



MISSOULA COUNTY REQUEST FOR QUALIFICATIONS (RFQ)

RFQ Title: Public Participation and Engagement Services – Planning, Development & Sustainability Department

RFQ Due Date and Time: July 2nd, 2026 @ 5:00 p.m.

ISSUING DEPARTMENT INFORMATION

Procurement Officer: Lester Bracey, Missoula County Auditor and Procurement Officer	Issue Date: <u>June 9th, 2026</u>
Procurement Officer Address: Missoula County 199 W Pine St Missoula, MT 59802	Procurement Officer Email and Telephone Number: lbracey@missoulacounty.us (406) 258-3526

OFFEROR SUBMITTAL INSTRUCTIONS

Return Submission to: Lester Bracey, Missoula County Auditor lbracey@missoulacounty.us	Subject Line Must Be Titled: Public Participation and Engagement Services – Planning, Development & Sustainability Department RFQ Response Due Date: <u>July 2nd @ 5:00 p.m.</u>
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OFFEROR CONTACT INFORMATION AND AUTHORIZATION

Offeror Name/Address:	Authorized Offeror Signature:
	<small>Print name and sign in ink.</small>
Offeror Phone Number:	Offeror FAX Number:
Offeror Email Address:	

OFFERORS MUST RETURN THIS COVER SHEET WITH RFQ RESPONSE

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	June 9 th , 2026
Deadline for submitting written questions	June 16 th , 2026 at 5:00 p.m.
Written responses posted to County website	June 23 rd , 2026 at 5:00 p.m.
RFQ response due date	July 2 nd , 2026 at 5:00 p.m.
Offeror interviews	If necessary, July 13-17, 2026
Possible RFP process	TBD
Contract award	TBD (target date of July 31 st , 2026, no later than August 28 th , 2026)

SECTION 1 - RFQ OVERVIEW

INTRODUCTION

Missoula County (County) is in the beginning stages of developing a countywide comprehensive plan for the unincorporated parts of Missoula County. [Unincorporated areas](#) (External link) include anywhere outside Missoula city limits but within Missoula County. The comprehensive planning document currently in use was adopted in 2016, with a substantial amendment in 2019 that focused on the Missoula urban area and a neighborhood plan amendment for the Swan Valley adopted in winter of 2026. The process of updating the plan will be a two-year process that will likely continue into 2027. The comprehensive plan update will address both the requirements of the Montana Land Use Planning Act (MLUPA) in MCA 76-25-201 as well as Montana's more traditional framework for growth policies in MCA 76-1-601.

The County is completing Phase I, the existing conditions report and initiating Phase II, the public engagement phase. We are seeking qualified planning firms with expertise in public engagement and outreach for land use planning efforts. The County seeks an experienced consultant who understands the complexity of county governance, particularly in the western United States and demonstrates ample experience working in rural areas.

An innovative and robust public-engagement strategy is integral to the Plan's success. The strategy will primarily focus on the communities, neighborhoods and rural areas that make up the unincorporated county. The public engagement strategy should be focused on in-person efforts and be multifaceted to reach diverse populations using a variety of methods. Particularly important is engagement with landowners, community councils, advisory boards, rural service providers, community groups and civic organizations.

Additional public participation and engagement needs are anticipated but will depend on funding and other needs.

This RFQ does not commit the Owner to enter an agreement, to pay expenses incurred in preparing a response to this request, or to procure or contract for supplies, goods, or services. The Owner reserves the right to accept or reject any and all responses received as a result of the RFQ, if it is in the Owner's best interest to do so.

Missoula County reserves the right to waive any and all irregularities or informalities, and to determine what constitutes any and all irregularities and informalities.

This procurement is governed by the Missoula County Purchasing and Contracts Policy and the laws of the state of Montana. The venue for all legal proceeding will be the Fourth Judicial District, Missoula County.

CONTRACT PERIOD

The selected proposing firms will be contracted for public participation and engagement services using Missoula County's Professional Service Agreement, an example of this agreement is located online at <https://www.missoulacounty.gov/departments/auditor/forms-resources/>.

There may be a subsequent step in the procurement process wherein finalists for the RFQ are asked to respond to an RFP prior to final selection and establishing a contract.

The Owner anticipates entering into a contract as soon as possible, as soon as **July 31st, 2026** and no later than **August 28th, 2026**. The contract period will end no later than **December 31st, 2027** (excludes warranty period).

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, Missoula County Auditor E-mail Address: lbracey@missoulacounty.us
Phone: 406.258.3526

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 **June 16th, 2026 at 5:00 p.m.** 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 **June 23th, 2026 at 5:00 p.m.** 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. Please note exhibits are included as part of this RFQ and are posted on the County website: [Exhibit A – Missoula County Growth Policy](#).

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 4 and 5 state 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 available at <https://www.missoulacounty.gov/media/dspfs5q/msla-county-affidavit-for-trade-secret-confidentiality.pdf>

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 proposal is inadequate as measured by criteria stated in the RFQ;
- The proposal 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;
- Planning and construction experience;
- Construction projects on an occupied site;
- 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 4**. 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

Project Background

Missoula County (County) is in the beginning stages of developing a countywide comprehensive plan for the unincorporated parts of Missoula County. [Unincorporated areas](#) (External link) include anywhere outside Missoula city limits but within Missoula County. The County originally adopted a comprehensive plan in 1975, and the comprehensive planning document currently in use was adopted in 2016, with a substantial amendment in 2019 that focused on the Missoula urban area and a neighborhood plan amendment for the Swan Valley adopted in winter of 2026. The process of updating the plan will be a two-year process that will likely continue into 2027. The comprehensive plan update will address both the requirements of the Montana Land Use Planning Act (MLUPA) in MCA 76-25-201 as well as Montana’s more traditional framework for growth policies in MCA 76-1-601.

Comprehensive plans (or growth policies, as they are sometimes referred to in state law) outlines policies and projects intended to guide future change in the County across a range of topics: housing, transportation, economic development and natural resource conservation, among others. One of the most important topics in creating a new comprehensive plan is land use and development. The comprehensive plan will consider the impacts of development on nearby properties, the natural environment and public services. The comprehensive plan has a land-use map, which establishes land-use designations that identify locations found to be appropriate for a range of land uses and development densities. These designations are not regulatory, but they establish a

vision and parameters that future regulations, such as zoning, must adhere to. The land-use map that the County currently uses consists of a patchwork of land-use maps. Some of these maps were created when neighborhood or areas plans developed; other maps date all the way back to the County's first comprehensive plan in 1975. The County is completing Phase I, the existing conditions report and initiating Phase II, the public engagement phase. We are seeking qualified planning firms with expertise in public engagement and outreach for land use planning efforts. The County seeks an experienced consultant who understands the complexity of county governance, particularly in the western United States and demonstrates ample experience working in rural areas.

An innovative and robust public-engagement strategy is integral to the Plan's success. The strategy will primarily focus on the communities, neighborhoods and rural areas that make up the unincorporated county. The public engagement strategy should be focused on in-person efforts and be multifaceted to reach diverse populations using a variety of methods. Particularly important is engagement with landowners, community councils, advisory boards, rural service providers, community groups and civic organizations.

Additional public participation and engagement needs are anticipated but will depend on funding and other needs.

Scope of Services

Scope of Services I: Comprehensive Plan Update

Missoula County (Owner) is developing a list of qualified land use planning firms to provide a variety of public participation and engagement services to the County on an as-needed basis to augment its in-house efforts. Firms are encouraged to submit proposals on all or part of the services below.

Strategy development: Development of strategy, key messages and content to deliver via multiple channels regarding complex and sometimes difficult topics such as growth and development.

Finalize a public participation plan: In compliance with MLUPA, the county has drafted a public participation plan but will finalize it with activities and strategies proposed by the consultant.

Public meeting and open houses: Holding one or more series of in-person public meetings and open houses to engage and involve residents.

Mapping workshops: A focus of this comprehensive plan update will be updating the County's future land use maps, especially in areas where this information is particularly old and in need of revision. In person workshops are anticipated to fill this role but mapping may be informed or supplemented by other forms of in-person or digital engagement.

Small group meetings: Engaging with County residents in their communities is key to successful public participation. Meetings with civic groups, local boards and pop-up events are envisioned to help fill this role. While County staff are anticipated to attend unplanned or unanticipated community events, the consultant should consider and integrate this form of engagement.

Online and/or mail in surveys: The county would like to explore survey options, including the implementation of a statistically valid mail-in survey.

Graphics, cartography and digital creative services: Digital-world-oriented graphic design and cartography for publications that can stand alone on paper or as website information pieces. While the County maintains its own digital engagement portal, it can be complemented by other online engagement tools.

Documentation and outreach report: Rigorously documenting and tracking outreach will be critically important to the success of the project. The consultant will document and summarize the engagement process near the conclusion of the process.

The consultant should consider a phased approach that involves initial engagement (information gathering, mapping, etc.) and pre-public hearing public review of a draft plan (sharing the plan to confirm that reflects a community's vision, values and priorities).

Missoula County staff will lead the overall project. The County has a well-established digital engagement platform, the Missoula County Voice which will remain the primary portal for engagement. However, the Voice can be supplemented with digital tools for sharing and gathering information (such as ArcGIS Hub), surveys, mapping and storytelling. Design and branding for the plan has largely been established by staff and prior consultant work. Drafting and development of the plan will be done by staff. Adoption of the plan and any statutory or governing body hearings will be led by staff.

Scope of Services II: Other planning-related public participation and engagement services

The County is interested in having additional tasks and services provided, depending on cost and need.

1. Public participation and outreach in support of the development of land use regulations to implement the plan.
2. Public participation and outreach in support of updates to the Targeted Economic Development Districts' Comprehensive Development Plans.

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:

Company Profile, Experience and Proposed Personnel (40 Points)

1. Introductory letter and statement of interest in the project, including the firm name, address, and principal contact for this RFQ
2. A resume or summary of qualifications of the proposed public engagement team for this project, please include consultants. Those listed on the resume/qualifications summary must also be those implementing the project.
 - a. Experience level of key personnel assigned to work on the project
 - b. Demonstrate past performance for Missoula County and/or similar rural communities or counties

Project Approach (40 points)

3. Provide examples of successfully designing and managing planning and public engagement projects of similar scope and complexity.
4. Demonstrate ability to utilize ingenuity and creativity in public participation and engagement.

Project Administration and Timeline (20 Points)

5. Company/firm ability to be available to meet the timeline noted in the contract period section (see page 3 of RFQ). The County is desiring to contract a firm immediately after RFQ selection with contract going through an expected completion window of Winter of 2027.

RFQ responses by the offeror should be limited to no more than 10 pages.

Interviews

The Owner reserves the right to conduct interviews. If the County chooses to interview, the offeror's key personnel for this project must be available for the interview. Those interviewing must also be those implementing the project. Firms selected for interviews should anticipate the interviews to be held in the window identified in the RFQ timeline.

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 – EVALUATION PROCESS

The selection committee will review and evaluate the Statements of Qualifications according to the criteria listed below, based on a total number of **100** points (**125** points if interviews are determined to be necessary).

EVALUATION CRITERIA

Company Profile and Experience of Proposed Personnel	40 Points
Project Approach	40 points
Project Administration and Timeline	20 Points
Interviews (if needed)	25 Points

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.