

**TREMONTON CITY REQUEST FOR STATEMENT OF QUALIFICATIONS FOR  
ECONOMIC DEVELOPMENT CONSULTANT**

August 13, 2024

Statements of Qualifications are due by:

**Friday, September 20, 2024  
5:00 p.m.**

SEND OR DELIVER SIX (6) COPIES OF THE STATEMENT OF QUALIFICATIONS TO:

City Recorder's Office  
Cynthia Nelson, City Recorder  
102 South Tremont Street  
Tremonton, UT 84337

SEND TECHNICAL INQUIRIES TO:

Bill Cobabe, City Manager  
102 South Tremont Street  
Tremonton, UT 84337  
Phone: 435-257-9486  
Email: [bcobabe@tremontoncity.com](mailto:bcobabe@tremontoncity.com)

***IMPORTANT NOTICE TO ALL RESPONDENTS: Tremonton City reserves the right to: disqualify incomplete Statement of Qualifications, waive minor defects as it deems applicable in the written Statement of Qualifications, request additional information from any respondent, change or modify the scope of the project at any time without penalty, negotiate terms with one or more of the Respondents, reject any or all Statement of Qualifications, without penalty, and take any steps necessary to act in the city's best interest. The city also reserves the unilateral right to order, in writing, changes in the work within the scope of services and changes in the time of performance of the services. Statement of Qualifications will not be considered for award if received by Tremonton City after the official closing date and time.***

## **PART I – SERVICES.**

### REQUEST FOR STATEMENT OF QUALIFICATIONS

Tremonton City is requesting Economic Development Consultants to submit a Statement of Qualifications to provide professional services for the coordination and promotion of economic development in the city.

Applicants must have a proven track record of working with municipalities to promote economic development, including attracting new businesses, retaining existing businesses, helping navigate through grant writing processes, working with RDAs and other incentive programs, and extensive knowledge of the requirements and regulations surrounding State and local ordinances and codes. Applicants must also have the experience necessary to create and maintain relationships with local businesses, regional and national scale companies, and property owners. Further, applicants must also know how to work with elected officials, city staff and other governmental groups and organizations, and community residents and stakeholders.

### INTRODUCTION

Tremonton City, a full-service city in northern Utah, has seen tremendous growth in the past 20 years, making it one of the fastest growing communities in the region. With a population of around 12,000 residents, the community is expected to continue to grow as regional economic development occurs, bringing in new jobs and opportunities for businesses to succeed. City sales tax revenues continue to see growth year over year, with annual revenues for 2023-2024 exceeding \$3 million. The city is concerned about maintaining the current businesses and their relationships with the city, while actively recruiting additional businesses that will complement our current economic environment and diversify the types and sizes of businesses in the city. The city is also interested in attracting companies to the city that will provide jobs for the city's population.

### SCOPE OF SERVICES

Tremonton City is requesting an Economic Development Consultant to perform the primary services, which include the following:

#### **Administration:**

- Coordinate economic development operations, draft standard operating procedures within job function, utilize and supervise volunteers, and special job programs.
- Analyze existing economic situations relative to business attraction and expansion; review modern techniques for business attraction and retention, resolves sensitive and controversial issues through the City Council; monitor program performance and report monthly the status to the City Council.
- Create an updated action plan, to be known as the Tremonton Economic Development Strategic Plan, including a specific set of actionable items

demonstrating results and leading to better coordinated economic development efforts in the city.

- Develop and maintain effective communication and coordination with Federal, State, and local economic development organizations or agencies and establish strong working relationships for economic development purposes including researching and procuring grants.
- Directs and performs work to help businesses relocate, expand, and develop in Tremonton City to include increasing capital investment and expanding and diversifying employment opportunities.
- Responds to solicitations from businesses in and out of Tremonton City wishing to expand into the city and help facilitate the expansion.
- Serve as a resource for local businesses and stakeholders, including the development community, property owners, business community organizations, and the public in their development efforts.
- Attends professional organization meetings to promote economic growth and business development within Box Elder County. Participates in economic development events in the region.
- Maintains database for all local resources for targeted tourism, business industry, and other target industries identified in the Tremonton Economic Development Strategic Plan.
- Plan and implement a public relations and education program for communicating existing and proposed tourism and economic conditions.

#### **Planning and Research:**

- Review and develop periodic updates for the Tremonton Economic Development Strategic Plan by researching, assessing, and evaluating programs and recommending plan modifications as approved by the City Council.
- Identify and utilize all local, State, and Federal resources including available grants to meet the goals of the Tremonton Economic Development Strategic Plan, and coordinate efforts with related city, county, regional, and state organizations in the process.
- Review and analyze any government regulations or legislation that may affect local business and industry.
- Take necessary steps utilizing existing laws to inform the public and develop an action plan to benefit county tourism and the business community.

#### **Business/Industry Recruitment and Expansion:**

- Inventory and review existing businesses to determine their needs and potential for future expansion, making them aware of programs available for assistance, including the State of Utah programs such as Enterprise Zones, Opportunity Zones, Mega Sites, Inland Port, and others.
- Work closely with the State and Association of Governments (AOG) to recruit any new developments, startups, or relocation companies that meet the requirements of the Economic Development Strategic Plan.
- Submit RFI's for projects that meet the goals of the Economic Development Strategic Plan.

- Create an information booklet and/or brochure for recruitment of new business/industry distributing to leads supplied through the AOG and State Economic Development offices.
- Attend business/industry trade shows that could prove beneficial to local recruitment efforts.
- Provide necessary information to help update the city's website to update business/industry expansion and recruitment.
- Other duties as agreed upon by the parties.

### MINIMUM QUALIFICATIONS

1. Education and Experience:
  - A. Bachelor's degree in business, planning, marketing, communications, economics, or related degree from an accredited college or university.  
AND
  - B. Eight (8) years of responsible experience performing above or related duties  
OR
  - C. An equivalent combination of education and experience.
2. Required Knowledge, Skills, and Abilities:  
Thorough knowledge of federal and state agency regulations as they apply to public land use; the relationship between factors affecting rural and urban planning policy, such as economic, political, sociological, legal, etc., procedures and processes used in the establishment of codes and ordinances; political, legal and governmental processes affecting various permitting programs and project management; grant application processes; knowledge of principles and practices of public administration, including budgeting, purchasing, and maintenance of public records; principals of supervision and workflow management.

Considerable skill in the art of diplomacy and cooperative problem solving, marketing and advertising, advanced computer skills, particularly in desktop publishing, and spreadsheets. Strong skills in developing and teaching business plans. Strong understanding of labor laws and employment issues for local businesses.

Ability to understand, interpret, and explain relevant state and federal regulations; ability to process information from multiple sources, recognize possible negative or positive economic impact of pending legislation; exercise sound judgment within general policy guidelines; prepare concise and comprehensive reports and studies; communicate effectively in verbal and writing forms; read and interpret plans and specifications; prepare media releases; perform advanced mathematical calculations and be able to break down numbers into easily understood formats; develop and maintain effective working relationships with elected officials, federal agencies, state agencies, local governments, subordinates, and the public.

## TIMEFRAME

The city is looking at a part time contractual relationship with a qualified company or individual to provide these services. The time involved is anticipated to be around 20 hours per week, and no other benefits or obligations on the part of the city are implied in this contractual agreement. The city is looking for a year-long contract to begin with, with the possibility of an extension if measures are being met and improvements are seen. The city will begin the contract period starting October 1, 2024, and will end on September 30, 2025, unless extended by the parties.

Tremontion City reserves the right to immediately terminate the relationship with the Economic Development Contractor at any time for the convenience of Tremontion City, without penalty or recourse, by giving written notice. It is the city's intent to establish a partnership with the Economic Development Contractor to provide services for a longer period of time.

## COMPENSATION

Tremontion City will compensate the Economic Development Contractor according to a compensation plan to be determined and negotiated between the city and the Economic Development Contractor. This will involve a portion to be paid by the city as a base fee, together with a negotiated portion of demonstrated sales tax and/or ad valorem increases to the city's revenue.

## **PART II – RESPONDING TO REQUEST FOR STATEMENT OF QUALIFICATIONS.**

### STATEMENT OF QUALIFICATIONS DEADLINE

Please send or deliver six (6) copies of Statement of Qualifications in a sealed envelope properly addressed to Tremontion City care of Cynthia Nelson and clearly marked with 1) "Sealed Statement of Qualifications for Economic Development Contractor" and 2) Economic Development Contractor's name and address on the envelope. Tremontion City will not be responsible for late delivery of improperly addressed envelopes. All Statements of Qualifications must be completed in ink or typewritten. Fax and email copies will not be accepted. Responses must be received in the Tremontion City Recorder's Office for consideration no later than **5:00 p.m., Friday September 20, 2024**. Statements of Qualifications received after this date will be disqualified regardless of postmark. All materials become the property of Tremontion City and may be returned at Tremontion City's option.

### STATEMENT OF QUALIFICATIONS OPENINGS

Statement of Qualifications shall be opened in private by two representatives from the Recorder's Office. The statements shall not become public information until after the selection has been made.

### INSTRUCTION FOR RESPONDING TO THIS REQUEST FOR STATEMENTS OF QUALIFICATIONS

It is incumbent upon each Respondent to carefully examine these specifications, terms, and conditions contained in this document. Any clarification or additional information shall be made

in writing to the appropriate person called out on the cover page. When appropriate, the city will respond through written means.

If it becomes necessary to revise or amend any part of this Request for Statements of Qualifications, notice will be given to all Respondents who are registered. To register please send an email to [cnelson@tremontontcity.com](mailto:cnelson@tremontontcity.com) with contact information sufficient to forward any amendments. Respondents must acknowledge receipt of the amendment in their Statement of Qualifications. Each Respondent should ensure that they have received all amendments to this Request for Statement of Qualifications before submitting their Statement of Qualifications. Please check the Tremonton City web site at [www.tremontontcity.org](http://www.tremontontcity.org) for any amendments.

### QUALIFICATION STATEMENTS

The Statement of Qualifications shall be limited to 15 printed pages, single or double spaced, one side of the printed sheet only. Submitted Statements of Qualifications are preferred in the following format:

- I. Letter of Transmittal
- II. Executive Summary
- III. Detailed Discussion

The Respondent may add additional information (printed pages) in an appendix for which there is no page limit; however, the city's emphasis in reviewing the Statements of Qualifications will be on the first 15 pages.

Statements of Qualifications shall include, but not be limited to, the following contents:

- **Request Services.** Explanation of Economic Development Contractor's ability to provide and the quality of services offered requested in the "Scope of Services" contained in Part I – Services and any offered ancillary services provided by the Economic Development Contractor.
- **Areas of Consideration in the Selection Process.** Explanation of Economic Development Contractor's ability to meet the "Areas of Consideration in the Selection Process" contained in Part III – Selection Process.
- **Personnel Qualifications.** Identify and provide a summary of the primary people assigned and responsible for Tremonton City's account. Include a Bio of the person or persons and the respective assigned responsibility to the account. Please include a description of the background and experience of each individual. Bio should include the number of years performing this service, education, certifications, licenses, etc.
- **Cost Containment.** Summary of ideas or strategies for the proposed compensation package.
- **Tools and Resources.** Describe Economic Development Contractor's qualifications, tools, and resources that will be used to help Tremonton City evaluate and manage dealings with businesses, property owners, and other stakeholders.
- **Experience with Other Communities.** Describe Economic Development Contractor's experience with the economic development in current contracts/dealings with other communities.

- **Contractual Relationships.** Describe in general terms any contractual relationship that the Economic Development Contractor may have with other communities that may threaten their independence to act within Tremonton City's best interest.
- **Compliance & Monitoring Qualifications.** Describe Brokerage's process of providing due diligence and compliance evaluation when complying with Federal and State benefit legislation. Describe Economic Development Contractor's resources and process to monitor ongoing state and federal changes and how the Economic Development Contractor would keep Tremonton City apprised of these changes.
- **Mandates & Trends.** Identify Economic Development Contractor's resources to identify state mandates, market trends, benchmarking data, as well as on a national basis.
- **List of Clients.** A list of clients for which the Economic Development Contractor has provided services, especially local governments and other political subdivisions. For each client, please list the services provided and businesses and/or companies assisted.
- **References.** Provide at least eight references of current clients in which Economic Development Contractor provides services. Provide for each reference: Name of city, number of employees, contact name and title, address, and telephone number.
- **Unique Services.** Outline unique services that qualify Economic Development Contractor to serve Tremonton City.
- **Example of Analysis Report.** Provide examples of any financial analysis reports that the Economic Development Contractor will provide to Tremonton City to assist in the understanding of and increased potential for economic development in Tremonton City.
- **Professional Licenses.** Provide copies of professional licenses for each individual assigned to Tremonton City.
- **Public Record Law Forms.** Provide completed FORM 1 Public Records Law that is contained in this document.

#### ACKNOWLEDGMENT

By the Respondents submission of a Statement of Qualifications to Tremonton City, the Respondent is acknowledging that they understand and accept the terms contained in this Request for Statements of Qualifications.

**FORM 1 Public Records Law**

THIS FORM MUST BE COMPLETED AND RETURNED WITH STATEMENT OF QUALIFICATIONS

Upon selection of the Economic Development Contractor, submittals become "public records" and shall be subject to public disclosure consistent with the Government Records Access and Management Act. Those who submit must invoke the exemptions to disclosure provided by law in the response to the solicitation and must identify the data or other materials to be protected and must state the reasons why such exclusion from public disclosure is necessary.

If you submit information exempt from public disclosure, you must identify with specificity which page(s)/paragraph(s) of your Statement of Qualifications package is (are) exempt from the Government Records Access and Management Act and identify the specific exemption section that applies to each. The protected information must be submitted to the city in a separate envelope marked accordingly. By submitting an offer in response to this solicitation, you specifically agree to defend and indemnify Tremonton City, City Council, and its officers, employees and agents, and hold them harmless from any claim or liability and defend any action brought against them for their refusal to disclose copyrighted material, trade secrets or other proprietary information to any person making a request therefore.

Company Name: \_\_\_\_\_

Authorized representative (printed): \_\_\_\_\_

Authorized representative (signature): \_\_\_\_\_

Date: \_\_\_\_\_

## **PART III – SELECTION PROCESS.**

### SELECTION SCHEDULE

Each Statement of Qualifications will be reviewed by a Selection Committee determined by the mayor that may include, but is not limited to, elected officials, city staff members, and invitees of the city. The Selection Committee will evaluate the Statements of Qualifications on the considerations contained in this document. The Selection Committee may conduct interviews with the top Respondents. A recommendation from this Selection Committee will be forwarded to the City Council for the final selection of an Economic Development Contractor. The City Council may also elect to conduct several interviews with the top Respondents.

### AREAS OF CONSIDERATION IN THE SELECTION PROCESS

The selection of the successful Economic Development Contractor will be based upon, but not limited to, the following criteria listed below, in no particular order of importance:

- Demonstrated ability to provide and the quality of services offered by the Economic Development Contractor as enumerated in the "Scope of Services" contained in Part I – Services.
- Economic Development Contractor's willingness to take the negotiated commissions as a portion of their compensation for services provided to the city.
- Overall program approach in managing and/or enhancing Tremonton City's economic development goals.
- Demonstrated ability to negotiate deals, grants, and other assistance for past clients.
- The independence of an Economic Development Contractor to act within the city's best interest.
- Personnel assigned to Tremonton City's account, their experience and qualifications, and demonstrated abilities. Demonstrated accessibility to all personnel assigned to Tremonton City's account.
- Demonstrated ability to provide the city with reports concerning trends, utilization, costs, and other services associated with the city's Economic Development Strategic Plan.
- Demonstrated ability and materials typically provided to educate stakeholders on the Economic Development Strategic Plan.
- Demonstrated ability to be an advocate for Tremonton City in working with businesses, State and local entities, and other stakeholders.
- Demonstrated ability to notify and provide information and training to the city's administration on pending or new legislation and changes in laws, as well as grants and funding trends that may affect the Economic Development Strategic Plan.
- Determination of meeting all the requirements contained in Part IV – Requirements/Standards Governing Statements of Qualifications.
- The Economic Development Contractor's recent experience with providing services of similar size and scope to other entities (governmental entities experience preferred).
- The Economic Development Contractor's ability to establish an effective working relationship with clients and satisfaction of client(s).
- All other criteria deemed pertinent by the Selection Committee and City Council in review of the Statements of Qualifications.

- Compliance requested and information provided in this document.
- Professional licenses required to perform work on behalf of Tremonton City.
- Understanding of Tremonton City's future needs.
- Demonstrated attention to detail.
- Offered ancillary services provided by the Economic Development Contractor.
- Other considerations as determined by the Selection Committee and City Council.

#### DISCLAIMER

Tremonton City reserves the right to disqualify incomplete Statements of Qualifications, waive minor defects, as it deems applicable, in the Statement of Qualifications, to request additional information from any Respondent, change or modify the scope of the project at anytime, without any penalty, negotiate with one or more of the Respondents, reject any or all Statements of Qualifications, without a penalty, and take any steps necessary to act in the city's best interest.

Though not likely, Tremonton City reserves the right to award the Economic Development Contractor by line item or not at all.

Tremonton City reserves the right to terminate the relationship with the Economic Development Contractor at any time for the convenience of Tremonton City, without penalty or recourse, by giving written notice to the selected Economic Development Contractor.

Tremonton City shall not provide any reimbursement for the cost of developing or presenting materials in response to this Request for Statement of Qualifications.

**PART IV – REQUIREMENTS/STANDARDS GOVERNING STATEMENT OF QUALIFICATIONS.**

SCOPE: The following terms and conditions, included in Part IV – Requirements/Standards Governing Statement of Qualifications, shall govern the submission of Statement of Qualifications. Any conflict with the terms and conditions contained in Part IV – Requirements/Standards Governing Statement of Qualifications and any other document shall be controlled by the stricter term or condition. The city reserves the right to reject any Statement of Qualifications, which takes exception to the terms or conditions in this document.

COMPLETING STATEMENTS OF QUALIFICATIONS: Statements of Qualifications must be submitted with the required forms herein and all forms must be completed in accordance with the instructions. Any and all corrections and/or erasures must be initialed and dated by the Respondent. Each Statement of Qualifications must be manually signed in ink by an authorized Respondent and all required information must be provided. Each Respondent may submit only one (1) Statement of Qualifications.

CONFIDENTIALITY OF STATEMENTS OF QUALIFICATIONS INFORMATION: Each Statement of Qualifications must be securely sealed to provide confidentiality of the Statement of Qualification information prior to the time when the information becomes public. The submitted Statement of Qualifications envelope must be prominently marked in the lower left-hand corner "Sealed Statement of Qualifications for Economic Development Contractor". Failure to mark Statement of Qualifications envelopes as required is cause for rejection of the Statement of Qualifications submission, at the city's election, as it may be inadvertently opened as routine correspondence prior to the time and date set for the Statement of Qualifications submission.

All Statements of Qualifications become public information after the Statements of Qualifications are opened and are available for inspection by the general public at the appropriate time in accordance with the Government Records Access and Management Act.

REQUEST FOR INFORMATION: Any request for clarification or additional information deemed necessary by any Respondent to present a proper Statement of Qualifications shall be submitted in writing to Tremonton City, 102 S. Tremont St., Tremonton UT 84337. To be considered, any such request must be received in time to allow the city sufficient time to prepare and disseminate a written response. When appropriate, as determined at the sole discretion of Tremonton City, valid requests received in accordance with the foregoing will be responded to in writing from the city in the form of an addendum addressed to all prospective Respondents.

ADDENDUM: All changes in connection with this request for Statements of Qualifications will be issued by the city in the form of a written addendum. Signed acknowledgment of receipt of each addendum should be submitted with the Statement of Qualifications response.

TAX EXEMPT: Tremonton City is exempt from federal and state taxes. DO NOT include taxes in the Statement of Qualifications.

CONDITIONAL STATEMENT OF QUALIFICATIONS: A Conditional Statement of Qualifications is subject to rejection in whole, or in part, at the sole discretion of Tremonton City.

**LATE STATEMENTS OF QUALIFICATIONS AND MODIFICATIONS OR WITHDRAWALS:** Statements of Qualifications received after the date and time indicated on the cover sheet shall not be considered and may be returned (unopened if sealed) if the Respondent is identified on the Statement of Qualifications envelope. Statement of Qualifications may be withdrawn or modified in writing prior to the Statement of Qualifications submission deadline. Statements of Qualifications that are resubmitted or modified must be sealed and submitted to the city prior to the Statement of Qualifications submission deadline. After the Statement of Qualifications opening, no changes in Statements of Qualifications or other provisions of Statements of Qualifications prejudicial to the interest of the city or fair competition shall be permitted.

**STATEMENT OF QUALIFICATIONS BINDING:** All Statements of Qualifications submitted shall be binding upon the Respondent if accepted by Tremonton City within ninety (90) calendar days of the Statement of Qualifications submission date. Negligence upon the part of the Respondent in preparing the Statement of Qualifications confers no right of withdrawal after the submission deadline of Statements of Qualifications.

**NEGOTIATION:** The city reserves the right to negotiate any and all elements of this Statement of Qualifications.

**TIME LIMIT:** The Respondent must successfully execute or take the necessary action required by the city within the specified time after the city's notification. If the Respondent fails to execute or take the necessary action within the required time, award to that Respondent may be withdrawn and an award may be made to another Respondent.

**CODES AND REGULATIONS:** All deliverables and work within the scope of this request shall be completed by the Respondent in conformance with all applicable codes and regulations.

**SAFETY:** All practices and goods furnished as a result of this request shall comply with the federal Occupational Safety and Health Act, as well as any pertinent federal, state and/or local safety or environment codes.

**NON-LIABILITY:** The Respondent shall not be liable for delay or failure to deliver services when such delay or failure is the result of fire, flood, strike, act of God, act of government, act of an alien enemy or by any other circumstances which, in Tremonton City's opinion, is beyond the control of the Respondent. Under such circumstances, however, Tremonton City may cancel the relationship if such an action is deemed to be in the best interest of the city.

**ASSIGNMENT OF RIGHTS:** Successful Respondent shall not assign, transfer, convey or otherwise dispose of any rights derived from this request or its right, title, or interest in or to the same, or any part thereof, without the previous written consent of Tremonton City.

**COLLUSIVE STATEMENT OF QUALIFICATIONS:** The Respondent certifies, by submission of a Statement of Qualifications, that their Statement of Qualifications is made without any previous understanding, agreement, or connection with any person, firm, or corporation making a Statement of Qualifications for the same products or services with prior knowledge of competitive prices, and is in all respects fair, without outside control, collusion, fraud or otherwise illegal action. Any evidence of collusion among Respondents and prospective

Respondents acting to illegally restrain freedom of competition by agreement to offer a fixed price, or otherwise, will render the Statement of Qualifications of such Respondent(s) void.

**CONFLICT OF INTEREST:** The award hereunder is subject to provisions of Utah State Statutes and Tremonton City ordinances and policies. All Respondents must disclose with their Statement of Qualifications the name of any officer, director, or agent who is also an employee or official of Tremonton City, Utah. Further, all Respondents must disclose the name of any Tremonton City employee or official who owns, directly or indirectly, any interest in the Respondent's firm or any of its branches.

No person involved in making the award decisions may have personal investments in any business entity that will create a substantial conflict between their private interests and their public duties. Any person involved in making procurement decisions is guilty of a felony if the person asks, receives, or offers to receive any emolument, gratuity, contribution, loan, or reward, or any promise thereof, either for the person's own use or the use of benefit of any other person or organization from any person or organization interested in selling to the city.

**DISCLAIMER OF LIABILITY:** Tremonton City or any of its agencies will not hold harmless or indemnify any Respondent for any liability whatsoever.

**HOLD HARMLESS:** The Respondent agrees to protect, defend, indemnify, and hold Tremonton City, and its officers, council members, commissioners, employees and agents free and harmless from and against any and all losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities of every kind and character resulting from the error, omission, or negligent act of the Respondent, its agents, employees or representatives, in the performance of the Respondent duties under any agreement resulting from award of this Statement of Qualifications. The Respondent further shall agree to investigate, handle, respond to, provide defenses for and defend any such claims, etc., even if such claim is groundless, false or fraudulent.

**INSURANCES:** The Respondents awarded the work shall provide evidence that they have acquired and maintain comprehensive general liability coverage, including liability insurance covering the work concerned. Tremonton City and its officials, employees, and agents must be named as "additional insured" on the liability insurance policy. Tremonton City shall require evidence of Workers Compensation insurance (or evidence of qualified self-insurance) from all Respondents awarded the work. Tremonton City shall have the contractor show evidence of the contractor's Workers Compensation coverage to Tremonton City.

**ANTI-DISCRIMINATION CLAUSE:** No Respondent on this Statement of Qualifications request shall in any way, directly or indirectly, discriminate against any person because of age, race, color, handicap, sex, national origin, or religious creed.

**ACCURACY OF STATEMENT OF QUALIFICATIONS:** It is necessary that any and all information presented is accurate and will be that by which the Respondent will complete the services associated with this request.

**PUBLIC RECORD:** Tremonton City is governed by the Government Records Access and Management Act (except from exemptions allowed by state law). Respondent's information or

data pertinent to the Statement of Qualifications that is of a confidential nature must be bound and placed in a separate sealed envelope and included with each copy of the Respondent's Statement of Qualifications. Tremonton City requests that a minimum amount of confidential material be used by the Respondent in preparing responses to the Statement of Qualifications. Materials consisting merely of general descriptive information will not be considered confidential under any circumstances.

**SUBSTITUTIONS:** No substitutions will be accepted for goods proposed after award, without the prior approval of Tremonton City.

**DISCOUNTS:** Any and all discounts must be incorporated as a reduction in the Statement of Qualifications price and not shown separately. The price as shown on the Statement of Qualifications shall be the price used in determining award or awards.

**INCURRED EXPENSES:** This Statement of Qualifications does not commit Tremonton City to make an award, nor shall the city be responsible for any cost or expenses, which may be incurred by any Respondent in preparing and submitting any offer, or expenses incurred by any Respondent.

**SILENCE OF SPECIFICATIONS:** The apparent silence of these specifications or any supplemental specifications as to details or the omission from same of any detailed description concerning any point shall be regarded as meaning that only the best commercial practices are to prevail and that only materials of first quality and correct type, size, and design are to be used. All workmanship shall be first quality. All interpretations of specifications shall be made upon the basis of this statement. All specifications shall seek to promote overall economy and best use for the purpose intended and encourage competition in satisfying the city's needs.

**NO WAIVER OF FUTURE RIGHTS:** No provision in this document or in the Respondent's Statement of Qualifications shall be construed, expressly or by implication, as a waiver by Tremonton City of any existent or future right and/or remedy available.

**STATEMENT OF QUALIFICATIONS DISCLAIMER:** Tremonton City reserves the right to disqualify incomplete Statements of Qualifications, waive minor defects, as it deems applicable, in the written Statement of Qualifications, to request additional information from any Respondent, change or modify the scope of the project at any time, without any penalty, negotiate terms with one or more of the Respondents, reject any or all Statements of Qualifications, without a penalty, and take any steps necessary to act in the city's best interest. The city also reserves the unilateral right to order, in writing, changes in the work within the scope of the services.

**SUSPENSION & TERMINATION:** Through written notification, the city may order an immediate suspension of work with or without cause. Tremonton City reserves the right to immediately terminate the relationship with the Economic Development Contractor at any time for the convenience of Tremonton City, without penalty or recourse, by giving written notice.