

EL PASO DOWNTOWN MANAGEMENT DISTRICT

Request for Proposals:

Banking Services

Issued: June 20, 2022

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## **Section A. Introduction**

The El Paso Downtown Management District (DMD) is a municipal management district directed by a volunteer Board of Directors comprised of Downtown property owners, business representatives, tenants, and community leaders. The DMD’s mission is to promote economic development by providing services that champion a vibrant Downtown El Paso. The DMD’s mission further includes supporting a downtown with many activities and amenities to serve its citizens and visitors to El Paso from all walks of life. The organization administers a variety of programs and provides services that incentivize redevelopment and spur downtown growth. Our activities are governed by state and municipal laws and the DMD strictly observes the implementation of best practices in financial policies and records-keeping. The DMD is a unit of local government and subject to Texas laws applicable to public sector, governmental entities.

## **Section B. Scope of Work**

The El Paso Downtown Management District (DMD) is requesting proposals for primary banking services for the organization. The key scope is to obtain one or more bank accounts for the operational needs of the DMD. Through this process the DMD intends to minimize banking costs, improve operational efficiency, and maximize investment capabilities. This Request for Proposal (RFP) represents the cash management goals, specifies all banks’ required qualifications, the banking services required, the estimated activity volumes on all accounts (Attachment B), the method and terms of compensation, submission instructions and the award provisions.

The banking services contemplated in this Request for Proposal (“RFP”) are for a term of five years with the possibility of additional extensions not to exceed three years.

## **Section C. Eligibility**

Open to all qualified banking institutions. To assure a close working relationship, to facilitate available services, and to support local business, the entity may give priority to those banks with full-service capabilities within Downtown El Paso or the City limits. Access to branches in the Downtown El Paso area will better support the operational needs of the DMD. Disadvantaged Business Enterprises (DBEs) and Historically Underutilized Businesses (HUBs) are encouraged to apply. Any required statement regarding equal opportunity and affirmative action should be included if required/desired.

No contract may be awarded to a respondent that is currently, or has been within the past three years, suspended or debarred from doing business with any of the following: (1) the federal government or any branch, department, or administrative organization thereof; (2) the State of Texas, or (3) the City of El Paso, Texas.

No contract may be awarded to a respondent whose owners or management have been convicted of a felony.

**Commented [RB1]:** Should be some reasonable cap and not be open ended. Do the DMD admin rules place an upward limit cap on banking services in terms of number of years? Probably not, but wanted to mention it just in case.

## **Section D. Schedule of Events**

Dates are tentative except for the deadline for Bid Submissions.

Monday, June 20, 2022	Release of RFP materials
Friday, June 24, 2022 (4pm MST)	Questions Submission Deadline
Wednesday, June 29, 2022 (1pm MST)	Virtual Pre-Bid Proposal Meeting <a href="https://us02web.zoom.us/j/89479922232">https://us02web.zoom.us/j/89479922232</a> Zoom Meeting ID: 894 7992 2232 Call In: 1-346-248-7799
<b>Monday, July 18, 2022 (10am MST)</b>	<b>Submission Deadline</b>
Monday, July 18, 2022, (11am MST)	Virtual Bid Opening <a href="https://us02web.zoom.us/j/86148957407">https://us02web.zoom.us/j/86148957407</a> Zoom Meeting ID: 861 4895 7407 Call In: 1-346-248-7799
July 18 – August 17, 2022	Evaluation of Bid Quotations & Interviews if Necessary
Thursday, August 25, 2022	Award Date

The DMD reserves the right, at its sole discretion, to adjust this Schedule of Events as it deems necessary. If necessary, the DMD will communicate adjustments to any event in the Schedule of Events in the form of an amendment. Amendment to this RFP will be issued in writing to the list of Respondents.

## **Section E. RFP Release and Contact Info**

### **Availability of RFP**

The RFP will be made available on Monday, June 20, 2022, on the DMD's website – [www.downtownelpaso.com](http://www.downtownelpaso.com) and may be picked up from the DMD's offices at:

El Paso Downtown Management District  
201 E. Main, Ste. 107  
El Paso, Texas 79901

The RFP packets may also be obtained by email, upon request made to the Authorized Contact person as designated below.

Previously identified potential Respondents will be emailed an RFP packet once these are made available to the general public on the release date above.

## **Authorized Contact**

The sole authorized contact (Authorized Contact) for this RFP is Joe Gudenrath. The Authorized Contact may be contacted at the following address or email address:

El Paso Downtown Management District  
201 E. Main, Ste. 107  
El Paso, Texas 79901  
Attn: Joe Gudenrath  
[jgudenrath@elpasodmd.org](mailto:jgudenrath@elpasodmd.org)  
915-400-2293

Any material questions about the RFP or procurement process must be submitted in writing to the Authorized Contact. Email questions are preferred, although questions submitted by mail or hand-delivery will also be accepted. Verbal questions will not be accepted. Written questions about the RFP or procurement process must be submitted to the Authorized Contact prior to 4:00 p.m. MST on Friday, June 24, 2022. Any information provided in response to a question about the RFP or procurement from a source other than the Authorized Contact is unofficial, non-binding, and invalid.

## **Section F. Question Submissions and Amendments**

### **Questions / Requests for Clarification**

Questions and requests for clarification or additional information (including requests for changes in RFP specifications) must be submitted **in writing only** via hand-delivery, postal mail or email to the Authorized Contact designated above.

Respondents submitting questions shall clearly address each question by reference to a specific section, page and item of this solicitation.

It is the Respondent's responsibility to verify that the DMD received its Questions and/or Request for Clarification. During the RFP process, Bidders shall not contact any DMD staff except those designated in the text of this solicitation or in subsequent documentation. Nor shall bidders contact any DMD Board members about the procurement. Non-compliance with this provision may result in rejection of the offer involved.

**Questions/requests for clarification must be submitted in writing no later than 4:00 p.m. MST on Friday, June 24, 2022. Any questions or requests for clarification submitted after this time will not elicit or prompt a response.**

### **Answers / Complete Q&A**

Answers to all questions submitted by the above deadline will be available in a written Q&A format to all identified Respondents on or before Friday, July 1, 2022. All requests for complete Q&A must be directed to the Authorized Contact as designated in Section E above.

### **Changes, Amendments, Withdrawal or Re-Issuance of RFP**

A Respondent may withdraw its proposal to the RFP by written request at any time prior to acceptance of a contract.

The DMD may, at any time prior to execution of a contract: (a) amend the RFP materials or requirements; (b) extend deadlines contained in the RFP; (c) reject any application that does not meet the qualifications and requirements set forth in the RFP; (d) reject all applications; (e) cancel the RFP entirely; or (f) re-issue the RFP at a later date.

### **Availability of Funds**

The RFP and/or the contract issued pursuant hereto may be cancelled if the funds for the contract are not, for any reason, made available to the DMD. In other words, the DMD reserves the right to cancel this RFP or an executed contract if adequate funds for the goods/services to be provided are not received by or available to the DMD.

### **Section G. Proposal Packet and Submission**

Respondents should use Attachment A to formulate their proposal. Responses should be clear, concise and complete. They should include all components identified in Attachment A and thoroughly comply with all required specifications as described above.

### **Assurances and Certifications**

Respondent certifies by submitting its quotation that it has not given, offered to give, and does not intend to give at any time hereafter any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant in connection with its quotation or any contract it might receive.

Respondent certifies by submitting its quotation that, to the best of its knowledge and belief, there are no lawsuits and no proceedings pending or threatened against or affecting it, which if determined adversely to proposer will have a material adverse effect on the ability to fulfill its obligations under any contract received by proposer.

### **Submissions**

Respondents interested in submitting a proposal must submit their completed proposal **no later than:**

**Monday, July 18, 2022, by 10:00 a.m. MST.**

Submissions will be accepted via hand-delivery or postal mail\* at:

**El Paso Downtown Management District**  
201 E. Main, Ste. 107  
El Paso, Texas 79901

\*please place the completed proposal in a sealed envelope designated “Auditing Services Submission – TIME SENSITIVE”

**Or via email\* to:**

**Joe Gudenrath – DMD’s Authorized Contact for this RFP**  
El Paso Downtown Management District | <mailto:jgudenrath@elpasodmd.org>

\*please include the wording “Auditing Services Submission – TIME SENSITIVE” in the subject line of the email.

The DMD will document date and time of receipt of all proposals and signed receipts will be provided upon request. However, the burden remains on the Respondent to a) verify that the DMD received its proposal by the 10:00 a.m. MST deadline on Monday, July 18, 2022, and b) ensure that all electronic submissions (including email uploads, flash drives, and CDs/DVDs, etc.) are able to be downloaded/opened/accessed.

**Proposals received after the deadline of 10:00 a.m. on Monday, July 18, 2022 will not be accepted and will not be considered for a possible contract. The DMD reserves the right to reject any or all proposals, to advertise for new proposals, or to accept any proposals deemed to be in the best interest of the community.**

## **Section H. Procurement Standards and Violations**

### **Costs of Submission Are Not Recoverable**

The DMD is not responsible for, and will not pay or be obligated to pay, for any costs or expenses incurred by a Respondent in drafting and submitting a proposal in response to this RFP. The DMD is not responsible for, and will not pay or be obligated to pay, any costs incurred by a Respondent prior to the execution of a contract with the DMD.

### **Bid Information is an Official DMD Record and Becomes Public Information**

The information provided by a Respondent in response to this RFP is considered “public information” and may be subject to disclosure to third parties under the Texas Public Information Act (referred to as the Texas Open Records Act), Texas Government Code Chapter 552. Respondents are therefore on notice that any materials, including bidding information, company information, and cost

information, submitted to the DMD will be: (a) reviewed, assessed and evaluated by the DMD, its Board Members, employees, and representatives, including individuals who may be used to assist in the proposal scoring and evaluation process; (b) kept as a business record of the DMD for a period of time after the proposal is submitted; (c) subject to audit and/or review by governmental entities or agencies that have the right to audit or inspect the DMD's records; and (d) potentially released to third parties who make requests for records pursuant to applicable law. The DMD is not responsible for the release of any information submitted by a Respondent. The DMD will, however, attempt to inform a Respondent if its proposal materials are requested by a third party pursuant to the Texas Public Information Act so that the Respondent may take appropriate action to ensure the confidentiality and non-disclosure of any documents subject to withholding under applicable law.

A Respondent may mark any portion of a response as "confidential" if the Respondent believes that portion of the response contains confidential or proprietary information that should not be released to third parties requesting copies of the Respondent's response. If a Respondent believes that any information contained in its proposal qualifies for an exception to the Texas Public Information Act, it must indicate which information in the proposal should be exempted from the Act and clearly state the grounds for the exception.

### **Authorization to Contact References and Others About the Respondent and Proposal**

As part of its review, assessment and evaluation of a proposal, the DMD reserves the right to contact any individual, agency, or organization listed as a "reference" or past contracting partner, or any other individual, agency, or organization that may have pertinent knowledge about a Respondent's experience, qualifications, and past similar performance. By submitting a proposal in response to this RFP, the Respondent authorizes the DMD to contact references and others as set forth herein, and releases the DMD from liability for obtaining information about the Respondent in connection with the proposal or RFP.

### **Impermissible Contacts/Lobbying/Payment of Gratuities**

General Impermissible Contacts: In order to preserve the integrity of the procurement process, Respondents are, with the exception of communications with the Authorized Contact, strictly prohibited from directly or indirectly contacting, conversing with, emailing, or communicating about the subject matter of this RFP or the procurement with (a) any Board members of the DMD or (b) any employee/representative of the DMD. If a Respondent contacts a Board member of the DMD or employee/representative of the DMD about the subject matter of the RFP while the procurement process is ongoing, the Respondent may be disqualified from consideration for a contract.

Payment of Gratuities/Favors/Bribes is Prohibited: Respondents shall not, under penalty of federal or state law, offer or provide any gratuities, favors or anything of monetary value to any Board member, employee or agent/representative of the DMD, for the purpose of having the effect of



influencing favorable disposition toward their own quotation or any other quotation submitted in response to this RFP.

Lobbying: Respondents shall not attempt in any manner to advocate for, lobby or otherwise attempt to influence any Board member, employee, agent/representative of the DMD, or any evaluator assigned to assist in the evaluation and assessment of the proposals for purposes of having an influencing effect on this procurement.

Anti-Competitive Conduct: Respondents shall not engage in any activity that will restrict or eliminate competition. Violation of this provision may cause a Respondent's proposal to be disqualified and rejected. This does not preclude joint ventures or subcontracts.

### **Section I: Selection Process and Criteria**

The DMD will award the contract to the Respondent that submits a bid which represents the "best value" to the DMD. Respondent's offered rates/prices/services should remain binding for at least one year from the date presented. Proposals will be reviewed by a selection committee comprised of the Downtown Management District Finance Committee, but may include other Board members, staff, or external evaluators in the discretion of the DMD. Ranking will take into account the following criteria:

Selection Criteria:

- Time deposit interest rates
- Cost of service
- Service availability
- Safety and creditworthiness of bank
- Familiarity with Downtown El Paso (2 pts)

Based on the above criteria, the selection committee will identify the Respondent who offers the "best value" to undertake the project. This recommendation will be forwarded to the DMD Executive Committee for review and recommendation for approval by the full Board of Directors. DMD staff will work with the selected bidder to finalize the scope of work and contract.

### **Section J. Grievance Procedures**

#### **Post-Selection Inquiries and Protests**

This section applies to inquiries or protests submitted after the procurement process has been concluded, meaning after a selection of a contractor(s) has been made and a contract(s) have been executed.

(a) Requests for Debriefing: Respondents who desire a debriefing must submit a written request within ten (10) business days of the receipt of the DMD's notification of the procurement decision. In the debriefing, the respondent will obtain information on the procurement process and how their quotation or offer was received and ranked. The DMD will acknowledge receipt of the request for debriefing in writing within five (5) business days of receipt, along with the date and time of the scheduled debriefing. The debriefing shall be scheduled, as soon as possible, and no later than 15 business days from the written receipt of request for debriefing.

(b) Debriefing: The purpose of the debriefing is to promote the exchange of information, explain the DMD's quotation evaluation system, and help unsuccessful respondents understand why they were not selected. Debriefings serve as an important educational function for new Respondents, which hopefully, will help them to improve the quality of any future proposals. DMD staff and/or independent evaluators will meet with the unsuccessful party and briefly review: (a) the proposal evaluation process and (b) how the unsuccessful party's proposal was scored or ranked. Respondents can gain a better understanding of the procurement process and how to improve their proposals, while DMD staff obtain direct feedback to help improve future procurements. The debriefing process, however, is not an open-ended invitation for a Respondent to obtain information and documentation on an evaluation. Although the DMD will endeavor to provide as much information or documentation as possible in a debriefing, the DMD must observe relevant legal restrictions on the timing and extent certain proposal-related information and documentation can be disclosed. By way of example, the DMD may not release confidential or proprietary information belonging to other Respondents during any stage of the debriefing or appeals process.

(c) Written Notice of Appeal: If after the debriefing, the appealing party wishes to continue with the appeal process, the appealing party must submit a written Notice of Appeal to the DMD. The Notice of Appeal is a formal protest. The Notice of Appeal must be submitted within ten (10) business days of the date of the appealing party's debriefing, but it cannot be more than 30 days after the award of the contract being appealed. This written notice must clearly state that it is an appeal (protest) and identify the following:

- The solicitation being appealed (i.e. RFP name and date).
- The name, address, phone and fax number of the appealing party.
- The specific grounds of the appeal.
- Any relevant documents in the Respondent's possession or control and which are material to the consideration of the appeal

The Notice of Appeal must be sent by registered mail or hand delivered (please request a receipt), clearly identified externally as "Dated Material" and addressed to the Authorized Contact. Written acknowledgement of receipt of the Notice of Appeal will be provided to the appealing party within five (5) business days of receipt of the notice. Such document will also include specific instructions for completing the appeal process and the date, time and place of the Informal Hearing.

(d) Hearing: A Hearing will be held at the DMD's offices within 15 business days of receipt by the DMD of the timely Notice of Appeal. The DMD Executive Director (ED) shall act as the Hearing Officer for the Hearing (although a third party can be contracted to serve as the Hearing Officer, in the discretion of the DMD), and will meet with the appealing party to discuss the specific concerns and grounds for the appeal that were identified in the Notice of Appeal. The Hearing Officer will consider the facts presented and grounds for appeal. The Hearing Officer may request additional information from the appealing party. The Hearing Officer will conduct the hearing in an informal matter. The Hearing Officer may recommend any appropriate actions allowable under applicable law and consistent with DMD procurement policies to resolve issues.

(e) Final Decision: After a review of the Hearing Officer's recommendation and any information/facts submitted by the appealing party, the DMD's Board President will make a final decision on the outcome of the appeal. The DMD's Board President will render his/her final decision no later than 60 days from the date of the written Notice of Appeal. The DMD Board President's decision shall be the final decision and end the appeal process.

(f) Miscellaneous. The process set forth in this "Post-Selection Inquiries and Protests" section of the RFP materials serves as any administrative grievance process or bid protest/appeal process required by applicable law.

## Attachment A

### Proposal Requirements

#### Bidder Contact Information

- Name of Bank
- Name of Project Manager for this engagement
- Address, email, phone (office and cell)
  - Please identify the location of all offices, especially if located in Downtown El Paso.

#### Narrative

Provide a narrative (no more than 1 page), describing your experience as the Respondent or principal at a banking institution in dealing with organizations like the DMD and how you intend to align your services and final product(s) with the DMD's overarching Mission ([www.downtownelpaso.com/history-and-mission/](http://www.downtownelpaso.com/history-and-mission/)).

#### Required Banking Services

This section lists all the services to be provided by the bank under this agreement.

##### A. Account Structure

The bank is to provide and/or make available daily balance and detail reporting for all DMD accounts. The DMD's current account structure contains the following account:

**Account Title**  
Business Checking Account

##### B. Wire Transfer Services

The DMD currently generates approximately 0-1 incoming and 0-1 outgoing wires each month. A standard wire transfer agreement will be executed with the bank. This proposal should include a copy of your standard transfer procedures and wire transfer agreement. The DMD requires adequate security provisions and procedures. If wire transfer requests are available online, full information should be submitted detailing the use.

##### C. Automated Daily Balance Reporting

The DMD requires an automated PC-based reporting system for access to the closing ledger and available balances. Stipulate the time at which the access is available and describe the system to be used. Reporting should include balance and detail reporting. Samples of the reports are to be included in the proposal.

##### D. Investment of Idle Funds and Safekeeping of DMD Securities

All certificates of deposit bought by the DMD will be bought on a competitive basis. The DMD has no obligation to invest its funds with or through the bank.

All securities will be handled on a delivery versus payment (DVP) basis as they are cleared into and out of the account. The number/amount of securities required to be in safekeeping at any time is to be determined. All clearing and safekeeping will be in the bank or its correspondent. All correspondent and safekeeping arrangement will be stipulated in the proposal.

**E. Standard Disbursing Services**

Standard disbursing services for all accounts are required to include the payment of all checks upon presentation.

**F. Standard Deposit Services**

The bank must guarantee immediate credit on all incoming wire transfers and U.S. Treasury checks upon receipt and all other checks based on the bank's published availability schedule. The bank should specify in their proposal their deposit requirements and commercial and retail deposit locations, including night deposit services and procedures.

**G. Reporting and Account Analysis**

Monthly account analysis reports must be provided by the bank on a timely basis for each account and on a total account basis. A sample account analysis format must be provided as part of the proposals. Samples of monthly statements should also be provided. The monthly statements are to be accessible within 10 days following the beginning of the next month.

**H. Account Executive**

An account executive must be assigned to the account to coordinate the account services and expedite the solution of any problem. A trained and competent backup for the account executive, familiar with the account, should be assigned in the proposal. Stipulate the name of the account executive to be assigned to the DMD's account.

**I. Direct Deposit**

Describe the requirements and deadlines for computer tap for ACH transactions. The proposal should indicate when funds will be available in participating banks.

**J. Daylight Overdraft Provisions**

Every effort will be made to eliminate daylight overdraft situations on the account. However, in case this situation does arise, the proposal should include any and all bank policies regarding daylight overdraft charges or handling procedures.

**K. Stop Payments**

The proposal must include a statement on the proposed stop payment process on an automated or manual basis.

**L. Additional Services**

If new services become available and are provided during the period of this contract, they will be charged at the bank's then published rate.

**Demonstrated Similar Experience / References**

Provide a minimum of three and no more than five references of clients in the last five years. The DMD is authorized and may contact these references regarding qualifications and past performance.

The following must be included for each reference:

- Name of Organization and Contact
- Duration of services
- Address
- Contact information [telephone number(s) and email(s)]

**Familiarity with Downtown El Paso**

The business of the DMD is focused on obtaining funds from taxpayers located in the DMD’s jurisdictional area in Downtown El Paso and then investing those funds in activities predominately occurring in the same area. Thus, the vast majority of the DMD’s revenues and expenses involve sources and uses (contractors, etc.) in the Downtown area. For that reason, Respondents who have access to and understanding of the Downtown El Paso area may have greater insight and ability to provide the services sought by this RFP. It is also preferred, although not required, for the Respondent to have a branch location in or near Downtown El Paso. Accordingly, as part of your response, please provide a description of the Respondent’s history and familiarity with Downtown El Paso, and its involvement in the Downtown El Paso community, and list any locations in or near Downtown El Paso..

**Bank Compensation**

All applicable fees will be paid as incurred or on a monthly basis (use table below – add additional lines if required).

Service Unit	Unit Charge	Cost of Service
Account Maintenance	Per month	
Credits Posted	Per transaction	
Debits Posted	Per transaction	
Encoding charge	Per transaction	
ACH Processing	Per transaction	
Origination of file	Per tape	
ACH deletions	Per transaction	
ACH entries	Per transaction	
Returned checks	Per transaction	
Item Deposited		
Deposits	Per transaction	
Commercial deposits	Per transaction	
Group I items	Per transaction	
Group II items	Per transaction	
Group III items	Per transaction	
Group IV items	Per transaction	
Stop Payments	Per transaction	
Wire Transfers		

Incoming	Per transaction	
Outgoing	Per transaction	

## **Attachment B**

### **Banking Activity Volume**

1. Average Monthly Balance of Business Checking Account
  - a. \$327,100.27
  
2. Banking Statements (June 2021 – May 2022)
  - a. Available upon request