



# Product, Equipment, and Service Pilots, Trials, Testing, and Other Similar City Uses Policy and Procedures

**EFFECTIVE DATE:** July 20, 2017

City Manager

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Harry Black

Chief Procurement Officer

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Patrick A. Duhaney

## **Authority**

Chapter 321, section 87 of the Cincinnati Municipal Code authorizes the Chief Procurement Officer when it is appropriate and in the best interest of the City to use products, equipment, and services provided from a vendor for trial use, testing, and/or pilots. Administrative Regulation No. 62 requires City Manager approval prior to the use of any products, equipment, and/or services provided to the City for trials, pilots, testing, and other similar no-cost use opportunities.

## **Application and Purpose**

The rules and regulations set forth herein pertain to arrangements entered into between the City and certain vendors for the trial, testing and other similar uses by the City of products and services offered at no cost to the City. Although products and services are offered to the City, at no cost, for testing, trials and other similar purposes, the use of such products and services carries certain risks. The purpose of these rules and regulations is to ensure that those risks are borne by the appropriate party and to ensure that the process by which the City engages in trials, pilots, and other similar uses is both transparent and fair.

## **Procedure**

***Notice to Chief Procurement Officer.*** The Chief Procurement Officer must receive at least thirty (30) day advance written notice of any proposed test, trial, pilot or other similar proposed no-cost use of products or services. The notice must provide the name and contact information of the vendor providing the product or service, describe the product or service offered, the use for which it is intended, and the test, trial or other no-cost use that the City Department, Board, or Commission proposes to undertake. Such notice shall also include a designated departmental contact for the proposed test, trial or other similar proposed no-cost use.

In addition, the notice shall contain documentation sufficient to show that the User Department, Board, or Commission has worked with the Purchasing Division to make practical and reasonable efforts (e.g., issuing a sources sought notice) to contact all potential vendors of the product or service, in order to give those vendors the opportunity to participate in the proposed test, trial or other similar proposed no-cost use of the product or service.

The User Department, Board, or Commission must also inform other City departments, boards, or commissions of any proposed test, trial, or other similar proposed use of the product or service, when there is a reasonable likelihood that such other City departments, boards, or commissions may: (a) be impacted by the test, trial or other use, or (b) have institutional knowledge relevant to evaluating the efficacy of the product or service that is the subject of the test, trial or other no-cost use. The notice

contain documentation to show that the User Department, Board, or Commission has made reasonable efforts to contact all potentially impacted City departments, boards, or commissions.

Included with this policy and procedure, in Attachment A and B, are copies of the form that should be used to fulfill the notice requirements stated herein. Attachment A is to be used to garner the approval of the intent and scope of the project. Attachment B is to be used to garner the approval of the vendor(s) selected to participate in the test, trial, pilot, etc.

**Process for Approval of the City Manager:** The Chief Procurement Officer shall submit a recommendation for the approval of the City Manager any test, trial, pilot or other similar use of any products, equipment, and/or services, when in the Chief Procurement Officer's judgment and discretion, such intended use is not contrary to the policies, procedures and laws governing City procurement, and the requirements outlined in the "Notice to Chief Procurement Officer" section above have been fulfilled.

**Written.** All tests, trials and other similar "no-cost" uses of products and services require a written agreement between the vendor and the City, executed by the Chief Procurement Officer. The Chief Procurement Officer shall not execute any written agreement regarding any such test, trial or other no-cost use of products or services, unless approved by the City Manager. The User Department, Board, or Commission shall not proceed with any proposed test, trial or other proposed no-cost use unless the Written Agreement is executed by the Chief Procurement Officer. A separate Written Agreement shall be required for each vendor participating in the proposed test, trial or other proposed no-cost use of products or services.

The agreement must provide the name, address and other pertinent contact information for the vendor, a description of the product or service offered and the use for which the product or service is intended, a description of the test, trial or other use that the City is permitted, and the allotted length of time for such test, trial or use. The agreement must also provide that such test, trial or use is without cost to the City, and that through such test, trial or use, the City incurs no obligation to purchase, order, or otherwise procure the product or service, nor is the vendor authorized, without separate written approval of the City, to reference the City's test, trial or use of the product in any press release, promotional or sales material. The vendor must assume all risk of loss to its property, as well as any loss to City property or persons, or third parties and their property, through the use of the product or service, and agree to indemnify and defend the City with respect to any such loss. If the use of the product or service requires the vendor to be on City property, the agreement must also include a right of entry executed by a City official with authority to grant such right of entry, and address any permitting, badging or other security requirements entailed by the use of City property.

**Proof of Insurance.** The vendor must provide proof of insurance to the City in substance and amounts appropriate to the product or service and the type of use that the City will undertake.

***User Department Obligations.*** The User Department is responsible for informing and securing any and all required permits, permission, access or authorization from other City departments. For instance, if the product is software, and must be installed on City computers to demonstrate its functions, ETS must be advised and authorize the use of the product. The User Department is required to maintain a file indicating the date(s) any product or service is provided, the test, trial or other use of the product or service by the City, and the outcome of such test, trial or use. The Chief Procurement Officer shall be copied on any report or other record of the outcome of any such test, trial or no-cost use.

## **Attachment A**



**5. What is the anticipated end result of the trial or test?**

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**Approved by:**

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**Department Director**

\_\_\_\_\_

**Date**

\_\_\_\_\_

**Chief Procurement Officer**

\_\_\_\_\_

**Date**

\_\_\_\_\_

**City Manager**

\_\_\_\_\_

**Date**

## **Attachment B**

**PRODUCT, EQUIPMENT, AND SERVICE PILOTS, TRIALS, TESTING, AND OTHER SIMILAR CITY USES  
PHASE 2 - VENDOR APPROVAL REQUEST FORM**

**Instructions:** Complete each section and provide as much information as needed to fully respond. Attach additional sheets if needed.

Prior to completing this form, be sure to review the [policies and procedures](#) that govern this process; including submission and approval of Phase 1 – Statement of Intent Form.

**Department Name:** \_\_\_\_\_

**Department Contact/Requestor Name:** \_\_\_\_\_

**Phone number:** \_\_\_\_\_ **Email:** \_\_\_\_\_

1. **Vendor Name:** \_\_\_\_\_

**Vendor Contact Person:** \_\_\_\_\_

**Vendor Contact Phone Number:** \_\_\_\_\_

**Vendor Address:** \_\_\_\_\_

2. **Did you submit and get approval using the Phase 1: Statement of Intent Form?** \_\_\_\_\_

a. **If yes, date of approval:** \_\_\_\_\_

b. **If no, please explain:** \_\_\_\_\_

\_\_\_\_\_

3. **What process was used to choose this vendor?**

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4. **Are there other vendors in the industry capable of providing the same or similar product or service?** \_\_\_\_\_

a. **If yes, were they given an opportunity to provide this product or service?** \_\_\_\_\_

i. **If yes, describe the process used to notify the vendors of the opportunity.**

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b. **Will their product(s) be tested? If not, why?**

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5. Does the vendor understand that should this request be approved, the vendor must provide proof of insurance to the City in substance and amounts appropriate to the product or service and the type of use that the City will undertake? \_\_\_\_\_
6. Does the vendor understand that the test, pilot, trial shall be at no cost to the City? \_\_\_\_\_
7. Does the vendor understand that the City incurs no obligation to purchase, order or otherwise procure the product or service? \_\_\_\_\_
8. Does the vendor understand that they are not authorized, without separate written approval of the City, to reference the City's test, trial or use of the product in any press release, promotional or sales material? \_\_\_\_\_
9. Does the vendor understand that the vendor must assume all risk of loss to its property, as well as any loss to the City property or persons, third parties and their property, through the use of the product or service, and agree to indemnify and defend the City with respect to any such loss? \_\_\_\_\_
10. If ETS approval is required for the test, pilot or trial, have you attached the appropriate approval paperwork?  
\_\_\_\_\_
11. Is it likely that another City department, board or commission may be impacted by the test, trial or other use, or have institutional knowledge relevant to evaluation the efficacy of the product or service that is the subject of the test, trial or other no-cost use? \_\_\_\_\_
  - a. If yes, please describe the process used by the User department, board or commission to contact all potentially impacted City departments, boards or commissions.  
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Approved by:

\_\_\_\_\_  
Department Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief Procurement Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Date