

**BIG SKY RESORT AREA DISTRICT  
REQUEST FOR COMPETITIVE SEALED PROPOSALS  
INCORPORATION EXPLORATION STUDY**

**INTRODUCTION**

TO ALL INTERESTED VENDORS: Big Sky Resort Area District (District) is seeking competitive sealed proposals from “vendors” to provide goods and services (per specifications on Exhibit A attached and incorporated herein).

**DELIVERY DEADLINE & INSTRUCTIONS**

**DELIVERED NO LATER THAN 4:00 PM, MOUNTAIN TIME, ON APRIL 15, 2024**, in a sealed box or envelope (hard copies and digital copies) with the company name shown clearly on the outside, addressed to:

**COMPETITIVE SEALED PROPOSAL**

Incorporation Exploration Study  
Big Sky Resort Area District  
P.O. Box 160661  
11 Lone Peak Drive, Unit 204  
Big Sky, MT 59716

**BIDS THAT ARE SUBMITTED BEYOND THE DEADLINE SHALL NOT BE CONSIDERED AND  
SHALL BE REJECTED.**

**CONTACT INFORMATION**

Requests for additional information or clarification:  
Daniel Bierschwale, Executive Director  
Big Sky Resort Area District  
PO Box 160661  
11 Lone Peak Drive, Suite 204  
Big Sky, MT 59716  
[Daniel@ResortTax.org](mailto:Daniel@ResortTax.org)

**QUESTIONS/CLARIFICATIONS**

Any questions related to the proposal or scope of work must be provided in writing prior to **April 1, 2024**. Responses to these questions will be sent to all those responding to this request.

**PROPOSAL OPENING**

Competitive Sealed proposals will be opened at a regularly scheduled public meeting of the Board of Directors on **April 17, 2024**, at Big Sky Resort Area District, 11 Lone Peak Drive #204, Big Sky Montana, or upon reasonable notice to the Vendors or such other duly noticed public meeting.

**AMENDMENTS TO REQUEST FOR PROPOSAL**

Any interpretation or correction of this Request for Competitive Sealed Proposals “CSP” will be made by written addendum sent to all Vendors that have submitted a conforming proposal

Request For Competitive Sealed Proposals – Incorporation Exploration Study

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within the deadline and that have not been eliminated from the selection process through District staff review.

## PROPOSAL FORM & CONTENTS

Deliver one (1) signed original, four (4) copies, and a minimum of one (1) digital copy prepared and submitted as follows:

<u>Document</u>	<u>Minimum Information</u>
1. Cover Letter:	Profile, name, address, location, phone number, email address, contact persons.
2. Proposal:	Describe in detail work, services & goods to accomplish the work in Exhibit A.
3. Exhibit 'B':	<b>Complete and submit as page 1 of the response.</b>
4. Change Orders:	Hourly rate for change order work.
5. License:	Copy of License, Business Certificate.
6. References:	3-references min. w/ contact info.
7. Warranty:	Provide a copy of warranty terms & conditions.
8. Appendix:	Any additional information in support of the proposal.

## SELECTION PROCESS

The District adheres to the Montana State Procurement Act, Title 18, Chapter 4, including Competitive Sealed Proposal Procedure of Montana Code Annotated (MCA) § 18-4-301 – 304. The act requires “adequate” and “reasonable” time for public notice.

1. **Evaluation.** The District will evaluate all conforming proposals.
2. **Rejection.** The District expressly reserves the right, in its sole judgment, to accept or reject any or all proposals to waive any defects and to allow modifications and supplementation of proposals that are submitted within the deadline.
3. **Review.** The District will review conforming proposals as follows:

Qualifications and ability to perform requested services:

- Experience with similar projects
- Firm/personnel qualifications
- References from other communities
- Cost

Execution of the scope of work:

- Description of the proposed work plan
- Description of the public outreach process
- Process timeline
- Deliverables, budget, and completion schedule

4. **Revisions.** Vendors submitting proposals will be accorded fair and equal treatment with respect to the opportunity for discussion and revision of proposals, and such revisions may be permitted, after submissions and prior to award to obtain best and final proposals.
5. **Review & Elimination.** After evaluating proposals based on the criteria herein the District may eliminate one or more or all vendors from further review.
6. **Interviews & Vendor Site Visit.** After review & elimination, the District may in its discretion select one or more or all vendors to participate in interview(s), make oral presentation(s), and provide supplemental information and documentation. The selection committee may use this process for further elimination. All arrangements and scheduling shall be coordinated by the selection committee or its agent.
7. **Confidential Negotiations.** Prior to making any award the District may negotiate directly with the remaining vendor or vendors. In conducting discussions and negotiations, there may be no disclosure of any information derived from competing proposals. The selection committee shall comply with the resident bidder preference of § 18-1-102, MCA.

## **BINDING OFFER**

**THE VENDOR'S PROPOSAL CONSTITUTES A VALID LEGAL OFFER FOR 180-DAYS. VENDOR'S PROPOSAL SHALL NOT BE WITHDRAWN WITHOUT THE CONSENT OF THE DISTRICT.** Negligence, errors, mistakes, or omissions in preparing the proposal, information, documentation, costs, or calculations shall confer no right of withdrawal after the submission deadline. The vendor bears all costs of preparing the proposal and any subsequent presentation or participation in the selection process.

## **MISTAKES ERRORS & OMISSIONS**

The vendor shall disclose errors in costs, calculations, or information "mistakes" in the proposal submitted as well as in any related contracts, agreements, estimates, change orders, or other documents. In the event, that the District accepts any proposal, related contracts, agreements, estimates, change order, or other documents containing mistakes the vendor shall be obligated to correct mistakes that are adverse to the District and shall have no right to enforce such mistakes against the District, except mistakes that work in favor of the District shall be binding on the vendor.

## **CONTRACT FORM**

The vendor agrees to accept and execute the attached work and services agreement that will be issued subject to minor, non-substantive modifications or changes only. The District reserves the right to require the vendor to execute such further documents, contracts, agreements, or forms as may be reasonably necessary to express the intentions of the parties, or which may be recommended by the District.

## **DISTRICT RESERVATION OF RIGHTS**

Submission of a proposal confers no rights upon any vendor and shall not obligate the district in any manner whatsoever. The district reserves the right to make no award and to solicit additional proposals at a later date.

This Request for Competitive Sealed Proposals may be canceled or any or all proposals may be rejected in whole or in part, as specified herein, when it is in the best interests of the DISTRICT, and such reasons will be stated in the contract file. § 18-4-307, MCA.

## **NOTICE OF AWARD**

In the event an award is granted, then the contract file shall contain the basis of the award that shall be to the responsible and responsive Vendor whose proposal best meets the evaluation criteria.

The District shall provide written notice to the vendor that is selected based on this “CSP”. If no vendor is selected, then a notice of no award shall be issued. The vendor selected will be required to execute a District Service Agreement.

## **REMEDIES & REMOVAL**

Vendors are advised that the Montana State Procurement Act provides exclusive remedies for Vendors, bidders, contractors, or aggrieved parties. § 18-4-242, MCA. Transfer and assignment of contracts without authority and collusion or secret agreements between vendors for the purpose of securing any advantage is strictly prohibited, and any person who violates such provisions may be held criminally liable for a misdemeanor with civil penalties from \$500 to \$5,000. § 18-4-141, MCA. In addition to these remedies [and other recourse provided in this invitation and at law or equity] Vendors may be suspended or removed as provided in § 18-4-241, MCA.

## EXHIBIT “A”

# I. SCOPE OF WORK

- A. **Objective:** Big Sky Resort Area District, Montana (District) is soliciting proposals for services to complete an Incorporation Exploration Study. The study is designed to assist residents of unincorporated Big Sky in understanding the process by which a community can explore the governance options available and help the community make decisions. The District seeks an experienced consultant(s) who has ideally worked in a resort community and understands the complexity of local governance (particularly in the West), municipal structure, financing, and legality, as well as the dichotomy of rural and urban needs. The consultant(s) will complete this project by collecting and analyzing data, engaging the public and stakeholder groups, and drafting a factual study. The Incorporation Exploration Study will act as an impartial tool for citizens to make an informed decision regarding the structure of local governance in Big Sky.
- B. **Context and considerations:** The unincorporated community of Big Sky is in Southwest Montana, a geographically remote area surrounded by the public lands of Greater Yellowstone. Bozeman and West Yellowstone are approximately a one-hour drive from Big Sky’s primary road of access US-191. Most local special purpose district boundaries are generally aligned with the borders of the Big Sky Resort Area District. This boundary falls in both Madison and Gallatin Counties.

According to U.S. Census Block Data, Gallatin County is one of the fastest-growing counties in the State of Montana with a population of 67,831 in 2000 and 122,713 in 2020 – approximately 81% growth. Conversely, Madison County’s population was 7,691 in 2010 and 8,623 in 2020 – approximately 12% growth. The population of the boundaries of the District was 1,398 in 2010 and 3,854 in 2020 – approximately 176% growth.

A subcommittee of District board and staff along with community members with diverse perspectives was formed in January of 2023. The group worked together over several sessions and shared their findings in September of 2023. The initial findings can be found in the report titled “[Governance and Community Engagement Exploration](#)”. This initial report provides background information and additional context.

Big Sky is a unique community, and several considerations need to be accounted for when preparing the study:

- No previous incorporation exploration studies exist for this area.
- The seasonality and tourism-based economy of Big Sky including part-time residents, second homeowners, seasonal workforce, and others.
- The study needs to be digestible by a broad audience representative of the Big Sky population.
- Wide-ranging socio-economic considerations for community services.
- Montana became a state in 1889, while Big Sky as a thriving community has only existed for the last few decades, the last community to incorporate in Montana was over 20 years ago.
- Current community growth rate is unknown due to constraints of publicly available data.

- Ownership of the remaining developable area in Big Sky is concentrated among a few entities.

C. **Scope of the Project:** The Incorporation Exploration Study shall consist of the following sections:

- **Executive Summary**
  - Environmental scan
    - Population
    - Demographics
    - Forecasts
    - Other Data
- **Services**
  - Current Services by service provider (federal, state, county, local/special purpose district, nonprofit, HOA, private)
    - Current funding and staffing (including elected officials)
    - Authorities and powers (enforcement, licensing, inspections, permitting, codes, ordinances)
  - Potential & Required Services
    - Services that are available as municipal services (indicating which are the minimum requirements)
    - Potential funding and staffing (including elected officials)
    - Authorities and powers (enforcement, licensing, inspections, permitting, codes, ordinances)
- **Infrastructure**
  - Current infrastructure
    - Who owns, maintains, and pays for it
  - Future/potential infrastructure
    - Who would own, maintain, and pay for it
- **Steps/process to incorporation**
  - Option within current state law
  - Options based on different boundaries
  - Options based on different charters/types of city structure
  - Timelines and flowchart
  - Post vote roll out
    - How to put structure in place after the vote including timelines
- **Alternatives**
  - Changing state law
  - Consolidated City/County
  - Creation of a new County
- **Supplemental materials**
  - Consolidated budgets
  - Maps
  - Charter examples
  - Property tax bill scenarios (current, in municipality, out of municipality)

- Department of Revenue Dashboard and other technical resources
- Case studies
- Glossary of Terms
- One pager

Each section listed (notated in bold) shall include a Summaries & Consideration portion outlining the following:

- Impact of each step/scenario
- Projections, forecasts, and scalability
- Industry and demographic specifics
- Impacts on existing service providers
- Impacts on current Resort Tax
- Impacts on residents
- Costs to taxpayers
- Economic impact (jobs, business retention, industry size, etc)

D. **General Outline of Project:** While the specific approach, methodology, and timeframe proposed by the consultant(s) should be detailed in the written proposal, the District generally desires the Plan Update to be completed over approximately a 12 month period of time. Please provide a proposed calendar. Below is a sample schedule, which should be used as a guideline but is meant to be tailored to reflect the skills and expertise and proposed schedule of the consultants.

1. Kickoff
2. General Citizen Engagement
3. Data Gathering, Research and Trend Analysis
4. Engagement of Big Sky Stakeholder Groups
5. Community interviews across the state of Montana with an analysis of resort tax and non resort tax communities
6. Summary Report
7. Draft and Document Assembly and Delivery
8. Public Presentations and Public Hearings
9. Delivery of Final Document

E. **Staff Assistance:** Staff from the Big Sky Resort Area District will be available on a limited basis to support this project. Proposals should identify any specific areas where staff assistance is anticipated and the number of hours of staff assistance per month anticipated.

F. **Progress Reports:** The consultant(s) is expected to submit monthly progress reports via email to the District outlining the following: recently performed work; upcoming tasks; upcoming milestones; scope, budget, and schedule issues; and other issues. Progress reports will be shared with the full committee. Evaluative feedback may be delivered on an as-needed basis from the District and committee.

## II: PROPOSAL CONTENT

- A. **Understanding of Need:** The consultant(s) shall acknowledge their understanding of the District's need for an impartial and factual Incorporation Exploration Study. Designed to assist residents of unincorporated Big Sky in understanding the process by which a community can explore the governance options available and to help the community make decisions.
- B. **Approach:** The consultant(s) shall provide its detailed approach and proposed timeline for completing the project as described above, taking special care to explain their proposed methodology for public engagement and how they will communicate with the District during the development and implementation of the project. The approach should describe any tasks for which the consultant(s) will rely on assistance from District staff.
- C. **Experience and Availability Project Team:** The consultant(s) shall identify the project team members by name and explain, in detail, their experience working on plan updates. The proposal shall also name any consultants the proposer intends to engage, explain their relevant experience, and the role they will play in the project. The consultant(s) must be able to respond to the District's needs in a timely manner, complete deliverables on time, and be an efficient resource for the District. The proposal shall address the various project team members' availability to complete the project on schedule. The project team is at the discretion of the consultant(s) but the District views the following as key roles:
- General oversight and project management
  - Communications and community engagement
  - Legal and statute expertise
  - Design and copywriting
  - Research and data collection
  - Data analysis
  - Other as appropriate
- D. **References** The proposer shall provide a list of at least three public agencies and firms for which the proposer has provided similar services and a summary of the exact type of services that were provided to these references. The proposal must include the contact information for these references.
- E. **Cost:** Proposals should outline the services that your individual firm will provide, with detailed cost information for those services and a not-to-exceed cost for the project.
- F. **RFP Process - Anticipated Timeline / Dates:**
- Issue RFP: February 15, 2024
  - Proposals due by 4:00 PM: April 15, 2024
  - Opening of Proposals in Public Meeting: April 17, 2024
  - Evaluate and choose with a recommendation from the committee: May 8, 2024
  - Proposed start date: June 1, 2024
  - Delivery of Final Document: June 1, 2025



**Exhibit 'B'**

***Complete and include as page one (1) of your submittal***

Acknowledge Addendums

- |          |          |
|----------|----------|
| 1. _____ | 4. _____ |
| 2. _____ | 5. _____ |
| 3. _____ | 6. _____ |

**Total contract price: \$ \_\_\_\_\_**  
**(if supplemental pricing detail is required, attach it to the back of Exhibit 'B')**

Acknowledge terms and conditions of contract (yes/no) \_\_\_\_\_

**AGREEMENT TO TERMS & CONDITIONS**

THE UNDERSIGNED IS DULY AUTHORIZED TO BIND THE COMPANY NAMED BELOW AND  
HEREBY AGREES TO ALL THE TERMS AND CONDITIONS IN THE FOREGOING REQUEST  
FOR PROPOSALS

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date