



Request for Proposals (RFP) 2023-01

Enterprise Resource Planning (ERP) System Implementation
Services

All Proposals Must Be Submitted To:

Port of Port Arthur Navigation District

Attn: Rebecca Underhill

221 Houston Avenue

Port Arthur, Texas 77640

Attention: RFP 2023-01 ERP Implementation Services

All Proposals must be received:

02/15/2023 9:00 AM

Proposals received after the proposal date and time will not be considered.

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1. RFP Overview

1.1. Purpose of RFP

The Port of Port Arthur (Port) has issued this Request for Proposals (RFP) to solicit responses from qualified firms (Integrator) offering implementation services for Microsoft Dynamics 365 Business Central (MSDyn) to replace the existing standalone accounting platform.

The Port seeks an Integrator who can demonstrate organizational, functional, and technical capabilities as well as the experience, expertise, and qualifications necessary to implement and support a fully integrated and proven MSDyn system.

1.2. Port of Port Arthur Background

The Port is a multi-berth operating public Port on the Sabine Neches Waterway with annual operating revenues of approximately \$16 million supplemented with property tax revenue and currently manages 13 Federal and State grant funded projects. These projects are a component of the five-year capital program comprised of 27 projects in total, valued at approximately \$140 million.

The port also owns certain tracts of real estate that are leased. Background information about the port is available on the website, <https://portpa.com/>.

1.3. Project Objectives

The Port intends to implement a fully integrated instance of MS Dynamics 365 Business Central and optimize internal operational processes around service operations and back-office support functions aligned with the best practices from the system implementer aligned to MSDyn. The outcome of the implementation should satisfy the following objectives:

- Core Accounting Functions
 - General Ledger and Financial Reporting
 - Capital Project Accounting
 - Life to date and fiscal year to date cost and funding activity
 - Grant Accounting
 - Grant life to date and fiscal year to date activity
 - Purchasing and Accounts Payable
 - Vendor Records
 - Requisition and Purchase Order Maintenance and Processing
 - Bid Processing
 - Contract Administration
 - Contract terms
 - Expiration Dates
 - Maximum authorized cost
 - Change Orders
 - Insurance Requirements
 - Payment Processing
 - Workflow invoice approval
 - Check, Electronic and Credit Card Payments

- Accounts Receivable and Customer Relationship Management (CRM)
 - Customer Information
 - Contracts
 - Pricing Contracts
 - Customer Invoice Preparation and Delivery
 - Aging and Delinquency Processing
 - Receipt Processing for Electronic and Check Payments
- Budgeting
 - Operating budget tracking and reporting
 - Project budget tracking and reporting
- Fixed Assets Tracking
 - Life to date cost and accumulated depreciation
 - Depreciation calculations
- Payroll Processing (in house)
 - Employee Maintenance
 - Time Accrual Maintenance
 - Time and Attendance
 - Payroll Payment Processing
 - Payroll information posting to General Ledger
 - Payroll Tax Reporting (Federal only)
- Investment Management

1.4. Procurement Schedule

Event	Date
RFP Issued	01/06/2023
Intent to Propose	01/23/2023
Pre-Proposal Conference, via Microsoft Teams	01/30/2023
Deadline for written questions	02/03/2023, 3:00 PM
Port answers and posts responses to questions	02/08/2023, 3:00 PM
Deadline for submissions	02/15/2023, 9:00 AM
Port Completes Initial Review and Select Finalist(s)	02/22/2023
On – Site Interviews / Demonstrations	03/03/2023
Recommended vendor approval to Board	03/15/2023

** The schedule may be adjusted, as necessary at the discretion of the Port.*

1.5. RFP Coordinator

All communications concerning this RFP must be submitted via email to Rebecca Underhill, Director of Accounting at bids@portpa.com. Integrators contact with anyone else in the Port is expressly forbidden and may result in disqualification of the Integrator's proposal. Further, any oral communications will be considered unofficial and non-binding on the Port. Integrators should rely only on written statements issued by the RFP coordinator.

1.6. RFP Amendment and Cancellation

The Port reserves the unilateral right to amend this RFP in writing at any time. The Port also reserves the right to cancel or reissue the RFP at its sole discretion. If an amendment is issued, notification shall be provided to all Integrators who submit an Intent to Propose and will be posted on the Port's website at: <https://portpa.com/>

1.7. RFP Questions

Questions concerning this RFP should be submitted via e-mail to the RFP Coordinator at bids@portpa.com prior to the deadline identified in the schedule. Integrator questions should clearly identify the relevant section of the RFP and page number(s) related to the question being asked. The questions submitted and the Port's responses shall be posted on the Port's website (<https://portpa.com/>) and sent directly to all Integrators who submit an Intent to Bid.

1.8. Intent to Propose

Each Integrator planning to submit a proposal should notify the RFP Coordinator by email at bids@portpa.com. The email should include:

- Integrator company name, address, and telephone number
- Integrator's intent to submit a proposal
- Name, address, telephone, email, and title of Integrator main contact

The Intent to Propose must be submitted by the date indicated in Section 1.3. Note that submission of the Intent to Propose email does not bind Integrators to submitting a proposal, nor does failure to submit an Intent to Propose preclude the Integrator from submitting a proposal. Proposers who have submitted the intent to propose, will be invited to attend the Pre-Proposal Conference as described in Section 1.8.

1.9. Pre-Proposal Conference

On January 30, 2023, the Port will host a pre-proposal conference via Microsoft Teams. All Proposers are encouraged to attend.

1.10. Proposal Submittal

- Proposals are to be received by the Port no later than the date and time indicated in schedule. An Integrator's **failure to submit a proposal as required before the deadline will cause the proposal to be disqualified.**
- Integrators must submit one electronic copy of the proposal (a .pdf file containing all sections) and four (4) bound copies. An authorized representative of the Integrator must sign the proposal.
- Any portion of the proposal that is considered proprietary information must be clearly marked "confidential." Vague and general claims as to confidentiality will be considered public information.
- Facsimile and e-mail transmittals will not be accepted.

The proposal package should be clearly labeled with the following:

- Proposal for Enterprise Resource Planning (ERP) Implementation Services
- Proposal Due Date and Time
- Integrator Name
- Integrator Address
- Integrator Phone Number

There is no expressed or implied obligation of the Port of Port Arthur to reimburse responding Integrators for any expenses incurred in preparing proposals in response to the Request and the Port of Port Arthur will not reimburse responding Integrators for such expenses.

All Proposals must be received in the offices of the Port of Port Arthur, 221 Houston Avenue, Port Arthur, Texas 77640, no later than 9:00 AM Central Time, February 15, 2023. The Port of Port Arthur is not responsible for lateness or non-delivery of mail, carrier, etc., and the date/stamp in the offices of the Port of Port Arthur shall be the official time of receipt.

2. Environment

2.1. Existing System

The Port has two legacy systems providing operations and administrative support. The first is a custom developed solution which provides front-end forms inputs with a backend SQL database. This tracks and supports all operations and feeds the invoicing functions. The second is an accounting system providing core accounting and financial operations.

No conversion of detail data will be required.

2.2. Key Metrics

FUNCTIONAL AREA	VOLUME/STATS	FREQUENCY
HUMAN RESOURCES		
FTES	21	
POSITION/CLASSIFICATIONS	15	
EMPLOYEE ACTION FORMS (E.G. NEW HIRE, PAY CHANGES, EMPLOYEE SEPARATION, MISC. PAY ASSIGNMENTS AND STATUS, ETC.)	25	Annual

FUNCTIONAL AREA	Volume/Stats	Frequency
FINANCE		
PURCHASE ORDERS	25	month
INVOICES – ACCOUNTS PAYABLE	300	month
JOURNAL ENTRIES	10	month
FUNDS	3	
CUSTOMER INVOICES	120	month
BANK ACCOUNTS	5	
INVESTMENT ACCOUNTS	5	
PAYROLL CHECKS ISSUED/DIRECT DEPOSITS	21	Bi Weekly
	5	Monthly
CAPITAL PROJECTS	27	
GRANTS	13	
VENDORS (ACTIVE)	250	

3. ERP System and Implementation Requirements

3.1. Key Functionality

The Port is interested in adopting updated business processes including automated tools which support Port operations automating invoicing functions driven from key operational logistical services on a modernized platform. Key functionality includes operational dashboards, mobility, employee access for time reporting, vendor and customer portals, workflows/approvals, and easily extensible module addition in the MS365 ecosystem with custom reporting and ad-hoc development capabilities using Power BI and PowerApps.

3.2. Implementation Timeline

The Port is seeking guidance from the Integrators based on their experience for the recommended module phasing and timing. Integrators should clearly communicate all key assumptions along with the proposed schedule beginning no later than May 1, 2023, continuing no later than May 1, 2024.

4. Proposal Requirements

4.1. General Instructions

Proposals should be prepared succinctly, and provide a straightforward, concise description of the Integrator's company, qualifications, proposed solution, and capabilities to satisfy the requirements of this RFP. Emphasis should be on completeness and clarity of content. Glossy sales and marketing brochures are not to be included. Proposals must be organized consistent with the outline provided in 4.2. Integrators should follow all prescribed formats and address all portions of the RFP set forth herein providing all information requested. Integrators may retype or duplicate any portion of this RFP for use in responding to the RFP, provided that the proposal clearly addresses all the Port's information requirements.

4.2. Proposal Format and Content

Proposals should be structured, presented, and labeled in the following manner:

- Cover Letter
- Table of Contents
- Section 1 – Executive Summary
- Section 2 – Company Background
- Section 3 – Company Qualifications
- Section 4 – References
- Section 5 – Integrations/System
- Section 6 – Project Implementation
- Section 7 – Maintenance and Support Engagement after implementation
- Section 8 – Pricing

Failure to follow the specified format, to label the responses correctly, or to address all the subsections may result in the rejection of the proposal.

Cover Letter

The Cover Letter, which is to be no longer than three (3) pages must include the following:

- Integrator’s legal name and corporate structure, including state incorporated in.
- Integrator’s primary contact to include name, title, address, phone, and email.
- Identification of subcontractors (if any) and scope of work to be performed by subcontractors.
- Identification of any pending litigation against the Integrator.
- Disclosure of any bankruptcy or insolvency proceedings in last ten (10) years.
- Statement indicating that the proposal remains valid for at least 120 days.
- Statement that the Integrator or any individual who will perform work for the Integrator is free of any conflict of interest (e.g., employment by the Port).

Statement of acknowledgement that the Port’s relevant legal requirements in Appendix - A and RFP Section 6 have been reviewed and accepted with or without exception. If exceptions are involved, those items requiring adjustment or modification must be identified and listed along with suggested modifications. If no exceptions are noted, the Port will assume that the Integrator can perform all tasks and services without reservation or qualification to the contract and are willing to comply with all requirements included. Signature of a company officer empowered to bind the Integrator to the provisions of this RFP and any contract awarded pursuant to it.

Table of Contents

All sections should be identified, and pages are to be consecutively numbered.

Section 1 – Executive Summary

In this section, Integrators must provide a brief and concise synopsis of Integrator’s solution and a description of the Integrator’s credentials to deliver the services sought under the RFP. The Executive Summary must be no longer than three (3) pages.

Section 2 – Company Background

In this section, Integrators must provide:

- A brief description of the Integrator’s background including the number of employees, and the number of clients running the proposed system.
- The location of headquarters, technical support, and field offices and the location of office which would service the Port.
- The Integrator’s annual company revenues and profit for the last three company fiscal years.

The Company Background section must be no longer than two (2) pages.

Section 3 – Company Qualifications

In this section, Integrators must provide company qualifications and experience in implementing systems similar in size and scope to what the Port is seeking:

- Describe the Integrator’s familiarity with public sector systems and associated business processes, and specific experience with the requirements of Ports or other similar industries.
- Identify Integrator’s existing client base including the number of existing clients using the version/release of the software being proposed. Specifically identify experience with similar sized agencies.

The Company Qualifications section must be no longer than three (3) pages.

Section 4 – References

In this section, Integrators must provide five (5) references with at least three (3) of the references for systems that have been implemented in the last five (5) years. References should be from organizations of comparable size and complexity to the Port.

For each reference, provide the following:

- Reference name and contact information (i.e., name, title, address, phone, and email).
- Brief project description, including identifying the software version, modules, and interfaces implemented.
- Implementation timeline and Go-Live date.

The References section must be no longer than five (5) pages.

Section 5 – Integrations/System

- Proposed modules, including whether each module is included, optional, or would require custom development
- Identify which modules are included versus which are proposed at additional cost

Section 6 – Project Implementation

Project Organization

- Provide a project organization chart highlighting Integrator key staff who will be assigned to the project
- Provide brief biographies for the Integrator key staff
- Provide a staffing matrix that identifies the specific roles/responsibilities to be filled by Integrator or subcontractor staff versus those to be filled by Port staff. As part of this matrix, identify estimated level of effort for each staff person and when that person would be required (what part of implementation).

Project Management

- Describe project management methodology/approach
- Describe high-level roll-out approach, including order and timing of specific modules
- Provide a Project Schedule that identifies tasks, activities, dates, durations, resources, deliverables, and milestones
- Provide a Project Plan that describes your approach to Schedule Management, Cost Management, Scope Management, Communications Management, Issues Management, Risk Management, Change Management, etc.

Implementation Specifics

- Describe data conversion strategy, including what data should be converted, the number of months to convert, and the conversion approach/methodology (extract, transform, and load). Identify the specific roles/responsibilities pertaining to Port staff vs. Integrator staff.
- Describe training methodology/approach and how you ensure users are prepared to use the proposed system. Include description of how you address different learning styles (classroom, online, hands-on, etc.), including a description of training materials to be used, and timing. Identify alternatives to the train-the-trainer approach, and identify any related, additional costs.
- Describe testing methodology/approach, including the criteria, methods, and timing to ensure successful completion of user acceptance testing prior to go live. Identify the specific roles/responsibilities pertaining to Port staff vs. Integrator staff.

Section 7 – Maintenance and Support Engagement after implementation

While MSDyn is a cloud-based service and support is expected to be through the system vendor (Microsoft), the Port would like to understand how additional services could be engaged, if needed, post-implementation, and requires post-implementation assessments to ensure the continued quality of the system post-implementation. Please describe ongoing maintenance and support services in relation to the following:

Help Desk

Describe how system incident engagement or issues could be engaged and describe cost structure options post-implementation for similar deployments. Please structure as an annual support model or on an as-needed basis and expectations for SLA and support response times based on those two models.

Post-Implementation Evaluation Report (PIER)

Integrators must develop a PIER three months after the implementation is complete. Describe how Integrator would support these PIER assessments, including the expected PIER content, how gaps in system utilization would be identified, and how those gaps would be addressed through additional training, if needed.

Application Upgrades and Patches

- Provide schedule of upgrades and patches
- Provide the frequency of upgrades and patches over the past 6 months, 12 months and 24 months
- Describe how upgrades, patches, and other maintenance would be performed
- Describe any downtime related to upgrades and patches
- Describe how the Port would be notified of such releases and patches and how much lead time would be provided
- Describe the Port's ability to delay, test, accept, and/or deny applying changes

User Groups/Conferences

Identify if there are any system user groups and/or user conferences including frequency and location of events, topics, etc.

The Ongoing Maintenance and Support section should be no longer than ten (10) pages.

Section 8 – Pricing

The Port seeks a clear and comprehensive understanding of all costs associated with the software, implementation services, and ongoing maintenance of the proposed system. All costs pertaining to the implementation and maintenance are to be itemized. The Port will evaluate costs based on the "Total Cost to Implement (TCI)" and the "Total Cost to Operate (TCO)." TCI will include all costs required for a successful implementation. The TCO will be calculated based on TCI plus five (5) years of annual maintenance or SaaS service fees. It is understood by the Port that the recurring fees for the cloud-based subscription services are fixed by Microsoft, and that the maintenance fees for ongoing support are an approximation based on the quantity of engagements or model selected (i.e., prepaid support model or as-needed).

The Port is not liable to proposer for any federal, state or local taxes for which the Port is not liable by law, including state and local sales and use taxes and federal excise tax. Accordingly, those taxes may not be added to any item. The Port's Tax Exemption Certificate will be furnished on request of the contracted firm.

The Integrator's implementation pricing must identify all costs required to include:

- Software Licensing Costs, net of any available government sector discounts
The Port estimates 12 premium licensed users and 10 team member users.

- Implementation Services
- Project management
- Software configuration, installation, and testing
- Data conversion and migration
- Interface development
- Training and documentation
- Go-Live
- Travel

The Integrator's ongoing maintenance and support pricing should clearly identify the annual costs for five years to include:

- Maintenance
- Support
- Post Implementation Evaluation Report (PIER) and associated training options at 3 months after implementation

5. Proposal Evaluation

The evaluation will include an Administrative Review and a Detailed Review. The Administrative Review will evaluate all submissions for compliance with proposal submission requirements.

Proposals that pass the Administrative Review will then go through the Detailed Review. Submitted proposals will be evaluated based upon the content of the RFP:

- | | | |
|----------------|--|-----|
| • Sections 2-4 | Company background, qualifications, and references | 15% |
| • Section 5 | Integrations/System | 15% |
| • Section 6 | Project Implementation | 40% |
| • Section 7 | Maintenance and Support | 15% |
| • Section 8 | Pricing | 15% |

As shown in the Procurement Schedule, short-listed Integrators will be required to participate in a proof-of-capabilities (POC) demonstration to allow staff to fully understand the proposed solution. The POC will be a scripted demonstration using scripts and scenarios developed by the Port (and provided to short-listed Integrators ahead of time) to evaluate product functionality rather than a generic demonstration of the product. Note that Integrators must be prepared to invest the time and resources in the POC demonstration to be successful in this procurement. The Port is not responsible for any costs associated with the demonstration.

6. General Terms and Conditions

Collusion

By submitting a response to the RFP, each Integrator represents and warrants that its response is genuine and not made in the interest of, or on behalf of, any person not named therein; that the Integrator has not directly induced or solicited any other person to submit a sham response or any other person to refrain from submitting a response; and that the Integrator has not in any manner sought collusion to secure any improper advantage over any other person submitting a response.

Gratuities

No person will offer, give, or agree to give, any Port employee or its representatives any gratuity, discount, or offer of employment in connection with the award of contract by the Port.

Required Review and Waiver of Protests

Integrators should carefully review this RFP and all attachments for comments, questions, defects, objections, or any other matter requiring clarification or correction (collectively called "comments"). Comments concerning RFP objections must be made in writing and received by the Port no later than the "Deadline for Integrator Questions" detailed in Table 1 – Procurement Schedule. This will allow issuance of any necessary amendments and help prevent the opening of defective Information upon which contract award could not be made.

Protests based on any objection will be considered waived and invalid if these faults have not been brought to the attention of the Port, in writing, by the Deadline for Integrator Questions.

Nondiscrimination

No person will be excluded from participation in, be denied benefits of, be discriminated against in the admission or access to, or be discriminated against in treatment or employment in the Port's contracted programs or activities on the grounds of disability, age, race, color, religion, sex, national origin, or any other classification protected by law; nor will they be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of contracts with the Port or in the employment practices of the Port's contractors. Accordingly, all Integrators entering into contracts with the Port will, upon request, be required to show proof of such nondiscrimination and to post in conspicuous places, available to all employees and applicants, notices of nondiscrimination.

Proposal Preparation Costs

The Integrator is responsible for any and all costs associated with the preparation, submittal, and presentation of any proposal.

Proposal Errors

Integrators are liable for all errors or omissions contained in their proposals. Integrators will not be allowed to alter proposal documents after the deadline for submitting a proposal. The Port, at its discretion, has the right to accept or reject a proposal in part or whole due to errors and/or omissions of the response.

Incorrect Proposal Information

If the Port determines that an Integrator has provided, for consideration in the evaluation process or contract negotiations, incorrect information which the Integrator knew or should have known was materially incorrect, that proposal may be determined non-responsive, and the proposal may be rejected at the sole discretion of Port.

Prohibition of Integrator Terms and Conditions

An Integrator may not submit the Integrator's own contract terms and conditions in a response to this RFP. If a proposal contains such terms and conditions, the Port, at its sole discretion, may determine the proposal to be a nonresponsive counteroffer, and the proposal may be rejected. Software/SAAS licensing terms are negotiable and subject to approval by the Port.

Assignment and Subcontracting

The Contractor may not subcontract, transfer, or assign any portion of the contract without prior, written approval from the Port. Each subcontractor must be approved in writing by the Port. The substitution of one subcontractor for another may be made only at the discretion of the Port and with prior, written approval from the Port.

Notwithstanding the use of approved subcontractors, the Integrator, if awarded a contract under this RFP, will be the prime contractor and will be responsible for all work performed and will be responsible for all costs to subcontractors for services provided by the Integrator. The Integrator is prohibited from performing any work associated with this RFP or using contractors for any service associated with this RFP offshore (outside the United States), without first disclosing the use of offshore resources, and with approval from the Port.

Right to Refuse Personnel

The Port reserves the right to refuse, at its sole discretion, any subcontractors or any personnel provided by the prime contractor or its subcontractors. The Port reserves the right to interview and approve all Integrator staff members. Integrator's staff may be subject to the Port's background processes at any time.

Proposal of Additional Services

If an Integrator indicates an offer of services in addition to those required by and described in this RFP, these additional services may be added to the contract before contract signing at the sole discretion of the Port.

Licensure

Before a contract pursuant to this RFP is signed, the Integrator must hold all necessary, applicable business and professional licenses. The Port may require Integrators to submit evidence of proper licensure.

Conflict of Interest and Proposal Restrictions

By submitting a response to the RFP, the Integrator certifies that no amount will be paid directly or indirectly to an employee, official or contractor of the Port as wages, compensation, or gifts in exchange for acting as an officer, agent, employee, subcontractor, or consultant to the Integrator in connection with the procurement under this RFP.

The Texas Local Government Code chapter 176 requires that any vendor or person who enters into or seeks to enter into a contract with a local government entity disclose in the Questionnaire Form CIQ the vendor or person’s employment, affiliation, business relationship, family relationship or provision of gifts that might cause a conflict of interest with the local government entity. Questionnaire Form CIQ is included in the RFP and must be submitted with the response.

Contract Negotiations

After a review of the information and completion of the demonstration and proof-of-capabilities (POC), the Port intends to enter into contract negotiations with the selected Integrator. These negotiations could include all aspects of services and fees. Negotiations must begin within 15 days of approval of the selected vendor and must conclude within thirty days of the approved selection.

Execution of Contract

If a contract is not finalized in within 30 days of completion of negotiations, the Port may give notice to that service provider of the Port’s intent to select from the remaining Integrators or to call for new Information, whichever the Port deems appropriate.

At the time the vendor submits the signed contract, the vendor must complete a “Disclosure of Interested Parties”, Form 1295 online with the Texas Ethics Commission at www.ethics.state.tx.us/file. An example of the form is attached as Exhibit B. DO NOT SEND THE FORM TO THE PORT. The form must be completed online with the Texas Ethics Commission.

Right of Rejection

The Port reserves the right, at its sole discretion, to reject any and all proposals or to cancel this RFP in its entirety. Any proposal received which does not meet the requirements of this RFP may be considered nonresponsive and the proposal may be rejected. Integrators must comply with all the terms of this RFP and all applicable laws and regulations. The Port may reject any proposal that does not comply with all the terms, conditions, and performance requirements of this RFP. Integrators may not restrict the rights of the Port or otherwise qualify their proposals. If an Integrator does so, the Port may determine the proposal to be a nonresponsive counteroffer, and the proposal may be rejected.

The Port reserves the right, at its sole discretion, to waive variances in technical proposals provided such action is in the best interest of the Port. Where the Port waives minor variances in proposals, such waiver does not modify the RFP requirements or excuse the Integrator from full compliance with the RFP. Notwithstanding any minor variance, the Port may hold any Integrator to strict compliance with the RFP.

Disclosure of Proposal Contents

All proposals and other materials submitted in response to this RFP procurement process become the property of the Port. Selection or rejection of a proposal does not affect this right. All proposal information, including detailed price and cost information, will be held in confidence during the evaluation process. Upon the completion of the evaluation of proposals, the proposals and associated materials will be open for review by the public to the extent allowed by law. By submitting a proposal, the Integrator acknowledges and accepts that the contents of the proposal and associated documents will become open to public inspection.

The master copy of each proposal will be retained for official files and will become public record after the award of a contract unless the proposal or specific parts of the proposal can be shown to be exempt by law. Each Integrator may clearly label part of a proposal as "CONFIDENTIAL" if the Integrator thereby agrees to indemnify and defend the Port for honoring such a designation. The failure to so label any information that is released by the Port will constitute a complete waiver of all claims for damages caused by any release of the information.

Severability

If any provision of this RFP is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and provisions will not be affected; and the rights and obligations of the Port and Integrators will be construed and enforced as if the RFP did not contain the particular provision held to be invalid.

RFP and Proposal Incorporated into Final Contract

Relevant portions of this RFP and the successful proposal will be incorporated into the final contract.

Proposal Amendment

The Port will not accept any amendments, revisions, or alterations to proposals after the deadline for proposal submittal unless such is formally requested, in writing, by the Port.

Consultant Participation

The Port reserves the right to share with any consultant of its choosing this RFP and proposal responses to secure a second opinion. The Port may also invite said consultant to participate in the Proposal Evaluation process. The Port may also direct consultants acting on behalf of the Port to directly engage with Integrators to ensure the technical elements of this proposal satisfy the requirements of the RFP to help improve the accuracy of the bids and the efficiency of their evaluation by the Ports' detailed review process. This option will be provided to all Integrators, if it is provided to any Integrator, after the evaluation has progressed to the short-list phase of the RFP schedule to ensure no unfair advantage is provided to any one Integrator.

Warranty

The selected Integrator will warrant that the proposed system will conform in all material respects to the requirements and specifications as stated in this RFP and subsequent proof-of-capabilities. Further, the requirements as stated in this RFP will become part of the selected software Integrator's license and the Integrator will warrant to the requirements. The selected Integrator must warrant that the content of its proposal accurately reflects the system's capability to satisfy the functional/technological requirements as included in this RFP. Furthermore, the warranty, at a minimum, should be valid for the duration of the implementation and until final acceptance (as will be defined during the negotiation process) of all application modules included in the implementation.

Rights of the Port

The Port reserves the right to:

- Make the selection based on its sole discretion
- Reject any and all proposals
- Issue subsequent Requests for Proposals
- Postpone opening proposals, if necessary, for any reason
- Remedy errors in the Request for Proposal process
- Approve or disapprove the use of particular subcontractors
- Negotiate with any, all, or none of the Integrators
- Waive informalities and irregularities in the proposals

Enter into an agreement with another Integrator in the event the originally selected Integrator defaults or fails to execute an agreement with the Port

An agreement will not be binding or valid with the Port unless and until it is approved by the Port Board of Commissioners and executed by authorized representatives of the Port and of the Integrator.

Diversity in Contracting

It is the policy of the Port to contribute to the establishment, preservation, and strengthening of disadvantaged business enterprises and to encourage the participation of disadvantaged businesses. Towards that end, the Port encourages firms to provide for the participation of disadvantaged owned businesses through partnerships, joint ventures, subcontracts, and other contractual opportunities, all in compliance with the Port's Policy Directive on Diversity in Contracting, adopted June 24, 2020.

Attachments –

- Exhibit A - Form CIQ
- Exhibit B- From 1295
- Exhibit C- Port of Port Arthur Diversity in Contracting Policy