

	MISSOULA COUNTY REQUEST FOR QUALIFICATIONS (RFQ)
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RFQ Title: TIF Economic Analysis
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RFQ Due Date and Time: September 18, 2026, at 5:00 p.m. Mountain Time

ISSUING DEPARTMENT INFORMATION

Procurement Officer: Lester Bracey, Missoula County Auditor

Issue Date: August 20, 2026

Procurement Officer Address: Missoula County 200 W Broadway Missoula, MT 59802
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Procurement Officer Email and Telephone Number: lbracey@missoulacounty.us (406) 258-3526
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OFFEROR SUBMITTAL INSTRUCTIONS

Return Submission to: lbracey@missoulacounty.us
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Subject Line Must Be Titled: TIF Economic Analysis

RFQ Response Due Date: September 18, 2026
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OFFEROR CONTACT INFORMATION AND AUTHORIZATION
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Offeror Name/Address:

Authorized Offeror Signature:

Print name and sign in ink.
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Offeror Phone Number:

Offeror FAX Number:

Offeror Email Address:

OFFERORS MUST RETURN THIS COVER SHEET WITH RFQ RESPONSE
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INSTRUCTIONS TO OFFERORS

Follow the format presented in the RFQ. Points may be deducted during scoring for deviations from the prescribed format.

Provide complete answers or descriptions. Read all questions and requirements, and provide clear, concise responses. Do not assume Missoula County or the selection committee will have any familiarity with the firm's capabilities. Statements of Qualifications are evaluated solely on the information and materials provided in the response.

Adhere to the Submission due date. Late Statements of Qualifications will **NOT** be accepted.

The following items must be included in the submission to be considered responsive:

- Signed Cover Sheet;
- Signed Acknowledgment of Addenda (if any);
- All mandatory Submission requirements;
- Correctly executed Missoula County "Affidavit for Trade Secret Confidentiality", if the Submission contains confidential or proprietary information as defined in MCA Title 30, Chapter 14.

RFQ TIMELINE

EVENT	DATE
RFQ issue date	August 20, 2026
Deadline for submitting written questions	September 4, 2026
Written responses posted to County website	September 11, 2026
RFQ response due date	September 18, 2026, at 5:00 p.m. Mountain Time
Possible Offeror interviews/product demonstrations TBD	Between September 21 – October 2, 2026
Contract award	October 2026

SECTION 1 - RFQ OVERVIEW

INTRODUCTION

Missoula County Department of Community and Economic Development (CED) has initiated a Request for Qualifications (RFQ) for an experienced economic consulting team to provide independent analysis and technical support in the review of private development applications requesting Tax Increment Financing (TIF) assistance and in the general administration of the County's Targeted Economic Development Districts (TEDDs). The selected consultant will assist the County in evaluating the financial and economic merits of proposed projects through the preparation of fiscal impact analyses, market feasibility assessments, and economic impact studies. Services may include evaluating projected tax increment generation, public return on investment, market demand and development feasibility, employment and investment impacts, and the overall community benefits associated with proposed TIF-supported projects. The consultant will provide objective, data-driven reports and recommendations to assist the County in determining whether proposed TIF investments

demonstrate sufficient public benefit, align with adopted economic development goals, and represent an appropriate use of public resources.

OVERVIEW OF THE MISSOULA COUNTY TEDD PROGRAM

Missoula County currently administers five Targeted Economic Development Districts (TEDDs) with Tax Increment Financing (TIF) provisions to address public infrastructure deficiencies and support housing development, industrial redevelopment, and economic diversification. TIF is the financing mechanism used to fund public infrastructure. When a district is created, a base taxable value is established and frozen for the duration of the district, typically 15 to 30 years. As development occurs and property values within the district's geographic boundaries increase, the resulting increase in taxable value is diverted into a special fund for public infrastructure projects. Once the fund generates sufficient annual revenue, bonds may be issued, with the annual revenue pledged toward repayment.

The goals of each district generally include job creation, economic stimulation, workforce housing development, and the provision of community services and amenities. As part of the administration of each district, CED staff reviews applications, performs annual reviews of each district, ensures long-term planning aligns with district goals, and adjusts strategies as market conditions change. Annual reviews also consider growth projections and financial planning to support decision-making as projects are completed, goals are achieved, and districts mature. Many districts benefit from advanced planning efforts, including master plans, infrastructure plans, and engineering reports, to help achieve long-term goals and prepare financially.

To establish a TEDD, the geographic area must be determined to be infrastructure deficient, meaning it lacks the public infrastructure necessary to support development. Districts must also be capable of supporting a diverse tenant base and be zoned for value-adding, secondary value-adding, or workforce housing residential uses. Beyond meeting the statutory criteria established in state law, staff must evaluate the area's potential to generate sufficient tax increment revenue to address infrastructure needs and assess the impacts on overlapping taxing jurisdictions.

Districts are created because investment in public infrastructure, such as domestic water systems, wastewater treatment, and roads, is generally cost-prohibitive without development to support ongoing operation and maintenance. Conversely, development at the densities necessary to sustain that infrastructure is often not feasible without the infrastructure already being in place.

DESCRIPTION OF THE SCOPE

Missoula County is seeking assistance in two aspects of TEDD administration. The primary need is assistance with project review to ensure that private requests for TIF provide meaningful public benefits and that public impacts are well understood. The secondary need is occasional economic analysis supporting district creation and ongoing district administration.

Application Review and Analysis

The primary need for assistance from the consulting team will be the analysis of private sector requests for significant TIF assistance. These requests are typically for reimbursement of eligible public infrastructure constructed by private property owners as part of residential, commercial, industrial, or mixed-use developments. Applications submitted through the County's formal TIF process identify the requested reimbursement amount and include supporting documentation such as engineering plans, design schematics, and construction cost estimates. Applications also describe the larger development made possible through the proposed public infrastructure investment.

While Missoula County performs a detailed review of each application's compliance with local plans and state law, staff performs only limited economic analysis of larger requests to evaluate impacts on public services, economic benefits, market absorption, and overall community outcomes. These larger developments have the

potential to add hundreds of workforce housing units, create industrial and commercial space that supports new job creation, and transform undeveloped or underutilized land with low taxable value per acre into higher-density development with substantially greater taxable value. This growth can broaden the County's tax base and reduce the tax burden on individual taxpayers. At the same time, these developments may increase demands on public services such as schools and rural fire districts. Understanding these costs and benefits will improve decision-making regarding significant public investments.

Because of the complexity of these private applications, staff often works with applicants for several months before a formal application is submitted to determine project feasibility and an appropriate reimbursement strategy. Staff refers to this work as the scoping phase. During this period, applicants typically provide substantial documentation and supporting information. Staff may request the consultant to perform portions of the required analysis during the scoping phase to assist in evaluating project feasibility and reimbursement options.

District Creation and Administration

From time to time, Missoula County may consider creating a new district or conducting additional analysis of an existing district. The long-term economic impacts of individual districts are currently evaluated only at a limited level. More comprehensive analyses of the costs and benefits associated with TEDDs could improve public understanding of TIF as an economic development tool. The consultant may be asked to assist with these analyses as needed.

Decision-making Process

The analyses and reports prepared by the consulting team will become part of the information supporting public review and decision-making regarding the use of TIF and the administration of TEDDs. Most TIF-related decisions begin with staff review and recommendations, which are forwarded to two citizen advisory boards for public review and recommendations. The complete record is then submitted to the Board of County Commissioners for final action.

As part of administering the County's TEDD program, CED staff manages two citizen advisory boards that review TIF requests. The Missoula Jurisdictional Advisory Committee (MJAC) consists of representatives from the taxing jurisdictions with boundaries overlapping one or more County TEDDs. The Missoula Development Authority (MDA) consists of Missoula County residents with expertise in economic development. Both advisory boards review TIF requests and provide recommendations to the Board of County Commissioners. The boards currently meet quarterly, typically during the same week, with attendance available both in person and through Microsoft Teams.

Final decisions regarding the use of TIF, whether for private or public projects, are made by the Board of County Commissioners. The Commissioners review application materials, staff reports, advisory board recommendations, and supporting consultant analyses before conducting a public hearing. The consultant's reports will be submitted as part of the staff review and become part of the official public record. Public hearings by the Board of County Commissioners typically occur two to four weeks following the citizen advisory board meetings.

PROJECT MANAGEMENT

Missoula County anticipates utilizing the selected consultant on an as-needed basis through project-specific task orders. When a private development proposal requesting TIF assistance is submitted, County staff will consult with the selected economist to discuss the project, determine the appropriate scope and level of analysis, and develop a task order outlining the required services, deliverables, schedule, and budget. Task orders may include, but are not limited to, fiscal impact analyses, market feasibility studies, economic impact assessments, financial gap or "but for" analyses, and other economic or financial evaluations necessary to support the County's review of the application. The consultant will complete the work in accordance with the approved task

order and provide written reports and technical recommendations within the established project schedule to support staff analysis, citizen advisory board review, and Board of County Commissioners decision-making.

Projects involving district creation or ongoing district administration will follow a similar process. County staff and the consultant will meet to discuss the need, establish an appropriate scope and level of analysis, and prepare a task order that defines the work to be completed.

In a typical year, Missoula County CED staff anticipates issuing one to three task orders. One or two of these will likely be associated with private development applications requesting TIF assistance.

CONTRACT PERIOD

The contract period will end no later than December 31, 2030, with the possibility of extensions not to exceed 7 years from contract execution.

SINGLE POINT OF CONTACT

The procurement officer will be the single point of contact for inquiries regarding this RFQ from the date issued until the selection is publicly announced. Offerors may not communicate with any County officials or staff regarding this procurement, except at the direction of the procurement officer; and any unauthorized contact may disqualify the offeror from further consideration. Contact information for the procurement officer is:

Procurement Officer: Lester Bracey
E-mail Address: lbracey@missoulacounty.us

OFFEROR QUESTIONS

Any questions or requests for clarification or interpretation of this RFQ must be addressed in writing to the procurement officer on or before August 21, 2026. For purposes of this RFQ, “in writing” consists of email. Questions submitted must include:

- Company name and address;
- Contact information, including name, email address, telephone number, and fax number;
- Clear reference to the section, page, and item in question.

Questions received after the deadline will not be considered.

The County will provide a formal written addendum by August 28, 2026, to questions received by the deadline. No other form of interpretation, correction, or change to this RFQ will be binding upon the County. Any addendum will be posted on the County’s website, <http://missoula.co/rfp>.

An Acknowledgment of Addendum must accompany the RFQ response.

PREFERENCES

Please note the following three Missoula County Resolutions:

- Resolution No. 2020-061 A Resolution Giving Procurement Preference to Disadvantaged Business Enterprises
- Resolution No. 2020-076 Montana Registered Apprentice Program Resolution
- Resolution No. 2021-001 A Resolution Stating A Preference For Purchasing Goods And Services From Firms Based In Missoula County

GENERAL REQUIREMENTS

Mandatory Requirements of the RFQ

To be eligible for consideration, an offeror must provide all information requested in Section 4. A Submission that fails to provide any information requested may be deemed nonresponsive or be subject to deduction of points during scoring.

Understanding of Specifications and Requirements

By submitting a response to this RFQ, the offeror attests to an understanding of the specifications and requirements described herein and agrees to comply with such.

Prime Contractor and Subcontractors

If this RFQ results in a contract award, the offeror selected will be the prime Contractor and shall be responsible for all work of any subcontractors. The Contractor shall be responsible to the County for the acts and omissions of all subcontractors or agents and of persons directly or indirectly employed by such subcontractors, and for the acts and omissions of persons employed directly by the Contractor. Furthermore, nothing contained within this document or any contract documents created from any contract awards derived from this RFQ shall create a contractual relationship between any subcontractor and the County.

Offeror's Signature

The submission must be signed by an individual legally authorized to bind the offeror. The offeror's signature is a guarantee that the Submission has been developed without collusion. The offeror shall provide proof of authority of the person signing the RFQ upon the County's request.

Offer in Effect for 120 Calendar Days

The offeror may not modify, withdraw, or cancel a Submission for a 120-day period following the RFQ due date.

SUBMISSION REQUIREMENTS

Submission Organization

Statements of Qualifications must be organized into sections that follow the format of this RFQ. Pages must be consecutively numbered.

Compliance with Instructions

Scoring points may be deducted for failure to comply with these instructions. Furthermore, a submission may be deemed nonresponsive and disqualified from consideration if it does not follow the response format, is difficult to read or understand, or is missing required information.

Extraneous or Outside Information

Selection and contract award will be based on the offeror's submission and the evaluation of other information outlined in this RFQ. Offeror responses may not include references to information located on Internet websites, in libraries, or at other external locations unless specifically requested in the RFQ. Such information will not be

considered, will have no bearing on any award, and may result in the offeror's disqualification from further consideration.

Copies Required and Deadline for Receipt of Statements of Qualifications

The Submission must be submitted to the County procurement officer by email.

Statements of Qualifications must be labeled with the Offeror's name and received by the procurement officer by the due date and time. The offeror is solely responsible for assuring delivery by the deadline.

Late Statements of Qualifications

Regardless of cause, late Statements of Qualifications will not be accepted and will be automatically disqualified from consideration.

Preparation Costs

The offeror is solely responsible for all costs incurred prior to contract execution.

SECTION 2 - RFQ STANDARD INFORMATION

AUTHORITY

This RFQ is issued under the authority of the Missoula County Purchasing and Contracts Policy. The RFQ process is a procurement option which allows the award to be based on evaluation criteria other than cost. Section 6 states the relative importance of all evaluation criteria, and only the evaluation criteria outlined in the RFQ will be used.

OFFEROR COMPETITION

The County encourages free and open competition to obtain quality, cost-effective services and products. The specifications contained in submission requests are designed to accomplish this objective.

PUBLIC INSPECTION OF STATEMENTS OF QUALIFICATIONS

Public Information

All information received in response to this RFQ, including copyrighted material, is deemed public information and with one exception will be available for public viewing and copying after the Submission deadline. All requests for information must be made through the County's website at:

<https://missoulacountymt.nextrequest.com/>.

The public will not be able to view bona fide trade secrets meeting the requirements of the Uniform Trade Secrets Act, Title 30, Chapter 14, Part 4, MCA. The procurement officer will remove any such trade secrets from the RFQ prior to public viewing.

Bona Fide Trade Secrets

Confidential information meeting the requirements of Title 30, Chapter 14, Part 4, MCA will be available for review only by the procurement officer, the evaluation committee members, and limited other designees.

Before the RFQ is made available to the public, the procurement officer will remove the confidential information if the following conditions are met:

- Confidential information is clearly marked and separated from the rest of the Submission.
- No confidential material is contained in the cost section.
- An affidavit from the offeror's legal counsel attesting to and explaining the validity of the trade secret claim is attached to the Submission. To make the trade secret claim, legal counsel must use the Missoula County "Affidavit for Trade Secret Confidentiality" form. Please request this form from the procurement officer at lbracey@missoulacounty.us

The offeror shall pay all legal costs and fees associated with defending a claim for confidentiality if a "right to know" request is received from another party.

CLASSIFICATION AND EVALUATION OF STATEMENTS OF QUALIFICATIONS

Classification of Statements of Qualifications as Responsive or Non-responsive

All Statements of Qualifications will be classified as either "responsive" or "non-responsive." A Submission is considered "responsive" if it conforms in all material respects to the requirements of the RFQ. A Submission may be found non-responsive if:

- Required information is not provided;
- The cost Submission is excessive or inadequate as measured by criteria stated in the RFQ;
- Cost information is contained in the body of the RFQ rather than in a separate, sealed envelope; or
- The Submission does not conform to the specifications described and required in the RFQ.

If a Submission is found to be non-responsive, it will receive no further consideration.

Determination of Offeror Responsibility

The procurement officer and/or the selection committee will make a determination whether an offeror has met the standards of responsibility based on the requirements of the RFQ. Factors used to determine the responsibility may include whether the offeror has:

- The appropriate financial, material, equipment, or human resources to meet all contractual requirements;
- A satisfactory record of integrity;
- The legal ability to contract with the County;
- Provided all information requested for use in the determination of responsibility; and
- A satisfactory record of past performance.

An offeror may be deemed "nonresponsible" at any time during the procurement process if information surfaces to support such a determination.

Evaluation of Statements of Qualifications and Offeror Interviews

The remaining Statements of Qualifications will be scored according to the evaluation criteria stated in Section 6. The selection committee may ask finalists to appear for interviews or to provide written responses to items requiring clarification. Any costs associated with interviews are the sole responsibility of the offeror.

County's Right to Investigate and Reject

The County may make such investigations as are deemed necessary to determine the ability of the offeror to provide the product or services specified. The County reserves the right to reject any Submission if the evidence obtained fails to satisfy the County that the offeror is properly qualified to perform the obligations of the contract. This includes the County's ability to reject a Submission based on negative references.

Offeror Selection and Contract Execution

After an evaluation of the offeror interviews and/or product demonstrations, the selection committee will recommend a contract award, which the procurement officer will communicate to the offeror selected. If the offeror does not accept all material terms of the County contract, the County may move to next ranked offeror or cancel the RFQ. The work described in the RFQ may begin only after the contract is signed by all parties.

COUNTY'S RIGHTS RESERVED

The RFQ in no way constitutes a commitment by the County to award and execute a contract. If such actions are deemed in its best interests, the County, in its sole discretion, reserves the right to:

- Cancel or terminate this RFQ;
- Reject any or all Statements of Qualifications received in response to this RFQ;
- Waive any undesirable, inconsequential, or inconsistent provisions of this RFQ;
- If awarded, suspend contract execution; or terminate the resulting contract if the County determines adequate county funds are not available.

SECTION 3 - SCOPE OF PROJECT

The purpose of this RFQ is to hire a professionally qualified consultant on a contractual basis to provide independent analysis and technical support in the review of private development applications requesting Tax Increment Financing (TIF) assistance and in the general administration of the County's Targeted Economic Development Districts (TEDDs) including but is not limited to fiscal impact analyses, market feasibility studies, economic impact assessments, financial gap or "but for" analyses, and other economic or financial evaluations. Assistance with these tasks will help inform the community on major projects and district progress, as well as provide data and rationale to support decision-makers in the use of public funds for infrastructure investment and community benefit.

The consultant will work at the direction of CED staff on an as-needed basis through project-specific task orders. CED staff will consult with the selected team to discuss the project, determine the appropriate scope and level of analysis, and develop a task order outlining the required services, deliverables, schedule, and budget. The consultant will complete the work in accordance with the approved task order and provide written reports and technical recommendations within the established project schedule to support staff analysis, citizen advisory board review, and Board of County Commissioners decision-making. Tasks will vary along with the specific scope but generally will be under the following categories:

1. Reports and analysis to assist CED staff in the review of private requests for the use of TIF
 - a. Review application/submitted materials from development team
 - b. Consultant with staff on recommended reports and analysis
 - c. Complete review and analysis of project
 - d. Provide reports for staff inclusion into review materials for review of Citizen Advisory Boards and the County Commissioners
2. Reports and analysis to assist CED staff in administration of existing district
 - a. Review materials and information provided by staff
 - b. Consultant with staff on recommended reports and analysis
 - c. Complete review and analysis of project

- d. Provide reports for staff inclusion into review materials for review of Citizen Advisory Boards and the County Commissioners
3. Presentations to Citizen Advisory Boards and the County Commissioners
 - a. Attend, MJAC and MDA meetings as needed to present findings and answer questions, either in person or via Teams
 - b. Attend County Commissioner public hearings as needed to present findings and answer questions, either in person or via Teams

The selected consultant shall provide the following deliverables:

1. Draft of report associated with requested task.
2. Final report associated with requested task.
 - a. The report should include a written analysis of the objectives and tasks completed and should include illustrative diagrams and charts when appropriate.

Missoula County shall provide district budgets, historical fiscal information, TIF projections, TIF applications and all supporting materials submitted by the developer, planning documents, and other information as needed for a specific task. The selected consultant will be responsible for providing market research, analysis and comparables.

SECTION 4 - OFFEROR QUALIFICATIONS

To enable the County to evaluate the capabilities of the offeror and its ability to supply the product and/or services specified in this RFQ, the offeror must provide the following:

Proposals submitted in response to this RFQ should be organized according to the headings below. Responses must include the following sections and should be limited to no more than 10 pages single-sided or 5 pages double-sided.

Letter of Interest

- Provide a letter of interest to serve as an introduction to your response. It should contain the company name of the consultant team lead, and the name, address, telephone number, email address, and signature of the person authorized to represent the team.

Company Profile and Experience of Personnel

- Describe your team, its background and experience providing services like those sought through this RFQ. To illustrate the strength and stability of your team, provide answers to the following:
 - Company profile
 - Names, qualifications, and related experience of individuals who will be assigned to the project and their anticipated roles. How many projects has your team worked on together?
 - Provide a statement of qualifications demonstrating that you understand the proposed specifications and have experience performing them.
 - Describe the team's experience with TEDDs, tax increment financing (TIF), or similar infrastructure financing mechanisms in Montana or other states.

Firm Experience

- A detailed description of similar past projects provided;

- Identify any prior experience preparing fiscal and/or cost-benefit analyses specifically intended to support decision-making around the use of public funds, and briefly describe how those studies were implemented.
- The dates the services were provided;
- The client for whom the services were provided; and
- Contact information for the client.

References

- Provide a minimum of 3 references that use or have used the services/products of the type proposed in this RFQ. At a minimum, provide the company name, location where the services/products were provided, contact person(s), contact telephone number, e-mail address, and a complete description of the services/products provided, and the dates of service.

Interviews

The County reserves the right to conduct interviews. If the County chooses to exercise this option, the offeror's key personnel for this project must be available for the interview.

INSURANCE REQUIREMENTS

Contractor will be required to maintain general liability insurance in the amount of one million dollars (\$1,000,000) per occurrence and two million (\$2,000,000) in the aggregate. Contractor will be required to provide professional liability insurance.

In accordance with §§ 39-71-401 and 39-71-405 MCA, Contractor agrees to provide workers' compensation insurance for its employees while performing work under this Agreement. Contractor shall provide proof of compliance in the form of workers' compensation insurance or documentation of corporate officer status and maintain such insurance or corporate officer status for the duration of the contract.

All insurance policies required must be from an insurance carrier licensed to do business in the State of Montana. Contractor agrees to furnish proof of required insurance to the County prior to commencing work under Agreement. Missoula County must be listed as an additional insured on the general liability insurance certificate for this Agreement unless otherwise specified by Missoula County.

SECTION 5 – COST SUBMISSION

Cost proposals should be presented on a task order basis with hourly rates. The County should be invoiced on a monthly basis. Invoices should detail work performed, expenditures associated with the project and include a balance sheet for remaining project costs.

SECTION 6 – EVALUATION PROCESS

The selection committee will review and evaluate the Statements of Qualifications according to the criteria that follow, based on a total number of 100 points. **If interviews are conducted or demonstrations are requested an additional evaluation criterion will be used.

A selection committee consisting of the Community and Economic Development department staff will evaluate all proposals received by the deadline within 15 days after the proposal due date. The selection committee members will evaluate the proposals based on the criteria listed in this section, and then meet to ensure that fair,

impartial, and comprehensive evaluations have been made. The selection committee may recommend contract award without further contact discussion with the offers, or the firms submitting the top-rated proposals may be asked to make oral presentations.

If oral presentations/interviews are scheduled, the representatives of the firm who will be directly assigned to the account must be present at the interview. Afterwards, the finalists will be reevaluated, and a recommendation for contract award will be presented to the Missoula County Board of County Commissioners for approval.

Feedback from references may be considered by the selection committee.

EVALUATION CRITERIA

Category	Points Available
Compliance with RFQ instructions	15 points
Completeness of Proposal	25 points
Qualifications and Experience	50 points
Consultant Rates	10 points
Total Points	100

*****If interviews are conducted or demonstrations are requested an additional evaluation criterion will be used.***

Missoula County Standard Terms and Conditions

By submitting a response to this invitation for bid, request for Submission, or limited solicitation, the vendor agrees to acceptance of the following Standard Terms and Conditions and any other provisions that are specific to this solicitation or contract.

ACCEPTANCE/REJECTION OF BIDS, STATEMENTS OF QUALIFICATIONS, OR LIMITED SOLICITATION RESPONSES: The County reserves the right to accept or reject any or all bids, Statements of Qualifications, or limited solicitation responses, wholly or in part, and to make awards in any manner deemed in the best interest of the County. Bids, Statements of Qualifications, and limited solicitation responses will be firm for 30 days, unless stated otherwise in the text of the invitation for bid, request for Submission, or limited solicitation.

ACCESS AND RETENTION OF RECORDS: The contractor agrees to provide the County, the County Auditor, or authorized agents, access to any records necessary to determine contract compliance. The contractor agrees to create and retain records supporting the services rendered or supplies delivered for a period of three years after either the completion date of the contract or the conclusion of any claim, litigation, or exception relating to the contract taken by Missoula County or third party.

ALTERATION OF SOLICITATION DOCUMENT: In the event of inconsistencies or contradictions between language contained in the County's solicitation document and a vendor's response, the language contained in the County's original solicitation document will prevail. Intentional manipulation and/or alteration of solicitation document language will result in the vendor's disqualification.

ASSIGNMENT, TRANSFER AND SUBCONTRACTING: The contractor shall not assign, transfer or subcontract any portion of the contract without the express written consent of the County.

AUTHORITY: The attached bid, request for Submission, limited solicitation, or contract is issued under the authority of the Missoula County Purchasing and Contracts Policy.

COMPLIANCE WITH LAWS: The contractor must, in performance of work under the contract, fully comply with all applicable federal, state, or local laws, rules and regulations, including the Montana Human Rights Act, the Civil Rights Act of 1964, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Any subletting or subcontracting by the contractor subjects subcontractor to the same provisions. In accordance with MCA 49-3-207, the contractor agrees that the hiring of persons to perform the contract will be made on the basis of merit and qualifications and there will be no discrimination based upon race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or nation origin by the persons performing the contract.

CONFORMANCE WITH CONTRACT: No alteration of the terms, conditions, delivery, price, quality, quantities, or specifications of the contract shall be granted without prior written consent of Missoula County. Supplies delivered which do not conform to the contract terms, conditions, and specifications may be rejected and returned at the contractor's expense.

DEBARMENT: The contractor certifies, by submitting this bid or Submission, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction (contract) by any governmental department or agency. If the contractor cannot certify this statement, attach a written explanation for review by the County.

DISABILITY ACCOMMODATIONS: The County does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services, or activities. Individuals who need aids, alternative document formats, or services for effective communications or other disability related accommodations are invited to make their needs and preferences known to the County department issuing the solicitation. Interested parties should provide as much advance notice as possible.

FAILURE TO HONOR BID/SUBMISSION: If a bidder or offeror to whom a contract is awarded refuses to accept the award or fails to deliver in accordance with the contract terms and conditions, the County may, in its discretion, suspend the bidder or offeror for a period of time from entering into any contracts with Missoula County.

FORCE MAJEURE: Neither party shall be responsible for failure to fulfill its obligations due to causes beyond its reasonable control, including without limitation, acts or omissions of government or military authority, acts of God, materials shortages, transportation delays, fires, floods, labor disturbances, riots, wars, terrorist acts, or any other causes, directly or indirectly beyond the reasonable control of the nonperforming party, so long as such party is using its best efforts to remedy such failure or delays.

HOLD HARMLESS/INDEMNIFICATION: The contractor agrees to protect, defend, and save the County, its elected and appointed officials, agents, and employees, while acting within the scope of their duties as such, harmless from and against all claims, demands, causes of action of any kind or character, including the cost of defense thereof, arising in favor of the contractor's employees or third parties on account of bodily or personal injuries, death, or damage to property arising out of services performed or omissions of services or in any way resulting from the acts or omissions of the contractor and/or its agents, employees, representatives, assigns, subcontractors, except the sole negligence of the County, under this agreement.

LATE BIDS AND STATEMENTS OF QUALIFICATIONS: Regardless of cause, late bids and Statements of Qualifications will not be accepted and will automatically be disqualified from further consideration. It shall be solely the vendor's risk to ensure delivery at the designated office by the designated time. Late bids and Statements of Qualifications will not be opened and may be returned to the vendor at the expense of the vendor or destroyed if requested.

PAYMENT TERMS: All payment terms will be computed from the date of delivery of supplies or services OR receipt of a properly executed invoice, whichever is later. Unless otherwise noted in the solicitation document, the County is allowed 30 days to pay such invoices. All contractors will be required to provide banking information at the time of contract execution in order to facilitate County electronic funds transfer payments.

RECIPROCAL PREFERENCE: The County applies a reciprocal preference against a vendor submitting a bid from a state or country that grants a residency preference to its resident businesses. Such reciprocal preference is applied only to competitively bid projects for construction, repair, or maintenance of a building, road, or bridge in excess of \$50,000.

REGISTRATION WITH THE SECRETARY OF STATE: Any business intending to transact business in Montana must register with the Secretary of State. Businesses that are incorporated in another state or country, but which are conducting activity in Montana, must determine whether they are

transacting business in Montana in accordance with MCA 35-1-1026 and MCA 35-8-1001. Such businesses may want to obtain the guidance of their attorney or accountant to determine whether their activity is considered transacting business.

If businesses determine that they are transacting business in Montana, they must register with the Secretary of State and obtain a certificate of authority to demonstrate that they are in good standing in Montana. To obtain registration materials, call the Office of the Secretary of State at (406) 444-3665, or visit their website at <http://sos.mt.gov>.

SEPARABILITY CLAUSE: A declaration by any court, or any other binding legal source, that any provision of the contract is illegal and void shall not affect the legality and enforceability of any other provision of the contract, unless the provisions are mutually dependent.

SHIPPING: Supplies shall be shipped prepaid, F.O.B. Destination, unless the contract specifies otherwise.

SOLICITATION DOCUMENT EXAMINATION: Vendors shall promptly notify the County of any ambiguity, inconsistency, or error which they may discover upon examination of a solicitation document.

TAX EXEMPTION: Missoula County is exempt from Federal Excise Taxes (#81-6001397).

TERMINATION OF CONTRACT: Unless otherwise stated, the County may, by written notice to the contractor, terminate the contract in whole or in part at any time the contractor fails to perform the contract.

UNAVAILABILITY OF FUNDING: The contracting department, at its sole discretion, may terminate or reduce the scope of the contract if available funding is reduced for any reason.

U.S. FUNDS: All prices and payments must be in U.S. dollars.

VENUE: This solicitation is governed by the laws of Montana. The parties agree that any litigation concerning this bid, request for Submission, limited solicitation, or subsequent contract, must be brought in the Fourth Judicial District in and for the County of Missoula, State of Montana, and each party shall pay its own costs and attorney fees.

WARRANTIES: The contractor warrants that items offered will conform to the specifications requested, to be fit and sufficient for the purpose manufactured, of good material and workmanship, and free from defect. Items offered must be new and unused and of the latest model or manufacture, unless otherwise specified by the County. They shall be equal in quality and performance to those indicated herein. Descriptions used herein are specified solely for the purpose of indicating standards of quality, performance, and/or use desired. Exceptions will be rejected.