



Request for Proposal (RFP):

Planning & Engagement Consulting Services for the

Durham Comprehensive Plan



**Request for Proposal (RFP):
Planning & Engagement Consulting Services for the
Durham Comprehensive Plan**

OVERVIEW

10. Date of RFP. September 21, 2018

15. Purpose of RFP. The role of the selected contractor(s) will be to work with the Durham community and City-County Planning Department to develop a new Comprehensive Plan and 20-year land use vision.

Specifically, the contractor(s) will manage and facilitate an inclusive, equitable, and diverse public engagement process from start to finish, including utilization of both traditional and innovative outreach methods and working with existing community organizations and resources. The contractor(s) may also occasionally advise the City-County Planning Department on Comprehensive Plan policy development or other related project matters.

20. Project Manager and Contact with City; Questions about this RFP. Direct questions and concerns to Scott Whiteman, AICP, Planning Supervisor.

Scott Whiteman, AICP
Planning Supervisor
Durham City-County Planning Department
101 City Hall Plaza
Durham, NC 27701

(919) 560 – 4137 x 28253
Scott.Whiteman@DurhamNC.gov

DESCRIPTION OF PROJECT AND NATURE OF RFP

25. Background: City of Durham & Durham County. Durham is a diverse, creative, and entrepreneurial community. It is the fourth largest city in the state, the county seat, and the only municipality centered in Durham County. The City takes pride in its educational, cultural, athletic, and medical assets. Durham County is 298 square miles, of which the City covers an area of 112 square miles. The estimated population of Durham County is 311,640 people, of which 267,743 (86%) live in the city, and include a rich diversity of backgrounds. Between 2015 and 2045, Durham County (including the city) is projected to grow by almost 140,000 residents and 76,000 jobs. Durham sits in the middle of the Research Triangle, one of the fastest growing and strongest, diversified, and most stable economies in the nation.

26. Background: Durham City-County Planning Department. The Durham City-County Planning Department is the planning agency for the City and County of Durham. At the direction of the Board of County Commissioners, City Council, County Manager, and City Manager, the Planning Department engages with the Durham community to develop long-range and special area plans containing policies to manage growth. The Planning Department often partners closely on projects with partner departments within the City and the County, as well as other governments, quasi-governmental agencies, non-profits, stakeholders, neighborhood groups, and more. While the Planning Department will lead the effort to develop a new Comprehensive Plan, the project will include a multitude of public, private, and non-profit partners.

30. Project Overview. The City and County of Durham are beginning what is expected to be a three-year planning process to create a new Comprehensive Plan for the community. The current Durham Comprehensive Plan is nearly 13 years old, adopted in 2005 with some minor updates in 2012. Durham,

more than many places, has seen a remarkable transformation in the past decade, and the outlook for the future, along with community priorities, has also evolved. Since the passage of the existing Comprehensive Plan in 2005, Durham County has added approximately 49,000 new jobs and 57,000 new residents. Over the next decade, we are projected to add an additional 19,000 jobs and 43,000 new residents. Durham is changing and it is critical we have a clear land use policy for the future that ensures a high quality of life for all members of the community. An updated Comprehensive Plan with clear priorities helps facilitate prudent decision-making regarding land use and growth management, public investment, service delivery, the annual budget process, and projects within the Capital Improvement Plan (CIP). An updated Comprehensive Plan can help ensure coordinated, cross-jurisdictional, - and inter-departmental policy making and implementation by developing a community vision to set priorities, values, and policies to manage growth.

Any successful Comprehensive Plan must be grounded in the wishes, desires, and priorities of the community. Durham seeks to significantly broaden the number of community members who are very engaged and active in civic matters through this planning process. It is particularly important to the Durham community that the engagement process be inclusive, equitable, and diverse in terms of participant voices as well as outreach methods and engagement tools. To that end, proposals that include local individual and/or organizational resources on the project team will be viewed favorably. The Planning Department will be deeply involved with the various community engagement efforts, but the consultant will take the lead. The Planning Department will conduct all data collection and analysis, policy analysis, drafting of the Comprehensive Plan, and plan publishing in-house.

35. Anticipated Project Phasing. At this time, the Planning Department anticipates a three-year, five-phased planning project. Each phase will include public outreach and the proposal shall specify what types of approaches and in what quantity make the most sense for each phase.

- *Phase 1: Big Questions & Project Launch*, which includes educating the community on planning, creating awareness of the Comprehensive Plan effort, and conducting community listening sessions as well as data analysis that can culminate in a list of key community concerns and issues.
- *Phase 2: Big Ideas & Vision*, which includes working with the community to establish a clear and actionable vision statement and set of values/guiding principles that can guide policy development. This will be informed by the community concerns and issues identified in the previous step.
- *Phase 3: Policy Framework*, which includes working with the community to translate the big ideas and vision into a broad set of policy priorities and goals, likely related to land use, housing, infrastructure, economic development, and more.
- *Phase 4: Actions, Strategies, Implementation*, which includes working with the community to develop and review specific policies and actions intended to implement the vision and policy framework, weigh various pro's and con's and evaluate trade-offs, and more.
- *Phase 5: Review & Adoption*, which includes significant public engagement, education, and review of the document, comment, edits, and finalization of the draft for recommendation by the Planning Commission, and action by both the City Council and the Board of County Commissioners.

40. Scope of Work. The City and County are seeking a qualified consultant who has experience structuring and managing a multi-phase, multi-year community outreach process that can reach, involve, and engage diverse audiences in Comprehensive Plan-making and community decision-making. Durham anticipates that the successful project team will include local individuals and/or organizations to undertake this effort. The consultant may also occasionally advise the City-County Planning Department on Comprehensive Plan policy development or other related project matters. At this time, it is anticipated that 90% of the

consultant's work will be managing outreach efforts with the remaining 10% serving as ad hoc policy advisors on various planning issues.

This RFP requests that the consultant develop a scope of work for engagement and consulting services that corresponds to the phasing outlined in Section 35 and includes the tasks below. It is expected that materials should be written in both English and Spanish. The applicant may also suggest alternative phasing or a different procedural approach based upon their experience.

The core elements of the work to be conducted by the consultant(s) include, but are not limited to:

- Branding the project such as a creating a project name, logo, color scheme, and tagline;
- Developing collateral and collateral templates for usage by the Planning Department, such as posters, postcards, flyers, worksheets, and more;
- Hosting an interactive project website that is user-friendly and engaging, and posting regular project updates and project documents;
- Work through established community contacts and employ existing community resources to bolster existing civic infrastructure for (both present and future work)
- Work with Durham City/County staff and community contacts to develop an accessible educational program and materials on historical land use decisions in the community and the current process and framework for land use decisions;
- Manage a neighborhood ambassador program to recruit, hire, and train community members to engage the communities they represent on both: land use concepts and issues education; and input on the Comprehensive Plan vision, content, and policies.
- Partnering with the City and County's communications offices to either develop new social media accounts for the Comprehensive Plan or utilize existing accounts for promotion and engagement;
- Utilizing various online methods for collecting public input, including both traditional surveys as well as other innovative methods;
- Leading and hosting traditional community workshops, both large and small;
- Leading and hosting "pop-up" workshops throughout the community, such as at a bus station, grocery store, city/county parks, senior center, homeless shelter, etc.;
- Leading focus groups, stakeholder interviews, and roundtables;
- Presenting to neighborhood groups, private sector groups, development community, etc.;
- Leading and managing various context-specific visioning and policy development exercises;
- Work with staff to identify, develop, and evaluate short-term policy alternatives and scenarios;
- Providing occasional input, as requested by Planning staff, on various policy options or best practices;
- Presenting to elected and appointed boards and commissions;
- Authoring summaries of respective events as well as a cumulative outreach summary of Phases 1 and 2;
- Developing innovative programming designed to reach new and traditionally underserved audiences and to engage the community in creative and thought-provoking new ways; and
- Using data and analytics, as well as the observed experiences of community members, structure community engagement to be responsive to the documented behavioral preferences of community groups and not just stated preferences.

While there are many in the Durham community who are actively engaged, there are some voices that are not regularly represented in public outreach. The contractor should develop an outreach and engagement proposal that, based upon their expertise and prior work experience, as well as research and knowledge of Durham, prioritizes and achieves diversity and equity, and incorporates the tasks listed above. There is a preference for proposals that include local community-based organizations in the contract work. The scope of work proposal should specify the volume, timing, general approach, and duration of each task in a

phased scope of work. The consultant is also strongly encouraged to suggest other ideas, items, structure, or partnerships that could be of value to the Durham community.

50. Compensation and Schedule. The proposal should include a detailed budget. Once a contractor is selected and a contract is executed, all invoices from that contractor must include detailed line-item billing, including description of the task completed, amount the task cost, and which project member billed for the task. If the contractor utilizes an hourly billing rate, the amount of hours per team member must be included.

60. Definitions in this RFP: City, RFP, Proposal, Candidate, Contractor, Should. Unless the context indicates otherwise – (a) The expressions “RFP,” “this RFP,” and “the RFP” refer to this document as it may be amended or updated. (b) “City” and “city” mean the City of Durham. (c) The “proposal” is the response of a person, firm, or corporation proposing to provide the services sought by this RFP. (d) The word “Candidate” or “candidate” is the person, firm, or corporation that submits a proposal or that is considering submitting a proposal. (e) The word “Contractor” or “contractor” is the person, firm, or corporation with which the City enters into a contract to provide the services sought by this RFP. That is, “contractor” generally refers to a successful candidate that has obtained a fully executed contract with the City, while “candidate” is generally reserved to the stage before a contract has been signed. (f) The word “should” is used to tell candidates what the City thinks it wants and/or what the project manager thinks is best. Candidates that want to increase the likelihood of being selected will, in general, do what the RFP says candidates “should” do, but failure to comply with all “shoulds” will not necessarily and automatically result in rejection.

70. Contract. The City anticipates that the conclusion of the RFP process will be a contract between the City and the successful candidate under which the successful candidate will provide the goods and services generally described in this RFP. It is the City’s intention to use a version of the contract that is attached as Exhibit A, modified and filled in to reflect the RFP and the proposal. If a candidate objects to any of the contract, it should state the objections in its proposal.

80. Trade Secrets and Confidentiality. As a general rule, all submissions to the City are available to any member of the public. However, if materials qualify as provided in this section, the City will take reasonable steps to keep trade secrets confidential.

Definitions.

In this section (Trade Secrets and Confidentiality) –

- The term “candidate” includes the candidate as contractor (that is, after it is a party to a contract with the City).
- The term “trade secret” means business or technical information, including but not limited to a formula, pattern, program, device, compilation of information, method, technique, or process that:
- Derives independent actual or potential commercial value from not being generally known or readily ascertainable through independent development or reverse engineering by persons who can obtain economic value from its disclosure or use; and
- Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.
- The existence of a trade secret shall not be negated merely because the information comprising the trade secret has also been developed, used, or owned independently by more than one person, or licensed to other persons.
- The term “record” means all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, received by the City of Durham in connection with the candidate’s proposal.

(a) Designation of Confidential Records. To the extent that the candidate wishes to maintain the confidentiality of trade secrets contained in materials provided to the City, the candidate shall prominently designate the material with the words “trade secrets” at the time of its initial disclosure to the City. The candidate shall not designate any material provided to the City as trade secrets unless the candidate has a reasonable and good-faith belief that the material contains a trade secret. When requested by the City, the candidate shall promptly disclose to the City the candidate’s reasoning for designating material as trade secrets; the candidate may need to label parts of that reasoning as trade secrets. In providing materials to the City, the candidate shall make reasonable efforts to separate those designated as trade secrets from those not so designated, both to facilitate the City’s use of the materials and to minimize the opportunity for accidental disclosure. For instance, if only a sentence or paragraph on a page is a trade secret, the page must be marked clearly to communicate that distinction. To avoid mistake or confusion, it is generally best to have only trade secret information on a page and nothing else on that page.

To the extent authorized by applicable state and federal law, the City shall maintain the confidentiality of records designated “trade secrets” in accordance with this section. Whenever the candidate ceases to have a good-faith belief that a particular record contains a trade secret, it shall promptly notify the City.

(b) Request by Public for Access to Record. When any person requests the City to provide access to a record designated as a trade secret in accordance with subsection (a) above, the City may

- (1) decline the request for access,
- (2) notify the candidate of the request and that the City has provided, or intends to provide, the person access to the record because applicable law requires that the access be granted, or
- (3) notify the candidate of the request and that the City intends to decline the request.

Before declining the request, the City may require the candidate to give further assurances so that the City can be certain that the candidate will comply with subsection (c) below.

(c) Defense of City. If the City declines the request for access to a record designated as trade secrets in accordance with subsection (a), then, in consideration of the promises in (b) above and for considering the candidate’s proposal, the candidate agrees that it shall defend, indemnify, and save harmless Indemnitees from and against all Charges that arise in any manner from, in connection with, or out of the City’s non-disclosure of the records. In providing that defense, the candidate shall at its sole expense defend Indemnitees with legal counsel. The legal counsel shall be limited to attorneys reasonably acceptable to the City Attorney.

Definitions. As used in this subsection (c), “Charges” means claims, judgments, costs, damages, losses, demands, liabilities, fines, penalties, settlements, expenses, attorneys’ fees, and interest. “Indemnitees” means the City, and officers, officials, independent contractors, agents, and employees, of the City. “Indemnitees” does not include the candidate. The City may require the candidate to provide proof of the candidate’s ability to pay the amounts that may reasonably be expected to become monetary obligations of the candidate pursuant to this section. If the candidate fails to provide that proof in a timely manner, the City shall not be required to keep confidential the records whose non-disclosure gives rise to the potential monetary obligation. Nothing in this agreement shall require the City to require any person (including the City itself) to be placed in substantial risk of imprisonment, of being found by a court to be in contempt, or of being in violation of a court order. This subsection (c) is separate from and is to be construed separately from any other indemnification and warranty provisions in the contract between the City and the candidate.

85. Reserved.

90. Reserved.

100. Insurance Requirements. Contractor agrees to maintain, on a primary basis and at its sole expense, at all times during the life of the contract the following applicable coverages and limits. The requirements contained herein, as well as City's review or acceptance of insurance maintained by Contractor is not intended to and shall not in any manner limit or qualify the liabilities or obligations assumed by Contractor under the contract. Proposals should include documentation that the contractor's coverage meets or exceeds that below:

- Commercial General Liability – Combined single limit of no less than \$1,000,000 each occurrence and \$2,000,000 aggregate. Coverage shall not contain any endorsement(s) excluding nor limiting Product/Completed Operations, Contractual Liability or Cross Liability.
- Automobile Liability – Limits of no less than \$1,000,000 Combined Single Limit. Coverage shall include liability for Owned, Non-Owned and Hired automobiles. In the event Contractor does not own automobiles, Contractor agrees to maintain coverage for Hired and Non-Owned Auto Liability, which may be satisfied by way of endorsement to the Commercial General Liability policy or separate Auto Liability policy. Automobile coverage is only necessary if vehicles are used in the provision of services under this Contract and/or are brought on a City of Durham site.
- Umbrella or Excess Liability – Contractor may satisfy the minimum liability limits required above under an Umbrella or Excess Liability policy. There is no minimum Per Occurrence limit of liability under the Umbrella or Excess Liability, however, the Annual Aggregate limits shall not be less than the highest 'Each Occurrence' limit for required policies. Contractor agrees to endorse City of Durham as an 'Additional Insured' on the Umbrella or Excess Liability, unless the Certificate of Insurance states the Umbrella or Excess Liability provides coverage on a 'Follow-Form' basis.
- Worker's Compensation & Employers Liability – Contractor agrees to maintain Worker's Compensation Insurance in accordance with North Carolina General Statute Chapter 97 and with Employer Liability limits of no less than \$1,000,000 each accident, each employee and policy limit. This policy must include a Waiver of Subrogation.
- Additional Insured – Contractor agrees to endorse the City as an Additional Insured on the Commercial General Liability. The Additional Insured shall read 'City of Durham as its interest may appear'.

Contractor agrees to provide City of Durham a Certificate of Insurance evidencing that all coverages, limits and endorsements required herein are maintained and in full force and effect, and Certificates of Insurance shall provide a minimum thirty (30) day endeavor to notify, when available, by Contractor's insurer. If Contractor receives a non-renewal or cancellation notice from an insurance carrier affording coverage required herein, or receives notice that coverage no longer complies with the insurance requirements herein, Contractor agrees to notify the City within five (5) business days with a copy of the non-renewal or cancellation notice, or written specifics as to which coverage is no longer in compliance. The Certificate Holder address should read:

All insurance companies must be authorized to do business in North Carolina with a Best rating A-VIII or higher.

110. Discretion of the City.

- A. The City of Durham reserves the right to reject any or all proposals.
- B. NOTWITHSTANDING anything to the contrary in this document or in any addendums to this document, unless the contrary provision refers specifically to this provision, the City reserves the right (i) to negotiate changes of any nature with any candidate with respect to any term, condition, or provision in this document and/or in any proposals, whether or not something is stated to be mandatory and whether or not it is said that a proposal will be rejected if certain information or documentation is not submitted with it, and (ii) to enter into an agreement for some or all of the work with one or more persons, firms, or corporations that do not submit proposals. For example, all deadlines are for the administrative convenience or needs of the City and may be waived by the City in its discretion. This subparagraph B applies to the entire RFP, including the UBE portions.
- C. Where the City asks or tells candidates to do stated things, such as that a proposal should follow a stated format or that the candidate should do stated things in seeking the contract, the City may reject a proposal because it does not comply with those requests, so the candidate is adding to its risk of rejection by non-compliance. Still, the City may, in its discretion, waive non-compliance. This subsection (C) does not limit subsections (A) and (B).
- D. Of course, once a contract is signed, the parties to the contract may enforce the contract according to its terms as allowed by applicable law.

SCHEDULE

120. Schedule. This schedule is the City's best estimate of the RFP review and contract execution schedule that will be followed. If a component of this schedule is delayed, the rest of the schedule will be shifted by the same number of days.

| | Action | Deadline |
|----------|---|---------------------------------------|
| 1 | Applicant proposals due to City staff. | October 22, 2018 |
| 2 | City staff evaluate proposals and contact qualifying applicants for interviews. | October 22, 2018 – November 2, 2018 |
| 3 | Interviews are held with qualifying applicants. | November 5, 2018 – November 9, 2018 |
| 4 | City staff conduct additional due diligence on qualifying applicants and evaluate interview performance of qualifying applicants. | November 12, 2018 – November 16, 2018 |
| 5 | City staff recommend applicant to City Manager and City Council. | November 19, 2018 – January 21, 2019 |
| 6 | City Council authorizes the City Manager to sign the contract. | January 21, 2019 – January 31, 2019 |
| 7 | City Manager and successful candidate sign contract. | January 31, 2019 |
| 8 | Project commences. | February 4, 2019 |

130. Keeping Proposals Open. All proposals will remain open and valid for the City to accept for a period of 120 days after the deadline for submission of proposals. The Project Manager may release candidates from this obligation by a written letter that specifically refers to this paragraph if he or she determines that the candidate and/or the proposal will not meet the City's needs.

140. Deadline to Submit Proposals. Candidates should see that their proposals are received at the following address below by October 22, 2018 by 5:00pm.

Scott Whiteman, AICP
Planning Supervisor
Durham City-County Planning Department
101 City Hall Plaza
Durham, NC 27701

GETTING MORE INFORMATION ON THE PROJECT AND RFP PROCESS

150. Questions. Questions about the RFP and the RFP process should be submitted to the project manager identified at the beginning of this RFP. Questions shall be submitted no later than five business days prior to the deadline to submit proposals.

160. Pre-submittal Conference Call. The City-County Planning Department will host a pre-submittal conference call on October 12, 2018 at 10:00am. Parties interested in participating should contact the project manager identified at the beginning of this RFP for the relevant call-in information. Participation is optional. Participants on the call should already be familiar with the RFP.

170. Updates and Revisions to RFP. If you have supplied the Project Manager with your preferred method of contact (email, fax, etc.), updates to this RFP (“addendums” or “addenda”) will be sent to you in that manner. This RFP and addendums are normally posted on the City’s website, on the Purchasing Division’s webpage. Check that webpage to see that you have received all addenda.

EVALUATION CRITERIA

180. Evaluation Criteria. If an award is made, it is expected that the City’s award will be to the candidate that agrees to meet the needs of the City. A number of relevant matters will be considered, including qualifications and cost. The Evaluation Criteria are intended to be used to make a recommendation to the City Manager and/or the City Council, who will award the contract, but who are not bound to use these criteria or to award on the basis of the recommendation. The evaluation process will include a multi-faceted panel review process that may include a scenario role-playing component. The City reserves the right to change the criteria and to otherwise vary from this procedure as it determines to be in the City’s interest.

Proposals from qualified applicants will be evaluated on the following:

- Understanding of the project;
- Methodology used for the project;
- Management plan for the project;
- Experience and qualifications;
- Demonstrated ability to lead equitable process with diverse participation;
- Creativity and innovation;
- Knowledge of Durham, including project team with local participation; and
- Contract cost.

CONTENTS OF PROPOSAL

240. Contents of Proposal. The proposal should include sections, numbered as follows below. There is no minimum or maximum number of pages. The applicant may also include additional materials beyond the materials detailed below, if desired.

1. Cover Letter. The cover letter should include the candidate’s name and address, including all methods of contact such as mailing address, phone number, and email. It should also provide a

summary of the proposal, as well as highlight the applicant's general philosophy and approach to the project. The cover letter should also state that the firm will be able to comply with all insurance requirements specified in Section 100. Please also see additional requirements in Section 250 of this RFP.

2. Legal Status of the Applicant and Signers. State the full, exact name of the candidate. State whether the candidate is an individual, corporation, limited partnership, general partnership, limited liability company, professional corporation, professional association, etc. If it is anything other than an individual or a general partnership, specify the State under which the entity is organized. If the State under which the entity is organized is not North Carolina, specify whether the candidate has received a certificate of authority from the N. C. Secretary of State to transact business in North Carolina. State whether the entity is in existence at the time the proposal is submitted, and if not, whether and when the candidate intends to officially form the entity. State the names and titles of the individuals who will sign the contract with the City.

3. Project Team Resumes and Staffing. The applicant should provide resumes of each project team member expected to work on the project, with the resume of the project manager designated as such. Resumes may include items such as professional certifications, relevant professional accomplishments, education, previous work experience, previous project management experience, and other similar items. The applicant should also summarize, as a percentage of total work to be completed under the contract, the respective contributions of each team member.

4. Workload Summary. Applicants should list all other current and expected clients / planning projects the project team is working on, the percentage of firm time dedicated to each, and the expected start and completion of each project. Candidates should be able to demonstrate they have the staffing capacity to complete the submitted proposal on time and on budget.

5. Project Experience. The applicant should provide summaries of and references from 10 similar projects completed, particularly those that blend extensive community outreach with development of a community vision or Comprehensive Plan. Inability to provide 10 will not disqualify a candidate; instead, the applicant should provide references from other professionals and/or planning projects that can speak to the candidates' effectiveness, professionalism, outreach management, and other related skills.

6. Scope of Work. The applicant's proposed scope of work, in response to the summary and items specified in sections 30, 35, 40, and 50 of this RFP, shall be provided. It should be chronological, to the extent possible, with proposed timelines and deliverables.

7. Budget. The applicant shall provide a total cost for their scope of work. Billing rate by project team member shall also be provided as well as anticipated travel expenses (if applicable). It is expected that compensation will be spread over the course of three fiscal years. Proposals may also include, to the extent necessary, different options with different costs for consideration.

8. UBE Participation.

It is the policy of the City to provide equal opportunities for City contracting for underutilized firms owned by minorities and women doing business in the City's Contracting Marketplace. It is further the policy of the City to prohibit discrimination against any firm in pursuit of these opportunities, to conduct its contracting activities so as to prevent such discrimination, to correct present effects of past discrimination and to resolve complaints of discrimination. This policy applies to all professional services categories.

The design goals for this project are 8% M/UBE and 0% W/UBE. In accordance with the Ordinance, all proposers are required to provide information requested in the Professional Services Forms package included with this request. Proposals that do not contain the appropriate, completed Professional Services Forms may be deemed non-responsive and ineligible for consideration. The UBE Participation Documentation, the Employee Breakdown and the Letter of Intent to Perform as a Sub-consultant documents are required of all proposers. In lieu of the Employee Breakdown, contractors may submit a copy of the current EEO-1 form (corporate basis). The Request to Change UBE Participation and "UBE Goals Not Met/Documentation of Good Faith Efforts" forms are not applicable at this time.

The Department of Equal Opportunity/Equity Assurance is responsible for the Equal Business Opportunity Program. All questions about Professional Services Forms should be referred to Deborah Giles or other department staff at (919) 560- 4180.

9. Financial Condition. The applicant shall provide a current balance sheet demonstrating financial condition of the applicant or applicant's company (or companies). Other relevant documents clarifying and explaining any condition may be included as well.

10. Conflict of Interest. If the candidate has any grounds to believe there could be a conflict of interest, such as that a City employee who is involved in awarding the contract has a connection with the candidate, please explain.

10. Insurance. Proposals shall provide documentation specified in Section 100.

11. Non-Collusion. Sign the following and include it with your response:

NON-COLLUSION AFFIDAVIT

By executing this proposal, I certify that this proposal is submitted to the City of Durham competitively and without collusion. I am authorized to represent the candidate both in submitting this bid and in making this Non-collusion Affidavit. To the best of my knowledge and belief, (1) the candidate has not violated N. C. General Statute section 133-24 in connection with the proposal, (2) the candidate has not entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with its proposal, and (3) the candidate intends to do the work with its own bonafide employees or subcontractors and is not bidding for the benefit of another contractor. The neuter includes the masculine and the feminine. The candidate to which this Non-Collusion Affidavit refers is:

(insert name of candidate)

(signature of individual)

ACKNOWLEDGMENT

Type or print name of the individual who signed the affidavit:

Type or print the name of Notary Public signing this acknowledgment:

Place where acknowledgment occurred: County of _____, State of _____

Notary's residence : County of _____, State of _____

I, the Notary Public named above, certify (1) the individual named above personally appeared before me this day, (2) I have personal knowledge, or satisfactory evidence, of the individual's identity; and (3) the individual acknowledged signing the foregoing affidavit.

This the ____ day of _____, 20____. _____

Notary Public

My commission expires:

12. Consultant Team Biography. A one-page description for the Durham community as to why the consultant team feels their experience and expertise best prepares them to undertake this work. This information will be posted on the City's website for the public to weigh in during the selection process.

COVER LETTER WITH PROPOSAL

250. Cover letter. The proposal should contain a cover letter, signed by a principal of the candidate. The cover letter should contain the following statement:

The undersigned, whose title and position with the candidate are stated next to or beneath his or her signature, has the authority to submit this proposal (including this cover letter) on behalf of the candidate in response to the City of Durham's Request for Proposals.

Unless otherwise clearly stated in this response to the RFP, our proposal accepts the terms and conditions stated in the RFP, including the description of services to be performed and the provisions of the contract to be signed.

The cover letter should contain one of the following two paragraphs A or B. If (i) the cover letter lacks both paragraph A and paragraph B, or (ii) the cover letter contains paragraph A but fails to comply with the instructions in the section of the RFP titled "Trade Secrets and Confidentiality," the City may treat everything it receives from the candidate as NOT trade secret or confidential, and the City may disclose to the public everything it receives from the candidate.

A. With respect to all trade secrets that the candidate may submit to the City in connection with this proposal or the contract, if the contract is awarded to the candidate, the candidate shall comply with the section of the RFP titled "Trade Secrets and Confidentiality," including all of its subsections, including the subsection titled "Defense of City." The candidate acknowledges that the City will rely on the preceding sentence.

-or-

B. The candidate is not submitting any trade secrets to the City in connection with this proposal or the contract; if the contract is awarded to the candidate, the candidate will not submit any trade secrets to the City in connection with this proposal or the contract. The candidate acknowledges that the City will rely on the preceding sentence.

Applicants should also state in their cover letter that the proposal is an offer that cannot be revoked before February 28, 2018. However, The City may allow the candidate to withdraw the offer by sending written withdrawal permission that refers specifically to this provision.

260. Addendums. The cover letter should list the last addendum that the City issues for this RFP, with a statement such as *The undersigned candidate has read all the addendums issued by the City for this RFP, through and including Addendum No. ____*. In that blank the candidate should list the number of the last addendum.

HOW TO SUBMIT A PROPOSAL

270. How to Submit a Proposal. Candidates should submit 10 copies of their proposal in a sealed envelope. The envelope should be addressed for delivery to the Project Manager at the address shown in the “Project Manager and Contact with City” section at the beginning of this RFP.

Write the following prominently on the outside of the envelope:

Scott Whiteman, AICP
Planning Supervisor
Durham City-County Planning Department
101 City Hall Plaza
Durham, NC 27701

RE: RFP # XXXXXX

Proposals are to be received no later than October 22, 2018 by 5:00PM. Proposals should not be made by email or fax.

Candidates may also, as a supplement, email their proposals to Scott.Whiteman@DurhamNC.gov.

280. Reserved.

290. Alternative Proposals. If you wish to submit a proposal that does not comply with the City’s standards and expectations, consider submitting two proposals: a proposal that complies, plus a proposal that does not comply, so that your “non-compliant” version can be considered as an alternative if the City is interested. This will allow your compliant version to be considered if the City remains steadfast on applying the standards and expectations.

300. Candidate to Bear Expense; No Claims against City. No candidate will have any claims or rights against the City arising out of the participation by a candidate in the proposal process. No candidate will have any claims or rights against the City for the City’s failure to award a contract to it or for awarding a contract to another person, firm, or corporation, regardless of whether the other person, firm, or corporation participated in the RFP process or did not submit a proposal that complied with the RFP. A notice of award will not constitute acceptance by the City; the City’s only method of acceptance is the City’s execution of a formal contract in accordance with law.

310. State Treasurer’s lists regarding Iran and Boycott of Israel. If the value of the contract is \$1,000 or more, the following applies unless the candidate otherwise states in its proposal: the candidate affirms (by submitting a proposal) that (1) its name does not appear on the list of companies that are engaged in a boycott of Israel developed by the N. C. State Treasurer under N.C.G.S. 147 86.81(a)(1) or on a list created by the Treasurer pursuant to N.C.G.S. 147 86.58 as a company engaging in investment activities in Iran, and (2) it has no reason to expect that its name will appear on either of those lists. Take notice that a contract between a company named on either list and the City may be void.

320. Notice Under the Americans with Disabilities Act. A person with a disability may receive an auxiliary aid or service to effectively participate in city government activities by contacting the ADA Coordinator, voice (919) 560-4197, fax 560-4196, TTY (919) 560-1200, or ADA@durhamnc.gov, as soon as possible but no later than 48 hours before the event or deadline date.

Aviso bajo el Acto de Americanos Discapacitados – Una persona con una discapacidad puede recibir asistencia o servicio auxiliar para participar efectivamente en actividades del gobierno de la ciudad con ponerse en contacto con el Coordinador de ADA, buzón de voz (919) 560-4197, fax (919) 560-4196, TTY (919) 560-1200, o ADA@durhamnc.gov, lo más antes posible pero no menos de 48 horas antes del evento o fecha indicada.

330. Values of City of Durham regarding Treatment of Employees of Contractors

A. Statement of City EEO Policy. The City of Durham opposes discrimination in employment because of race, color, religion, sex, national origin, political affiliation or belief, age, or handicap. Therefore, it desires that firms doing business with the City:

1. not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, political affiliation or belief, age, or handicap.
2. take affirmative action to insure that applicants are employed and that employees are treated equally during employment, without regard to race, color, religion, sex, national origin, political affiliation or belief, age, or handicap. This action includes employment, upgrading, demotion, transfer, recruitment or advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
3. state, in solicitations or advertisement for employees, that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, political affiliation or belief, age, or handicap.
- 4- include this Statement of City EEO Policy in every purchase order for goods to be used in performing City contracts and in every subcontract related to City contracts.

B. Livable Wage. The City of Durham desires that firms doing business with the City pay their workers a livable wage rate while working on City contracts. The livable wage rate is \$15.00 per hour for July 1, 2018 – June 30, 2019. The City will re-set the rate for the period after June 30, 2019.

---- End of RFP ---



CITY OF DURHAM EQUAL BUSINESS OPPORTUNITY PROGRAM

PROFESSIONAL SERVICES FORMS

Revised 03/2016



Phone: 919-560-4180
Facsimile: 919-560-4513

Street Address:

**101 City Hall Plaza (Annex)
Durham, North Carolina 27701**

The Department of Equal Opportunity/Equity Assurance
Good Things Are Happening In Durham

CITY OF DURHAM EQUAL BUSINESS OPPORTUNITY PROGRAM

Policy Statement

It is the policy of the City to provide equal opportunities for City contracting to underutilized businesses owned by minorities and women doing business in the City's Contracting Marketplace. It is further the policy of the City to prohibit discrimination against any firm in pursuit of these opportunities, to conduct its contracting activities so as to prevent such discrimination, to correct the present effects of past discrimination and to resolve complaints of discrimination.

Goals

To increase the dollar value of all City contracts for goods and services awarded to minority and women business enterprises, it is a desire of the City that the contractor will voluntarily undertake efforts to increase the participation of minority and women individuals at higher skill and responsibility levels within non-minority firms engaged in contracting and subcontracting with the City.

The Equal Opportunity/Equity Assurance Director shall determine participation goals based upon the availability of minority and women business enterprises (MWBES) within the defined scope of contracting, and the goals established for the contracting category.

Equal Business Opportunity Program UBE Participation Documentation

If applicable information is not submitted with your proposal, your proposal may be deemed non-responsive.

UBE Participation Documentation must be used to document participation of an underutilized business enterprise (UBE) on Professional Services projects. All UBEs must be certified by the State of North Carolina as a historically underutilized business, the North Carolina Department of Transportation as a minority-owned or women-owned business or the U.S. Small Business Administration's 8(a) Business Development Program prior to the submission date. If a business listed has not been certified, the amount of participation will be reduced from the total utilization.

Employee Breakdown must be completed and submitted for the location providing the service/commodity. If the parent company will be involved in providing the service/commodity on the City contract, a consolidated employment breakdown must be submitted.

Letter of Intent to Perform as a Sub-consultant/Subcontractor must be completed for UBEs proposed to perform on a contract. This form must be submitted with the proposal.

Post Proposal Submission UBE Deviation

Post proposal submission UBE deviation participation documentation must be used to report any deviation from UBE participation either prior to or subsequent to startup of the project. The Equal Opportunity/Equity Assurance Department must be notified if the proposed sub-consultant/subcontractor is unable to perform and for what reasons. Substitutions of sub-consultants/subcontractor, both prior to and after awarding of a contract, are subject to City approval.

UBE Goals Not Met/Documentation of Good Faith Efforts

It is the responsibility of consultants/contractors to make good faith efforts. Good Faith Efforts means the sum total of efforts by a particular business to provide equitable participation of minority-owned and women-owned individuals or businesses as sub-consultants/subcontractors.

Whenever contract alternatives, amendments or extra work orders are made individually or in the aggregate, which increase the total value of the original contract, the consultant must make a good faith effort to increase UBE participation such that the amounts subcontracted are consistent with the established goals.

SELECTION OF CONSULTANTS/CONTRACTORS FOR ARCHITECTURAL/ENGINEERING AND OTHER PROFESSIONAL SERVICES

Goal

The purpose is to provide underutilized business enterprises owned by minorities and women with equal opportunities for participation on City of Durham contracts.

Definition of the Scope of the Selection Policy

The Equal Opportunity/Equity Assurance Director shall determine UBE participation goals for each contracting category to be awarded by the City. Goals for each project or contract will be based upon the availability of underutilized business enterprises(UBE's) within the defined scope of work, delineated into percentages of the total value of the work.

The City of Durham will consider a formal certification of the State of North Carolina's Historically Underutilized Businesses (HUB) Office, North Carolina Department of Transportation (N.C. DOT) minority and women businesses and the United States Small Business Administration (U.S. SBA) 8(a) Development Program as meeting the requirements of the Equal Business Opportunity Program, provided there is evidence that the firm is currently certified by one of the stated entities.

Underutilized Business Proposal Requirements

The prime consultant/contractor shall submit a proposal in accordance with the City of Durham's request for Proposal. In addition, the prime consultant/contractor must submit all required Professional Services Forms.

Selection Committee for Professional Services

A selection committee shall be established and may be composed of the following: City Manager or a designated representative of this office; Director of Finance or a designated representative of this office; department head responsible for the project; City Engineer if engineering services are involved; the Equal Opportunity/Equity Assurance Director or designee and Purchasing Manager or designee. Other representatives shall be called upon as needed based on their areas of expertise.

The committee shall screen the proposals based on the following criteria:

1. Firms; interest in the project;
2. Current work in progress by firm;
3. Past experience with similar projects;
4. General proposal for carrying out the required work;
5. Designation of key personnel who will handle the project, with resume for each;
6. Proposed associate consultants/contractors, UBE subconsultants;
7. Indication of capability for handling project;
8. Familiarity with the project;
9. Fees that have been charged for recent comparable projects;
10. References;
11. UBE Participation; and
12. Documentation of Good Faith efforts should UBE participation requirements not be met.

After ranking the firms presenting proposals based on the above criteria, interviews will be conducted by the selection committee with the top ranked firms (3-5). The contracting department will make the final recommendation, prepare contracts for review by the City Attorney, and prepare the recommendation for the City Council including the following:

1. Description and scope of the project;
2. Recommended firm;
3. Contract cost;
4. Time limits;
5. Basis for selection;
6. Source for funding;
7. Equal Business Opportunity Ordinance compliance; and
8. Recommendation that the contract be approved by the City Council.

Contract Award

A provision must be written in each contract with an architect or engineer requiring them to work with Equal Opportunity/Equity Assurance Department in creating and identifying separate work.

Project Evaluation

An evaluation shall be made of each contract after its completion to be used in consideration of future professional services contracts. The evaluation shall cover appropriate items from the check list for ranking applicants. A copy of the evaluation shall be given to the consultant, and any comment he/she cares to make shall be included in the files.

**PARTICIPATION DOCUMENTATION
(TO BE COMPLETED BY PRIME CONSULTANT/CONTRACTOR ONLY)**

**Names of all firms
Project (including
prime and
subconsultants/sub
- contractors)**

Location

**UBE
Firm
Yes/No**

**Nature
of
Participation**

**% of Project
Work**

| | | Yes () No () | | |
|--|--|----------------|--|--|
| | | Yes () No () | | |
| | | Yes () No () | | |
| | | Yes () No () | | |
| | | Yes () No () | | |
| | | Yes () No () | | |
| | | Yes () No () | | |

TOTAL _____

Name - Authorized Officer of Prime Consultant/Contractor Firm (Print/Type)

Signature - Authorized Officer of Prime Consultant/Contractor Firm

Date

**COMPLETE THIS FORM OR ATTACH COMPUTERIZE FORM
EMPLOYEE BREAKDOWN**

(EEO-1 Report may be submitted in lieu of this form.)

Part A – Employee Statistics for the Primary Location

M— a — l — e — s F — e — m — a — l — e — s

| Employment category | Total Employees | Total males | Total females | M— a — l — e — s | | | | | F — e — m — a — l — e — s | | | | |
|---------------------|-----------------|-------------|---------------|------------------|-------|----------|---------------------------|--------------------------|---------------------------|-------|----------|---------------------------|--------------------------|
| | | | | White | Black | Hispanic | Asian or Pacific Islander | Indian or Alaskan Native | White | Black | Hispanic | Asian or Pacific Islander | Indian or Alaskan Native |
| Project Manager | | | | | | | | | | | | | |
| Professional | | | | | | | | | | | | | |
| Technical | | | | | | | | | | | | | |
| Clerical | | | | | | | | | | | | | |
| Labor | | | | | | | | | | | | | |
| Totals | | | | | | | | | | | | | |

Part B – Employee Statistics for the Consolidated Company (See instructions for this form on whether this part is required.)

M— a — l — e — s F — e — m — a — l — e — s

| Employment category | Total Employees | Total males | Total females | M— a — l — e — s | | | | | F — e — m — a — l — e — s | | | | |
|---------------------|-----------------|-------------|---------------|------------------|-------|----------|---------------------------|--------------------------|---------------------------|-------|----------|---------------------------|--------------------------|
| | | | | White | Black | Hispanic | Asian or Pacific Islander | Indian or Alaskan Native | White | Black | Hispanic | Asian or Pacific Islander | Indian or Alaskan Native |
| Project Manager | | | | | | | | | | | | | |
| Professional | | | | | | | | | | | | | |
| Technical | | | | | | | | | | | | | |
| Clerical | | | | | | | | | | | | | |
| Labor | | | | | | | | | | | | | |
| Totals | | | | | | | | | | | | | |

Letter of Intent to Perform as a Sub-Consultant

The undersigned intends to perform work in connection with the above project as a UBE:

Minority(African American, American Indian, Asian or Hispanic) Woman

The UBE status of the undersigned is certified if identified as HUB certified by the N.C Department of Administration HUB Office, minority or women certified by the N.C. Department of Transportation and 8(a) certified by the U.S. Small Business Administration.

The undersigned is prepared to perform the following described work in connection with the above project (specify in detail particular work items or parts thereof to be performed):

You have projected the following commencement date for such work, and the undersigned is projecting completion of such work as follows:

| <u>ITEMS</u> | <u>PROJECTED COMMENCEMENT DATE</u> | <u>PROJECTED COMPLETION DATE</u> |
|--------------|------------------------------------|----------------------------------|
| | | |
| | | |
| | | |
| | | |

The consultant will subcontract _____% of the dollar value of this contract to UBE sub-consultant.

The undersigned will enter into a formal agreement in the amount of \$ _____ for the above work with you, conditioned upon your execution of a contract with the City of Durham.

Name _____ Title _____

Company _____ Telephone _____

Address _____

Signature _____

REQUEST TO CHANGE UBE PARTICIPATION

Project: _____

Name of bidder or consultant: _____

Name and title of representative of bidder or consultant: _____

Address: _____ Zip Code: _____

Telephone No: _____ Fax Number: _____

Email address: _____

Total amount of original contract, before any change orders or amendments: _____

Total amount of the contract, including all approved change orders and amendments to date, but not counting the changes proposed in this form: _____

Dollar amount of changes proposed in this form: _____

The proposed change (*check one*) **increases** **decreases** the dollar amount of the bidder's/consultant's contract with the City.

Does the proposed change decrease the UBE participation? (*check one*) **yes** **no**

If the answer is **yes**, complete the following:

BOX A. For the subcontract proposed to be changed (increased, reduced, or eliminated): Name of subcontractant _____

Goods and services to be provided before the proposed change: _____

Is it proposed to eliminate this subcontract? **yes** **no**

If the subcontract is to be increased or reduced, describe the nature of the change (*such as adding \$5,000 in environmental work and deleting \$7,000 in architectural*): _____

Dollar amount of this subcontract before this proposed change: _____

Dollar amount of this subcontract after this proposed change: _____

This subcontractor is (check one):

- 1. Minority-owned UBE
- 2. Women-Owned UBE
- 3. Not a UBE

BOX B. Proposed subcontracts other than the subcontract described in Box A above (continued)

Name of sub-consultant for the new work: _____

Goods and Services to be provided by this proposed subcontract: _____

Dollar amount proposed of this proposed subcontract: This sub-consultant is:

- 1. Minority-owned UBE
- 2. Women-Owned UBE
- 3. Not a UBE

Add additional sheets as necessary.

UBE GOALS NOT HAVING BEEN MET. The following information must be presented by the consultant concerning good faith efforts taken.

It is the responsibility of consultants to make good faith efforts. Any act or omission by the City shall not relieve them of this responsibility. For future efforts, it shall be comprised of such efforts which are proposed to allow equitable participation of socially and economically disadvantaged employees and sub-consultants/subcontractors. The City Manager shall apply the following criteria, with due consideration of the quality, quantity, intensity and timeliness of efforts of consultants/contractors, in determining good faith efforts to engage UBEs along with other criteria that the City Manager deems proper:

Name of Bidder: _____

If you find it helpful, feel free to attach pages to explain your answers. How many pages is your firm attaching to this questionnaire? _____ questionnaire.)

(Don't count the 2 pages of this questionnaire.)

If a yes or no answer is not appropriate, please explain the facts. All of the answers to these questions relate only to the time before your firm submitted its bid or proposal to the City. In other words, actions that your firm took after it submitted the bid or proposal to the City cannot be mentioned or used in any answers.

1. SOLICITING UBEs.

(a) Did your firm solicit, through all reasonable and available means, the interest of all UBEs in the list provided by the City in the scope of work of the contract? **yes** **no**

In such soliciting, did your firm advertise? **yes** **no** Are you attaching copies to this questionnaire, indicating the dates and names of newspaper or other publication for each ad if that information is not already on the ads? **yes** **no**

(b) In such soliciting, did your firm send written (including electronic) notices or letters? Are you attaching one or more sample notices or letters? **yes** **no**

(c) Did your firm attend the pre-bid conference? **yes** **no**

(d) Did your firm provide interested UBEs with timely, adequate information about the plans, specifications, and requirements of the contract? **yes** **no**

(e) Did your firm follow up with UBEs that showed interest? **yes** **no**

(f) With reference to the UBEs that your firm notified of the type of work to be subcontracted, did your firm tell them:

(i) the specific work your firm was considering for subcontracting? **yes** **no**

(ii) that their interest in the contract is being solicited? **yes** **no**

(iii) how to obtain and inspect the applicable plans and specifications and descriptions of items to be purchased? **yes** **no**

2. BREAKING DOWN THE WORK.

(a) Did your firm select portions of the work to be performed by UBEs in order to increase the likelihood that the goals would be reached? **yes** **no**

(b) If **yes**, please describe the portions selected. **ANSWER:**

3. NEGOTIATION. In your answers to 3, you may omit information regarding UBEs for which you are providing a Letter of Intent.

(a) What are the names, addresses, and telephone numbers of UBEs that you contacted? **ANSWER:**

(b) Describe the information that you provided to the UBEs regarding the plans and specifications for the work selected for potential subcontracting. **ANSWER:**

(c) Why could your firm not reach agreements with the UBEs that your firm made contact with? Be specific. **ANSWER:**

4. ASSISTANCE TO UBEs ON BONDING, CREDIT, AND INSURANCE.

(a) Did your firm or the City require any subcontractors to have bonds, lines of credit, or insurance? **yes** **no** (Note: In most projects, the City has no such requirement for *subcontractors*.)

(b) If the answer to (a) is **yes**, did your firm make efforts to assist UBEs to obtain bonds, lines of credit, or insurance? **yes** **no** If **yes**, describe your firm's efforts. **ANSWER:**

(c) Did your firm provide alternatives to bonding or insurance for potential subcontractors? **yes** **no** If **yes**, describe. **ANSWER:**

5. GOODS AND SERVICES. What efforts did your firm make to help interested UBEs to obtain goods or services relevant to the proposed subcontracting work? **ANSWER:**

6. USING OTHER SERVICES.

(a) Did your firm use the services of the City to help solicit UBEs for the work? **yes** **no**
Please explain. **ANSWER:**

(b) Did your firm use the services of available minority/women community organizations, minority and women contractors' groups, government-sponsored minority/women business assistance agencies, and other appropriate organizations to help solicit UBEs for the work? **yes** **no**
Please explain. **ANSWER:**