REQUEST FOR PROPOSALS

FREEDOM OF INFORMATION ACT (FOIA) REQUEST SOFTWARE

The City of Fargo's Department of Communications & Governmental Affairs seeks to solicit proposals from qualified companies for a cloud-based system to provide document management, document workflow and records management capabilities related to Freedom of Information Act (FOIA) requests. The solution must allow users to easily search for, locate, request and retrieve documents across City departments and to deliver said documents to requesters in a timely and user-friendly fashion. The proposed turnkey solution shall include all required software, complete installation/integration, support and training services to meet all expectations.

For purposes of this RFP, the term "user" refers to City employees utilizing the FOIA software, "requestor" references the member of the public making a FOIA request, "admin" pertains to the FOIA software administrators (both at The City and Fargo Police) and "solution" refers to the FOIA software suite.

KEY INFORMATION SUMMARY

Request For Proposal (RFP):	A software solution to facilitate and streamline the process of providing public records in response to Freedom of Information Act requests.
RFP Release Date:	November 15, 2021
RFP Submission Deadline:	December 10, 2021 at 4 p.m. Central Standard Time (CST)
RFP Contact:	Katie Ettish, *Public Information Officer (PIO)* The City of Fargo – Communications & Governmental Affairs 225 4th Street North - Fargo, ND 58102 KEttish@FargoND.gov | o. 701.241.8588
Contract Administrator:	Ty Filley, *Public Information Manager* The City of Fargo – Communications & Governmental Affairs 225 4th Street North - Fargo, ND 58102 TFilley@FargoND.gov **|** o. 701.476.4115
Submission Method:	All proposals must be received via a submission packet transmitted to the City of Fargo Auditor's Office at Fargo City Hall, 225 Fourth Street North, Fargo, ND 58102 and be clearly marked with "The City of Fargo RFP for FOIA Software."
RFP Requirement:	Submitters will be required to digitally affirm within the Excel Requirement Matrix (**Attachment A**) the ability to successfully implement each technical requirement identified via this RFP by typing "Yes" or "No" in response to each item. Submitters are required to provide an electronic copy of this Excel on a USB drive as part of the RFP response.

PROPOSAL RESPONSE CONTENT

The City of Fargo (COF) seeks proposals from firms for a software package to guide members of the public through the process of accessing desired information and documents (whether through prompts to locate already-published information or through cloud-based forms) for submitting formal FOIA requests.

The solution will be required to produce an online platform with a centrally-appearing homepage featuring two (2) independently configured branch portals: one for Fargo Police Department requests and another for all other City of Fargo requests. The solution will be branded with the City's colors and other web presence nuances to appear as an extension of the main City website, including full mobile responsiveness. The solution will be required to integrate with one or both of the City's current credit card payment vendors, which are Heartland Payment Systems and Stripe.

The solution must feature an "at-a-glance" data dashboard view of the workflow (this would include payment status, deadline management, task & role assignment, requestor communication, etc.) In addition, the solution must allow for City employees to easily search for, locate, request and retrieve documents uploaded various across City departments and have the ability to deliver the documents to requesters in a timely and user-friendly manner.

The solution will be required to produce a generated "cover sheet" for each FOIA response containing the standardized language and checkboxes denoting the type(s) of redactions that occurred and the rationale for doing so, including references to the applicable section of North Dakota Open Records Guidelines and North Dakota Century Code which pertain to the specific redactions. The user would select from a checkbox or dropdown menu (after processing the request) and the solution will then automatically produce the "cover sheet" based on the selection(s).

All solutions proposed shall address the criteria listed within this RFP to allow the Fargo FOIA Selection Committee to consider all submittals in an equitable manner. The Committee will be comprised of City employees across an array of departments.

CONTRACT TERM

The proposed contract term is defined as three (3) years, with the option for two (2), one-year extensions.

The City of Fargo may cancel the contract at any time with a minimum of a ninety (90) day notice.

From the day of contract signing, the successful submitter will be required to provide an operational solution capable of fully "going live" within 75 calendar days.

ORGANIZATIONAL AND COMMUNITY BACKGROUND

The City of Fargo is located in Cass County, North Dakota, along the Red River of the North which forms the border between Minnesota and North Dakota. An estimated 125,990 (*as ascertained through the 2020 Census*) people reside in Fargo. The greater Fargo-Moorhead metropolitan area population of 248,594 with Fargo serving as the major medical, educational, economic and industrial engine of the metro.

The City of Fargo employs nearly 2,000 team members and is The Regional Leader of the Upper Midwest.

The City operates with more than 20 departments (a graphical representation can be observed in **Attachment B),** each of which have varying levels of direct contact with citizens, businesses and the general public. Many interactions between City staff and citizens originate in the form of FOIA requests. The City receives thousands of requests seeking public records annually.

CURRENT FOIA OPERATING PROCESSES

RECEIVING REQUESTS - The current workflow process for fulfilling FOIA requests involves members of the public submitting their requests in person, over the telephone, via mail, through fax or by email to staff members of The City of Fargo. Those requests are then forwarded to the Records Division of the Fargo Police Department (if the request pertains to police operations), or forwarded to a member of the Department of Communications and Governmental Affairs for all other Citywide records. The two departments' systems are disconnected entirely. The City Attorney's Office works directly with both systems to review proposed redactions, files, etc.

ESTIMATING COSTS - Once one of those two departments receives a request, it is determined the amount of time it will take to procure and process the records (including redaction time). This is accomplished by manually sending an email to the Information Services Department requesting an email record query, as well as manually sending emails or making telephone calls to other departments which may hold specific records responsive to the request. The processor of the request then must manually tabulate the duration of time estimated to procure the records and process them for redactions. North Dakota Century Code mandates the first hour of locating records and the first hour of redacting records to be free for each request, with each additional hour in both subsets billed at a rate of $25 per hour. This manual tabulation is then entered into a calculation to determine the estimated cost of processing the request. The estimated cost is provided to the requestor via an email written by the processing staff member. A deposit is required before any additional records processing will occur.

PROCURING PAYMENT - If a requestor elects to provide the deposit, they must manually contact The City of Fargo Auditor's Office to pay the deposit with a credit card or mail/deliver a check to the Auditor's Office. The Auditor's Office will write an email or make a phone call informing the Department of Communications and Governmental Affairs it has received payment. For the Fargo Police Department, payments need to occur in person at the PD Headquarters.

REDACTING - Once payment is received, the processing staff member will print each individual document responsive to the request and manually redact (using a redaction pen tool) exempt and prohibited information from the documents. During this, the processor is manually tracking hours spent on the redaction process in a Microsoft Excel spreadsheet or by hand on paper. After completion of the redaction process (if all remaining hours pre-paid for are not exhausted), the processor will manually scan each page and package the file as a PDF for transmission to the requestor.

COLLECTING ADDITIONAL PAYMENT & REFUNDING DEPOSIT OVERAGES - If the process requires more time than was originally estimated, an additional deposit is requested by manually emailing the requestor and repeating the payment process to the Auditor's Office for the remaining estimated amount. If the process takes less time than estimated, the processor then must transmit the records to the requestor

and inform them via email they are entitled to a partial refund of their deposit. The requestor must make arrangements with the Auditor's Office for the requestor to receive a refund. If a credit card payment was originally received, partial payment may be refunded to the card. If a check was used for the payment of the deposit, a mailing address must be provided by the requestor to mail a refund check. This is all coordinated manually over email.

RETAINING RESPONSIVE RECORDS - Currently, there is no official protocol for retaining the processed or unprocessed (*original document with no redactions*) documents in a unified repository; the paper copies are typically retained as large stacks of paper, along with the string of emails related to the request.

The City's Information Services Department has a global operating procedure wherein emails are retained for a period of six months within its server infrastructure.

PROPOSAL RESPONSE CONTENT

Each proposal must utilize the following format, providing a response to each line item and include attachments within the proposal to provide rich content for review by The City.

1. Statement of qualifications and experience
2. Number of years engaged in applicable/relevant operations
3. Full description of company and experience as it relates to FOIA requests management
4. Completed Requirement Matrix Excel file (**Attachment A**)
5. Samples of work completed for municipalities (specifically, cities with populations between 100,000 and 300,000)

EVALUATION CRITERIA AND POINT DISTRIBUTION

A cross-departmental review team will assemble and will utilize the following criteria, which will be evaluated and weighted as follows:

1. Capability and resources of firm (firm stability, proposed staff to be assigned to project, past performance) - **10 POINTS**
2. Ability to meet requirements - **40 POINTS**
3. Project plan and implementation timeline - **10 POINTS**
4. Training and support plan (including support, maintenance agreements and demonstrated commitment to further product development) - **15 POINTS**
5. Cost - **25 POINTS**

A virtual interview in a question and answer format may be required for those firms that are ranked highest by the selection committee. All submittals shall be in accordance with the condition set forth herein. Late, emailed or faxed submittals will not be accepted.

The criteria set forth in the Proposal Response Content section above (and any specific criteria listed herein) may be considered in ascertaining which submittal is in the best interests of the City.

DISCLAIMERS

The City reserves the right to reject any or all submittals or accept what is, in its judgment, the submittal which is in The City's best interest. The City further reserves the right (in the best interest of The City) to waive any technical defects or irregularities in any and all submittals.

Discussion and negotiation may be conducted with responsible submitters whose proposals are determined to be reasonably susceptible of being selected for award for purpose of classification to assure full understanding of (and responsiveness to) the solicitation requirements.

QUESTIONS & CLARIFICATIONS

All questions and clarification requests related to this RFP must be submitted via email to Katie Ettish (KEttish@FargoND.gov). The period whereby questions are accepted shall cease at 4 p.m. CST on the date specified in the Project Timetable below.

Submitters interested in this RFP are strongly encouraged to send an email to Ms. Ettish on or before 4 p.m. CST on November 24, 2021, to alert The City of Fargo of the submitter's intent to submit a response to this RFP regardless of whether or not they are seeking specific RFP clarifications. Doing so will allow The City of Fargo to provide all interested parties with RFP modifications or clarifications in an equitable manner.

PROJECT TIMETABLE

The City reserves the right to modify the timeline below as necessary.

RFP Release ..... *November 15, 2021*

Questions and Clarification Requests Due ..... *November 24, 2021 (4 p.m. CST)*

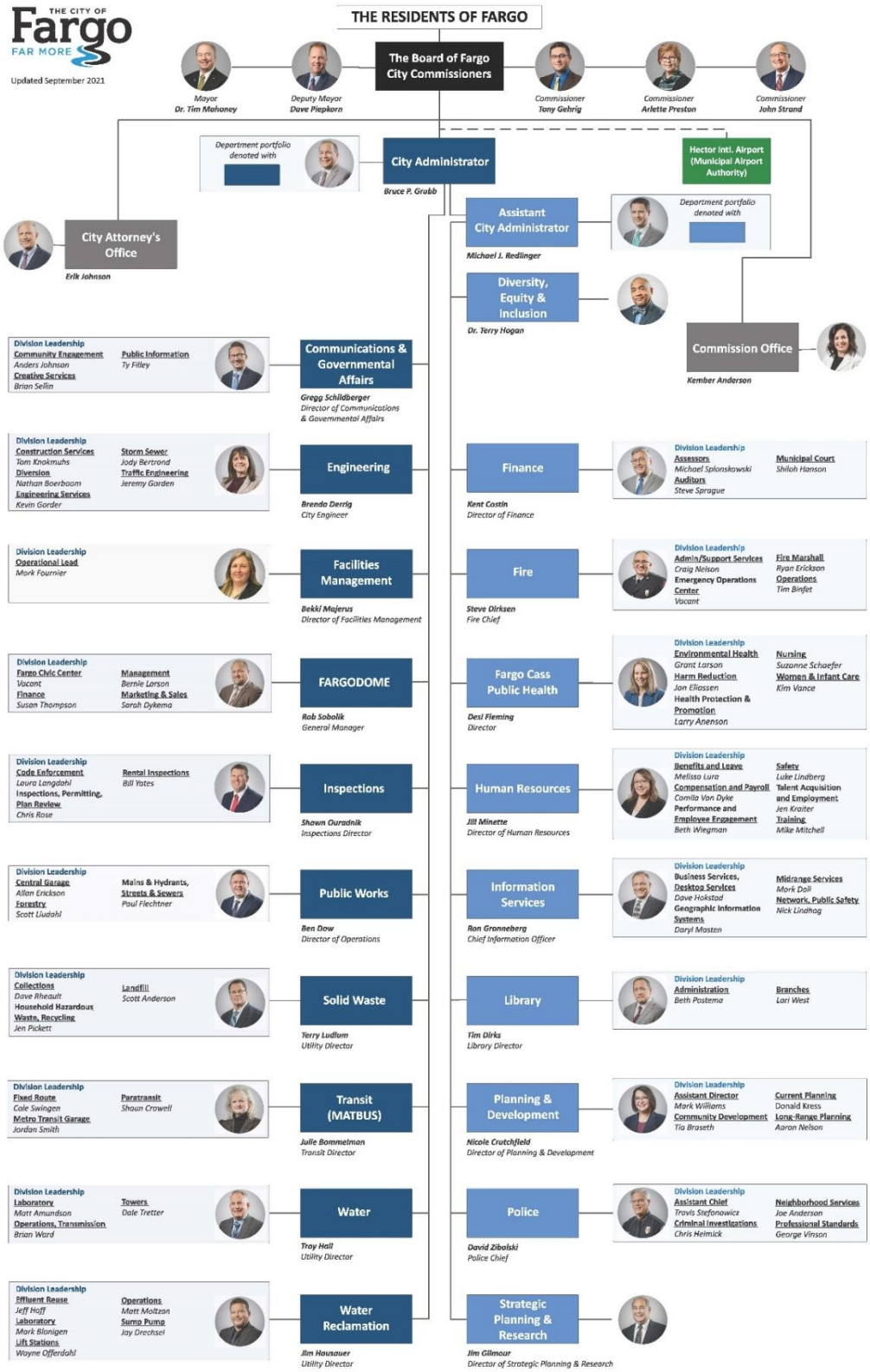
Response to Questions/Clarifications from COF Due Date .....*December 1, 2021*

Proposals Due .....*December 10, 2021 (4 p.m. CST)*

Selection (Virtual interviews conducted, if required) .....*December 13-17, 2021*

City Commission Approval of Contract.....*December 27, 2021*

ATTACHMENT A

Please respond fully within the supplemental Completed Requirement Matrix (an Excel file) to be considered for this RFP.

ATTACHMENT B