivalent access” means the ability to receive, use, and manipulate information and operate controls necessary to access and use information technology by nonvisual means. Examples of equivalent access include keyboard controls used for input and synthesized speech, Braille, or other audible or tactile means used for output.”

NOTICE TO CURE The College reserves the right to cancel the contract if the Contractor’s performance is unsatisfactory to the College. It is understood, however, that if at any time during the term of the contract, performance is deemed to be unsatisfactory, the College shall so notify the Contractor in writing, and the Contractor shall correct such unsatisfactory conditions within thirty (30) calendar days from receipt of such notification. If such corrections are not made within the specified period, the College may terminate the contract.

PATENTS Bidder guarantees that the sale and/or use of the goods offered will not infringe upon any U.S. or foreign patent. Bidder will at his/her own expense, indemnify, protect and save harmless the College, its trustees, employees, agents and students with respect to any claim, action, cost or judgment for patent infringement, arising out of the purchase or use of these goods.

PREPARATION OF BID Bids submitted must be hand signed by an authorized agent of the company submitting the bid. Notification of award will be made by “Notice of Intent to Award” and/or purchase order. A bidder may attach a letter of explanation to the bid for clarification. Bidders will be required, if requested by Montgomery College, to furnish satisfactory evidence that they are, in fact, bona fide manufacturers of or dealers in the items listed, and have a regularly established place of business. The College reserves the right to inspect any Bidder’s place of business prior to award of contract to determine Bidder responsibility.

PRODUCT TESTING DURING TERM OF CONTRACT Goods delivered under any contract resulting from this Request for Bid may be tested for compliance with specifications stipulated herein. Any shipment failing to meet or comply fully with the specification requirements will be rejected. The cost of testing a representative sample of an order or shipment for acceptance shall be borne by the College unless the order is rejected for failure to meet specifications or purchase description. In such cases of rejection, the cost of testing will be charged back to the Contractor.

RECORD RETENTION If awarded a contract, Contractor shall maintain books and records relating to the subject matter of this agreement, including but not limited to all charges to the College, for a period of three (3) years from the date of final payment under this agreement.

REFERENCES Bidder must provide at least three references from former or current clients who can confirm the Bidder’s experience with projects that are similar in size or scope. All reference information must include the company’s name and address and the contact’s name and telephone number. The references provided must be able to confirm, without reservation, the Bidder’s ability to provide the level of services requested in this solicitation. References from other higher education institutions or government agencies are preferred but not required.

REGISTRATION OF CORPORATIONS NOT REGISTERED IN THE STATE OF MARYLAND Pursuant to 7-202 et. Seq. of the Corporation and Associations Article of the Annotated Code of Maryland, corporations not incorporated in the State of Maryland shall be registered with the State Department of Assessments and Taxation, 301 West Preston Street, Baltimore, Maryland 21201 before doing any interstate or foreign business in this State. A copy of the registration or application for registration may be requested by the College.

MONTGOMERY COLLEGE - OFFICE OF BUSINESS SERVICES
REQUEST FOR PROPOSAL TITLE: VIDEO MANAGEMENT SYSTEM
RFP NUMBER: E521-023
RFP CLOSING DATE AND TIME: 04/01/2021 3:00 P.M.

REJECTIONS AND CANCELLATIONS Montgomery College reserves the right to accept or reject any or all bids in whole or in part for any reason. The College reserves the right to waive any informality and to make awards in the best interest of the College. The College also reserves the right to reject the bid of any Bidder who has previously failed to perform adequately on a prior award for furnishing goods and/or services similar in nature to those requested in this bid. The College may cancel this solicitation in whole or in part, at its sole discretion.

RIDER PROVISION FOR MONTGOMERY COUNTY PUBLIC SCHOOLS AND MONTGOMERY COUNTY The Bidder agrees when submitting the bid that it will make available to every office and department of the Montgomery County Public Schools and the Montgomery County Government the same bid prices, terms and conditions offered during the term of contract. Orders will be placed directly by these agencies.

RIGHT TO STOP WORK If the College determines, either directly or indirectly, that the Contractor's performance is not within the specifications, terms or conditions of this bid and/or that the quality of the job is unacceptable, the College has the right to stop the work. The stoppage of work shall continue until the default has been corrected and/or corrective steps have been taken to the satisfaction of the College. The College also reserves the right to re-bid this contract if it is decided that performance is not within the specifications as set out.

SAMPLES AND CATALOG CUTS If samples are required, Bidder shall be responsible for delivery of samples to location indicated. All sample packages shall be marked "Sample for Procurement Office, Bid No. ___" and each sample shall be tagged or marked. Failure of the Bidder to clearly identify samples as indicated may result in rejection of bid. The College reserves the right to test any materials, equipment or supplies delivered to determine if the specifications have been met. Samples will not be returned.

SIGNATURE Each bid must show the full business address and telephone number of the Bidder and be signed by the person or persons legally authorized to sign such contracts. All correspondence concerning the bid and contract, including the bid summary, copy of contract, and purchase order, will be mailed or delivered to the address shown on the bid. NO BID WILL BE ACCEPTED WITHOUT ORIGINAL SIGNATURE.

SPECIFICATIONS AND SCOPE OF WORK The specifications listed herein may or may not specify all technical requirements which are needed to achieve the end result. When accepting the award, the Contractor assumes the responsibility of accomplishing the task requested in this document. Any omission of parts, products, processes, etc. in the specifications are the responsibility of the Contractor and the College will not bear the responsibility of their omission. If omissions in the specifications are discovered and these omissions will impact the contract price then it is the responsibility of the Bidder to note these omissions, in writing, prior to accepting the award. If these omissions are not noted prior to award then the Contractor's silence is deemed as full and complete acceptance and any additional costs will be borne by the Contractor.

TAXES The College is exempt from Federal and Maryland taxes. Exemption Certificates are available upon request. Bidder shall be responsible for the payment of any and all applicable taxes resulting from any award and/or any activities hereunder, including but not limited to any applicable amusement and/or sales taxes.

TERMINATION BASED ON LACK OF FUNDING Any contract awarded as a result of this solicitation will be subject to funding and continued appropriation of sufficient funds for the contract. For purposes of this solicitation, the College's appropriating authority is deemed to be the Board of Trustees of Montgomery College. Insufficient funds shall be grounds for immediate termination of solicitation.

TERMINATION FOR DEFAULT If an award results from this bid, and the Contractor has not performed or has unsatisfactorily performed the contract, payment shall be withheld at the discretion of the College. Failure on the part of the contractor to fulfill contractual obligations shall be considered just cause for termination of the contract and the Contractor is not entitled to recover any costs incurred by the Contractor up to the date of termination.

TERMINATION FOR THE CONVENIENCE OF THE COLLEGE The performance of the work or services under a contract as a result of this solicitation may be terminated in whole or in part, whenever the President of Montgomery College shall deem that termination is in the best interest of the College. Such determination shall be at the sole discretion of the President. In such event, the College shall be liable only for payment in accordance with the payment provisions of the contract for work or services performed or furnished prior to the effective date of termination. Termination hereunder shall become effective by delivery to contractor of written notice of termination upon which date the termination shall become effective.

MONTGOMERY COLLEGE - OFFICE OF BUSINESS SERVICES
REQUEST FOR PROPOSAL TITLE: VIDEO MANAGEMENT SYSTEM
RFP NUMBER: E521-023
RFP CLOSING DATE AND TIME: 04/01/2021 3:00 P.M.

ATTACHMENT E – GENERAL CONDITIONS AND INSTRUCTIONS-CONTINUED

USE OF CONTRACT BY OTHER EDUCATIONAL INSTITUTIONS While this bid is prepared on behalf of Montgomery College, it is intended to apply to other Maryland educational institutions and public agencies in Montgomery County, Maryland and State of Maryland as listed below:

- Montgomery County Public Schools
- Montgomery County Government
- Montgomery County Housing Opportunities Commission
- Maryland-National Capital Park & Planning Commission
- Washington Suburban Sanitary Commission
- Maryland State Colleges and Universities

Unless the Bidder takes an exception, the resulting awarded items will be available to all agencies listed. Should a price adjustment be necessary to include any other public agency, the Bidder must so note on the Contractor Information Form. Exception for Montgomery County Public Schools will not be accepted. Purchase requests and funding from other agencies will be the responsibility of those agencies.

WARRANTY Bidder expressly warrants that all articles, material and work offered shall conform to each and every specification, drawing, sample or other description which is furnished to or adopted by the College and that they will be fit and sufficient for the purpose intended, merchantable, of good material and workmanship, and free from defect. Such warranty shall survive a contract and shall not be deemed waived either by the College's acceptance of said materials or goods, in whole or in part, or by payment for them, in whole or in part. The Bidder further warrants all articles, material and work performed for a period of one year, unless otherwise stated, from date of acceptance of the items delivered and installed, or work completed. All repairs, replacements or adjustments during the warranty period shall be at Bidder's sole expense.

MONTGOMERY COLLEGE - OFFICE OF BUSINESS SERVICES
REQUEST FOR PROPOSAL TITLE: VIDEO MANAGEMENT SYSTEM
RFP NUMBER: E521-023
RFP CLOSING DATE AND TIME: 04/01/2021 3:00 P.M.

ATTACHMENT F – MID ATLANTIC PURCHASING TEAM RIDER CLAUSE



Cooperative Rider Clause

The Mid-Atlantic Purchasing Team (MAPT) is the agreement between the Metropolitan Washington Council of Governments ("MWCOG") and the Baltimore Metropolitan Council ("BMC") to aggregate the public entity and non-profit purchasing volumes in the Maryland, Virginia and Washington, D.C. region ("region").

Format

A lead agency format is used to accomplish this work. The Lead Agency in this procurement has included this MAPT Cooperative Rider Clause in this solicitation indicating its willingness to allow other public entities to participate pursuant to the following Terms and Conditions:

1. Terms
 - 1.1 Participating entities, through their use of the Cooperative Rider Clause, agree to the terms and conditions of the resulting contract to the extent that they can be reasonably applied to the participating entity.
 - 1.2 Participating entities may also negotiate additional terms and conditions specific to their local requirements upon mutual agreement between the parties.
2. Other Conditions - Contract and Reporting
 - 2.1 The contract resulting from this solicitation shall be governed by and "construed in accordance with the laws of the State/jurisdiction in which the participating entity officially is located;
 - 2.2 To provide to MWCOG and/or BMC contract usage reporting information, including but not limited to quantity, unit pricing and total volume of sales by entity, as well reporting other participating entities added on the contract, on demand and without further approval of contract participants;
 - 2.3 Contract obligations rest solely with the participating entities only;
 - 2.4 Significant changes in total contract value may result in further negotiations of contract pricing with the lead agency and participating entities.

In pricing and other conditions, vendors are urged to consider the broad reach and appeal of MAPT with public and non-profit entities in this region. A list of the participating members of the Mid-Atlantic Purchasing Team can be found at the following web links:

www.mwcog.org/purchasing-and-bids/cooperative-purchasing/member-links/ and
<http://www.baltometro.org/our-work/cooperative-purchasing/brcpc-representatives>