



**Durham Police Department
Promotional Assessments**

Bid No. 20-0015

**City of Durham
Police Department**

City of Durham

REQUEST FOR PROPOSALS (RFP)

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Request for Proposal (RFP) for

The City of Durham Police Department is soliciting Proposals from qualified consulting firms with experience in Police Promotional Assessments, to conduct promotional assessments processes for the ranks of Senior Patrol Officer, Investigator, Police Corporal, Police Sergeant and Police Lieutenant. The selected Vendor/Contractor shall be approved by the City of Durham; and as such shall be authorized to Contract with the City of Durham to design, coordinate and implement the assessment process, and to provide a final ranking and feedback for each promotional candidate. All selection measures must be job related, non-discriminatory, and in accordance with the standards published by the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA).

10. Date of RFP: September 12, 2019

20. Project Manager and Contact with City; Questions about this RFP. Direct questions and concerns to

Attn: Shari F. Montgomery
Major, Administrative Services Bureau
City of Durham Police Department
602 E. Main Street
DURHAM NC 27701
919-560-4322 ext. 29517
shari.montgomery@durhamnc.gov

If you have concerns about this RFP that you believe are not being addressed by the project manager, please contact Anthony R. Marsh, Sr., Administrative Services Bureau Deputy Chief at anthony.marsh@durhamnc.gov or 919-560-4322 ext. 29196.

DESCRIPTION OF PROJECT AND NATURE OF RFP

30. Project.

The police structure is built upon ranks, each of which is assigned a distinct role and task set within the Police Department. Because of the distinctions among Police Lieutenants, Police Sergeants, Police Corporals, Investigators, and Senior Patrol Officers, the knowledge, skills and abilities required for each position differs.

The Durham Police Department is accredited through the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA); and must meet accreditation standards regarding job task analyses and police promotional assessments. CALEA establishes standards for selection that require all elements used to evaluate applicants for promotion be validated as being job-related and nondiscriminatory.

The Durham Police Department, Personnel Services Division, intends to conduct a promotional process for each of the ranks of Senior Patrol Officer, Investigator, Police Corporal, Police Sergeant, and Police Lieutenant, [5 processes]. Historically, the Durham Police Department has alternated between hiring outside consultants and conducting internal police promotional processes.

The Department seeks a professional consultant to design, implement and present to the Chief of Police the results of the Senior Patrol Officer, Investigator, Police Corporal, Police Sergeant, and Police Lieutenant promotional assessments. The goal of the promotional process is to identify and select employees with the knowledge, skills and abilities to lead the Durham Police Department during times of increasing complexity and greater public scrutiny.

Frequently, individual applicants for promotion perform better in some areas than in others. The Durham Police Department prefers to review total applicant performance in hiring and in promotion. Therefore, no single element of the promotional assessment shall serve as an eliminator. All applicants for promotion shall be evaluated on all elements of the assessment process.

Written tests are required for the ranks of Senior Patrol Officer, Investigator, Police Corporal and Police Sergeant. Increasingly complex promotional assessment exercises shall be required for the ranks of Police Corporal, Police Sergeant, and Police Lieutenant. A writing exercise, of increasing complexity, shall be required for the ranks of Police Corporal, Police Sergeant, and Police Lieutenant.

The current reading list has been updated to reflect current editions and changes to policies. As part of this promotion process, the list shall be reviewed and amended as determined by the Chief of Police, in consultation with the Project Manager and/or designated Police Department administrators.

The reading list shall be chosen by agreement among the Vendor/Contractor, Police Department Executive Staff, and the Project Manager, from among the following works [please note the editions currently used]:

(1) *Crucial Conversations: Tools for Talking When the Stakes Are High*. 2nd Edition, 2011.
By: Kerry Patterson, Joseph Grenny, Rob McMillian, Al Switzler, Stephen Covey.

(2) *The 7 Habits of Highly Effective People: Powerful Lessons in Personal Change*. 2013 Edition By: Stephen Covey. Overview and Habits 1-5.

(3) *Supervision of Police Personnel, 9th Edition*. By: Nathan Iannone , Marvin Iannone and Jeff Bernstein.

(4) *Arrest, Search, and Investigation in North Carolina, 5rd Edition*, 2016. By: Robert Farb. Chapters 1-5.

(5) *Broken Windows: The Police and Neighborhood Safety*. By: James Wilson and George Kelling. Entire 20-page article, available online at: <http://www.theatlantic.com/doc/198203/broken-windows>.

(6) *“Good to Great” Policing: Application of Business Management Principles in the Public Sector*. By: Chuck Wexler, Mary Ann Wycoff, and Craig Fischer. 2007. Available via PDF format.

(7) President’s Task Force on 21st Century Policing. 2015. *Final Report of the President’s Task Force on 21st Century Policing*. Washington, DC: Office of Community Oriented Policing Services. Available via PDF Format

(8) Durham Police Department—General Orders (**subject to revision; Vendor/Contractor will be informed of any changes during the Project period. General Orders numbers:** 1014 – Internal Affairs; 1032 – Victim/Witness Assistance; 1046 – Use of Department Computers (including Attachments: *DCI User Agreement & Computer Use Agreement*); 2002 – Fair Labor Standards Act/Compensation/Overtime/Compensatory Time; 2003 – Attendance & Punctuality for Police Personnel; 2015 – On the Job Injuries & Transitional Duty; 2017 – Secondary Employment; 3005 – Department Vehicle Collisions; 4001 – Response Priorities; 4003 – Custodial Transports; 4004 – Warrantless Searches & Seizures; 4007 – Response to Individuals with Mental Illness; 4008 – Use of Force; 4018 – Preliminary/Follow-up Investigations; 4019 – Vehicle Pursuits; 4021 – Unusual Occurrences & Incident Command; 4022 – Civil Disturbances & Mass Arrests; 4036 – Juvenile Handling Procedures; 4037 – Initial Response to Child Abuse/Neglect/Dependency Calls; 4041 – Response to Biological, Chemical & Explosive Hazards Including Weapons of Mass Destruction; 4044 – Towed & Stored Vehicles; 4046 – Domestic Violence; 4049 – Communicable Diseases & Bloodborne Pathogens; 4051 – Emergency Vehicle Equipment & Operations; 4056 – Missing & Found Persons; 4058 – Property & Evidence; 4064 – In-Car Cameras; 4067 – Officer Involved Shootings, In-Custody Deaths; 4069 – Response to Active Shooters; 4071 – GRIP Packages; 4074 – Bias Based Policing; 4077 – Eyewitness Identification (“Show-ups Identification Procedures” Section only)

(9) City of Durham Policies (**subject to revision; Vendor/Contractors will be informed of any changes during the Project period.**). **City Policy numbers:** HRM-322 – Disciplinary Policy, HRM-323 – Grievance Policy; HRM-403 – Overtime Pay and Compensatory Time; HRM-411- Fair Labor Standards Act Compliance; HRM-607 – Family Medical Leave Act; HRM-708 – Anti-Harassment; and HRM-714 – Substance Abuse and Testing Policy.

Successful applicants from this promotional assessment shall be placed in numerical rank order on an eligibility list. The eligibility list will expire eighteen (18) months after it is generated, unless otherwise extended by the Chief of Police

40. Scope of Work.

Promotional Assessment

Five (5) separate, increasingly complex promotional assessments shall be required for this portion of the RFP: one for the rank of Senior Patrol Officer; one for the rank of Investigator; one for the rank of Police Corporal; one for the rank of Police Sergeant; and, one for the rank of Police Lieutenant.

No single element of the selection process shall serve as an eliminator. All candidates for promotion shall be evaluated on all elements of the assessment process.

The following elements are suggested, but subject to change, for the promotional assessment for each rank:

Senior Patrol Officer: At least four exercises. These exercises may consist of but not limited to: Written examination; written exercise; an oral interview by a panel of assessors, and/or a situation-based written exercise derived from the Durham Police Department’s General Orders, policies or practices; and professional history portfolio.

Investigator’s process: At least four exercises. These exercises may consist of but not limited to: Written examination; written exercise; an oral interview by a panel of assessors, and/or a situation-based written exercise derived from the Durham Police Department’s General Orders, policies or practices; and professional history portfolio.

Police Corporal’s process: At least four exercises. These exercises may consist of but not limited to: Written examination; written exercise; an oral interview by a panel of assessors, and/or a situation-based written exercise derived from the Durham Police Department’s General Orders, policies or practices; and professional history portfolio.

Police Sergeant's process: At least four exercises. These exercises may consist of but not limited to: Written examination; written exercise; an oral interview by a panel of assessors; supervisory role-play exercise; in-basket exercise requiring appropriate action and prioritization of such topics as memo preparation, coaching and counseling, report review, FLSA logs, and other such exercises; and/or professional history portfolio.

Police Lieutenant's process: At least four exercises. These exercises may consist of but not limited to: oral interview; Citizens' group meeting coupled with a presentation; written exercise requiring a plan of action and involvement of other elements of the community and Department; a supervisory role-play scenario; written exercise; and professional history portfolio.

USERRA Compliance: The Uniformed Services Employment and Reemployment Rights Act of 1994 was signed into law to protect the civilian employment of non-full-time military service members in the United States called to active duty. The City of Durham does not discriminate against qualified service members called to active duty from participating in promotional processes. The City shall, upon request, allow qualified members on active duty to perform an alternate test, designed by the Vendor/Contractor, in order to participate in the promotional assessment processes.

The promotional assessment processes, being multi-faceted and complex shall be divided into four (4) phases to facilitate the effective use of time.

Phase One: Introduction and Familiarization

- [a] Meet with the Chief of Police, Police Executive Staff, and Project Manager.
- [b] Compose an introductory letter to potential applicants.
- [c] Review materials provided by the Department in order to become familiar with Durham Police Department.
- [d] Conduct focus groups with Durham Police subject-matter experts.
- [e] Develop the job task analyses for sworn police positions, and in particular, those jobs involved with the promotion process.
- [f] Review reading list used for the most recent promotion for each rank; and modify or upgrade, as agreed upon between the Vendor/Contractor and the Chief of Police, in consultation with the Project Manager and/or designated Police Department administrators and Executive Staff.
- [g] Publish the agreed upon reading list to prospective applicants for promotion to the ranks of Senior Patrol Officer, Investigator, Police Corporal, Police Sergeant, and Police Lieutenant.

Phase Two: Promotional Assessment Design and Promotion Applicant Orientation

- [a] Design and develop at least four (4) written examinations: one for the rank of Senior Patrol Officer; one for the rank of Investigator; one for the Police Corporal; one for the rank of Police Sergeant, and potentially one for the rank of Police Lieutenant.
- [b] Design and develop at least five (5) separate promotional assessment exercises (minimum one per rank): for the rank of Senior Patrol Officer; for the rank of Investigator; for the Police Corporal; for the rank of Police Sergeant; and for the rank of Police Lieutenant.
- [c] Recommend an assessment component to include some element of applicant work history with the promotional assessment. Applicant work history (professional portfolio) is an important factor of the process; and this element of the process could take up a substantial amount of time in both preparation and administration. The Vendor/Contractor must be aware of, and plan for, the time needed to design and implement this component of the process. The Vendor/Contractor will need to develop a clear scoring methodology for the portfolio and provide training for the assessors scoring the portfolio. In addition, the Vendor/Contractor and applicant for promotion should be made aware of the complexity and time issues required to compile and present a portfolio, in order to anticipate and plan for this element of the process.
- [d] Develop a writing exercise that demonstrates the applicant's ability to understand written content and concisely relay the required information.
- [e] Provide an orientation and information session for candidates for promotion.

Phase Three: Assessment

- [a] Recruit assessors for each promotional assessment exercise.
- [b] Provide intensive training, orientation, preparation and practice to each assessor and to each assessor panel.

- [c] Provide complete construction, coordination, monitoring, operating, and disassembly of the promotional assessment process sites so as to have the least impact on Police Department operations.

Phase Four: Scoring, Applicant Feedback and Process Review with the Chief of Police, Executive Command Staff, and Project Manager

- [a] Provide a ranked order list of all applicants for promotion for the ranks of Senior Patrol Officer, Investigator, Police Corporal, Police Sergeant, and Police Lieutenant along with a copy of all computations and scoring mechanisms used to rank the applicants, and a statistical analysis of performance to evaluate adverse impact in terms of race and gender.
- [b] Provide each promotional applicant individual written feedback on his or her performance, including recommendations for improving performance in future promotional assessments.
- [c] Provide a comprehensive report covering all aspects of assessment process development, validation, and methodology to the Police Department within thirty [30] days after the last day of the assessment process. A model of such report must be included with the Proposal.

Deliverables

All services undertaken by the Vendor/Contractor hereunder shall conform to professional best practices and comport with pertinent court decisions interpreting state and federal law and guidelines for employee selection and promotion. The Durham Police Department is accredited by the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA), and the Department must meet CALEA standards for selection, requiring that all elements used to evaluate candidates for promotion be job-related and non-discriminatory.

No one element of the selection process shall serve as an eliminator. All applicants for promotion shall be evaluated on all elements of the assessment process.

The promotional assessment processes, being multi-faceted and complex, have been divided into four (4) phases to facilitate the effective use of time. The following components must be incorporated within the Vendor/Contractor's Proposal:

Phase One: Introduction and Familiarization

- [a] Hold in-person or telephone/speakerphone meeting(s) with the Chief of Police, Police Executive Staff, and/or Project Manager to (1) discuss the Durham Police Department's mission, philosophy, and culture; (2) define the goals and expectations for the promotional assessment process; (3) review materials provided by the Department for use in test design and promotional assessment process.
- [b] Compose an introductory letter, to be signed by the Chief of Police, in collaboration with the Project Manager that (1) introduces the applicants for promotion to the Vendor/Contractor and outlines the Vendor/Contractor's credentials; (2) informs applicants for promotion that an information and orientation session shall be conducted; (3) outlines the promotional assessment process, including a sentence that no single assessment activity (such as the written examination) shall serve as an eliminator; (4) provides a tentative timeline for the promotion process, and (5) encourages eligible officers to participate.
- [c] Become familiar with the administration of the Durham Police Department through a review of Police General Orders, designated City policies, performance standards, applicable CALEA Standards, materials from the reading list, City of Durham Municipal Code of Ordinances, current crime analysis data; the most recent United States Department of Justice/FBI NIBRS extracts or Uniform Crime Report, and other materials as agreed upon in discussions with the Chief of Police, Project Manager, and/or designated Department administrators. Crime analysis data and NIBRS extract or Uniform Crime Report shall be provided by the Department to the Vendor/Contractor, insofar as the data and extracts/reports may be provided.
- [d] Conduct focus groups with Departmental subject-matter experts (SME) to (1) become more familiar with Durham Police operations, tasks, methodology, administration, and philosophy, and (2) obtain input from SMEs to incorporate into the design of the promotional assessment process. Employee involvement, through use of Department SMEs and incorporating input into the design of the promotional assessment from those holding the rank of Lieutenant or above, shall improve applicant buy-in and instill greater confidence and trust from applicants in the promotion assessment activities and results. Subject-matter experts at or above the rank being assessed shall be designated by the Chief of Police and/or designated Department administrators. Focus group members used in the design of promotional assessment activities shall be at or above the rank being assessed.
- [e] Reach an agreement with the Chief of Police or her designee[s] on the essential set of knowledge, skills, and abilities required for each rank.
- [f] Develop criteria for a written examination (test) for the ranks of: Senior Patrol Officer; Investigator; Police Corporal, Police Sergeant and potentially police Lieutenant, with such criteria to be determined by mutual agreement between the Chief of

Police or her designee[s] and Vendor/Contractor, based on focus group input, reading list materials, and discussions with the Chief of Police and/or designated Department Executive Staff and Senior Command Staff. In all cases, the criteria must be job-related and non-discriminatory.

- [g] Review the current Reading List provided in this document. If possible, use the current Reading List. Obtain approval of the Chief of Police for the reading list to be used in the assessment processes pursuant to this RFP, after having discussed the list with the Project Manager and/or designated Department Executive and Senior Command Staff.
- [h] Assisted by the Project Manager, compose a memorandum on Police Department letterhead to potential applicants for promotion. The memorandum must include: (1) guidance needed to prepare for the written exam and promotional assessment activities; (2) application procedure[s] and application deadline[s]; (3) eligibility guidelines for each rank; and (4) directions to review the latest revision of Police General Order 2010, "Promotions and Appointments for Sworn Personnel". The memorandum must also include the agreed-upon reading list.
- [k] Provide a comprehensive report to the Chief of Police and/or her designees, covering all aspects of Phase One activities.

Phase Two: Promotional Assessment Design and Promotional Applicant Orientation

- [a] Provide to the Police Department a written draft of the Senior Patrol Officer, Investigator, Police Corporal and Police Sergeant examination questions, based on the criteria agreed upon in Phase One, with sufficient questions that some can be eliminated. All test questions must be derived from the agreed-upon reading list.
- [b] Hold meetings with subject-matter experts at the rank of Lieutenant or above, as designated by the Chief of Police and/or designated Department Executive Staff and/or Senior Command Staff to review the test questions to ensure their validity and relevance to Durham Police Department operations. All participants in the review process must sign confidentiality agreements provided by the Vendor/Contractor.
- [c] Reach an agreement with the Chief of Police and/or designated Department Executive and/or Senior Command Staffs on the written examination (test) questions for the ranks of Senior Patrol Officer, Investigator, Police Corporal and Police Sergeant.
- [d] Develop criteria for promotional assessment for the ranks of Senior Patrol Officer, Investigator, Police Corporal, Police Sergeant, and Police Lieutenant with such criteria to be determined by mutual agreement between the Chief of Police and/or designated Department Executive Staff and/or Senior Command Staff and the Vendor/Contractor. The assessment process must incorporate (1) knowledge, skills, and abilities; (2) information from the Police Department review; (3) input from the SME focus groups; (4) some aspect of work history and past performance of applicants for promotion; and (5) any additional criteria identified by the Chief of Police or her designee[s]. In all cases, the criteria must be job-related and non-discriminatory. The Vendor/Contractor shall provide information on the validity of all components and outline its efforts to ensure that there is no adverse impact on any group of applicants for promotion.

Assessment activities for each rank shall have one component that incorporates some element of applicant work history that is equivalent to that of previous Durham Police Department assessment processes. In previous promotional assessments, each applicant for promotion compiled an extensive portfolio on himself/herself, including a philosophy statement, training records, education transcripts, last three annual performance appraisals, letters of recommendation, letter from Internal Affairs detailing any discipline, peer evaluations, and appraisal of promotion potential from Supervisors. In some cases, applicants for promotion were required to present their portfolios to assessors during the assessment process and to respond to questions. Approximately half of the former applicants for promotion surveyed post-promotion favored, and half did not favor, having to present their portfolios formally. Presentation of applicant work history is a discretionary option for this component. Applicant work history is an important factor; and this element of the promotion process could take up substantial time in both preparation and administration. The Vendor/Contractor should anticipate time constraints when preparing a responsive Proposal.

All applicants for promotion shall be evaluated on all elements of the promotional assessment process. The following elements are suggested for the promotional assessment of each rank:

- (1) **Senior Patrol Officer's process:** (a) Written exam; (b) at least one additional exercise, such as oral interview by a panel of assessors; situation-based written exercise derived from the Durham Police Department's General Orders, policies or practices; (c) writing exercise; and (d) some method to incorporate the work history of each candidate for promotion i.e. professional portfolio.
- (2) **Investigator's process:** (a) Written exam; (b) at least one additional exercise, such as oral interview by a panel of assessors; situation-based written exercise derived from the Durham Police Department's General Orders, policies or practices; (c) writing exercise; and (d) some method to incorporate the work history of each candidate for promotion i.e. professional portfolio.
- (3) **Police Corporal's process:** (a) Written exam; (b) at least one additional exercise, such as oral interview by a panel of assessors; situation-based written exercise derived from the Durham Police Department's General

Orders, policies or practices; (c) writing exercise; and (d) some method to incorporate the work history of each candidate for promotion i.e. professional portfolio.

(4) **Police Sergeant's process:** (a) Written exam; (b) at least two additional exercises, such as oral interview by a panel of assessors; supervisory role-play exercise; in-basket exercise requiring appropriate action and prioritization of such topics as memo preparation, coaching and counseling, report review, FLSA logs, and the like; (c) writing exercise; and (d) some method to incorporate the work history of each candidate for promotion i.e. professional portfolio.

(5) **Police Lieutenant's process:** (a) At least three exercises, such as oral interview; citizen's group meeting, coupled with a presentation; written exercise requiring a plan of action and involvement of other elements of the Community/Police Department; a supervisory role-play scenario; (b) writing exercise; (c) some method to incorporate the work history of each candidate for promotion i.e. professional portfolio; and (d) optional written exam.

Note: USERRA Compliance: The Uniformed Services Employment and Reemployment Rights Act of 1994 was signed into law to protect the civilian employment of non-full-time military service members in the United States called to active duty. The City of Durham does not discriminate against qualified service members called to active duty from participating in promotional processes. The City shall, upon request, allow qualified members on active duty to perform an alternate test, designed by the Vendor/Contractor, in order to participate in the promotional assessment processes.

- [e] Provide to the Chief of Police, her designee[s], and the Project Manager a written design draft for each assessment process for the ranks of Senior Patrol Officer, Investigator, Police Corporal, Police Sergeant, and Police Lieutenant to the Department. The design draft must include all criteria and elements outlined above; and must include (1) all interview questions, answers, and exercises; (2) scoring instruments; (3) information on the validity of all components of each assessment process, and a statement describing efforts to ensure there is no adverse impact on any group of applicants for promotion; (4) the plan for an orientation to prepare all applicants for promotion for the assessment process; (5) the plan for assessor training; (6) the promotional assessment plan with logistics and scheduling for all activities; (7) a method for applicants for promotion to appeal or challenge any component of the assessment, such as the written examination, assessment and writing exercises, and work history; and (8) an updated timeline for project completion.
- [f] Hold meetings with subject-matter experts [SMEs] at the rank of Lieutenant or above, as designated by the Chief of Police and/or her designees to review the proposed promotional assessment activities, in order to ensure their validity and relevance to the Police Department. All participants in the review process must sign confidentiality agreements provided by the Vendor/Contractor.
- [g] Reach an agreement with the Chief of Police and/or her designee[s] on all elements of the promotional assessment process for each rank.
- [h] Assisted by the Project Manager, compose a letter on Durham Police Department letterhead to potential applicants for promotion, with:
 - (1) an outline and explanation of all elements of the promotion process and details about assessment activities;
 - (2) a schedule for orientation session and a timeline for the process, so that applicants for promotion can schedule their time and supervisors or Watch Commanders can provide for staffing; and
 - (3) deliver orientations at several times (morning and evening) so that all applicants for promotion have a reasonable opportunity to attend.
- [i] Conduct promotional orientations, at least two (2) sessions (morning and evening), so that all applicants for promotion have a reasonable opportunity to attend; and provide for audiovisual recording of one session for applicants who are unable to attend any of the scheduled sessions. All applicants for promotion must have reasonable access to orientation materials. Each orientation and information session should be in sufficient detail to familiarize candidates for promotion with key concepts regarding promotional assessments in general, guidelines for the upcoming promotional assessment process for each rank, and ways to prepare for the assessment process.
- [j] Provide a comprehensive report to the Chief of Police, covering in sufficient detail all aspects of Phase Two activities.

Phase Three: Assessment

- [a] Identify and secure assessors for the assessment exercises. Each panel of assessors for each exercise must have at least three members, with at least one minority, one non-minority, one male, and one female assessor. Assessors must hold at least one

rank higher than the applicants being assessed. The Department expects the Vendor/Contractor to pay for any and all expenses for assessors, such as travel, hotel if necessary, meals, etc. Because assessors might cancel, or otherwise be unable to serve, the Vendor/Contractor shall make provision for additional or "floater" assessors.

- [b] Identify and secure appropriate off-site location[s], convenient for applicants for promotion, in which to hold assessment activities. Ensure sufficient space for testing, assessment exercises, rooms for out-of-town assessors, waiting area[s] for applicants for promotion, meal/break room for assessors and for applicants, and parking for Vendor/Contractors and assessors. Previous promotional assessment processes have been held at local hotels and schools. All costs associated with the location[s] shall be the responsibility of the Vendor/Contractor.
- [c] Schedule candidates for promotion in coordination with Department command staff so as to minimize disruption to police operations; and notify applicants in writing of the date, time[s], and location[s] of all assessment activities.
- [d] Administer training for assessors, and invite the Project Manager and a member of the Police Department Executive Staff to attend.
- [e] Prepare and assemble all assessment and scoring forms and instruments; assemble applicant and assessor packets; purchase all materials and supplies; handle all preparation and set-up activities prior to starting promotional assessment activities.
- [f] Secure a camcorder or other audiovisual recording device to record promotion applicants' performance in assessment exercises. The purpose of recording applicant performance is to assist the applicants in their career development, and to provide documentation, should that be required for an appeal or challenge to the selection process. The Department expects the Vendor/Contractor to obtain and pay for all audiovisual recording devices and equipment, and to coordinate all taping activities. The audiovisual recordings shall be provided to the Police Department when the assessment processes are completed.
- [g] Coordinate, monitor, and administer all assessment activities for each rank, based on the design agreed upon in Phase Two. Replenish supplies as needed. Manage applicant traffic throughout the assessment process, including sequestering and monitoring applicant before, between, and after exercises until the applicants leave the location. Administer confidentiality agreements for each applicant for promotion. Provide proctors for the written examination. Ensure that no scores are missing, and that scoring is complete and accurate for every promotional applicant. Ensure that assessor comments on the assessment and applicants are job-related. Maintain safety and security of applicant materials. Provide liaison with assessors, applicants, and Police Department to resolve any problems or issues as they arise. If the Vendor/Contractor deems it necessary, the Vendor/Contractor will coordinate with the Department in advance to ensure that the Department can provide the security while still maintaining adequate coverage for normal operations. Private security is not permitted for any part of the assessment processes.
- [h] Complete the breakdown and disassembling after the assessment process has concluded. Maintain security of examination/assessment materials, and ensure that no applicant materials are lost, incomplete or compromised.
- [i] Provide the Chief of Police with a detailed written report covering all aspects of Phase Three activities, including any updates to the timeline.

Phase Four: Scoring, Applicant Feedback and Process Review with Chief of Police

- [a] Score the written examinations, and score or review the assessors' scoring of all promotional assessment activities for each rank.
- [b] Compile and present the results to the Chief of Police or her designee as soon as possible, although no later than 30 days after the assessments conclude; and make recommendations regarding the applicants for promotion. The Police Department's Business Services Manager will arrange for an audit of the results, at the direction of the Administrative Services Bureau Major.
- [c] Compile written reports for individual applicants for promotion, and debrief each applicant on his/her performance in a written report and/or in person. Ratings for each activity and a summary total for each officer must be included, along with the top score, low score, average score, and cutoff score, with no names attached to any of those scores. A summary of assessor comments and a brief assessment of strengths and weaknesses, and where improvements could be made in future assessment activities, must also be included.
- [d] Provide to the Chief of Police or her designee all audiovisual recorded applicant performances in assessment process activities, appropriately labeled by applicant name.
- [e] Produce and provide to the Chief of Police or her designee[s] a comprehensive final written report covering (1) all aspects of the promotional assessment process development (i.e., focus groups and every other activity); (2) materials included as part of applicant orientation, communication, and preparation; (3) a detailed account of all written examination (test) questions and answers, exercises and activities, scoring dimensions, and how they were validated for each rank being assessed; (4)

administration of the assessment process, including any instructions, written examination (test) proctoring, any difficulties encountered and the manner in which they were resolved; (5) assessor identifying information for each rank and activity/exercise, including assessor rank and employer, race/gender, and assessor comments; (6) scoring rules, methods, and calculations, (7) rank-ordered lists for each rank, for each activity, including all computations and scoring mechanisms used to rank the applicants, average score, and minimum and maximum scores; (8) rank-ordered list for each rank that includes all assessment activity scores and standard deviation; and (9) statistical analysis by assessment activity and by rank to evaluate any adverse impact based on race and/or gender. The final report must be provided within thirty (30) days after conclusion of the promotional assessment. A sample final report must be included with the Proposal.

- [f] Provide a copy of all materials necessary to support review and administration of all testing, assessment, scoring and feedback for each rank. All materials described in this Section shall remain the property of the City, and shall be retained by the City on its premises, with the exception of any copyrighted or other clearly proprietary materials provided by the Vendor/Contractor. The City shall own said materials, and shall have the exclusive full copyright to all such materials as described in this RFP. The Vendor/Contractor shall provide all materials, including all applicant and assessor materials, and all original materials used in the development and administration of the written examination and assessment process for each rank, as requested by the City in its RFP. The Vendor/Contractor shall provide all such original written examination and promotional assessment materials for each rank. Duplication of appropriate copies for testing purposes shall be the responsibility of the Vendor/Contractor.
- [g] Conduct an electronic survey of the applicants for promotion about their experiences with the assessment activities and with the Vendor/Contractor. The Vendor/Contractor shall collaborate with the Project Manager on survey content; the Vendor/Contractor shall provide all survey materials, and coordinate with Department Executive Staff and Senior Command Staff to conduct the survey and obtain the results. A copy of the survey results shall be provided to the Chief of Police and/or her designee[s].
- [h] Review the entire project with the Chief of Police, the Project Manager, and/or Department Executive Staff and Senior Command Staff to share feedback and evaluate the assessment process.
- [i] Provide the Police Department with timely assistance, upon the Department's request, to address post-promotion appeals, grievances, EEOC complaints, litigation, and any other issue or challenge arising out of the performance of this promotional process.

50. Compensation Amount and Schedule. Proposals must include an itemized list of all direct and indirect costs associated with the performance of the Vendor/Contractor's work arising out of this RFP. The Vendor/Contractor shall be responsible for obtaining and providing without additional cost to the City, all labor, materials, equipment, transportation, facilities, services, permits, and licenses necessary to perform the work regardless of whether vendor specifically identified or anticipated such costs in advance.

The City shall pay the Vendor/Contractor for all Work pursuant to this Agreement as follows:

One third (1/3) of the agreed upon amount of the contract shall be paid to the Vendor/Contractor on the date when this Agreement is fully executed by both parties to it;

One third (1/3) shall be paid upon the City's review and approval of written examination (test) and promotional assessment activities;

One third (1/3) shall be paid upon final receipt of all Vendor/Contractor's Work product to the City.

The Vendor/Contractor shall be required to send an invoice to the City for the amount to be paid pursuant to its contract with the City arising out of this RFP. Each invoice shall document and describe to the reasonable satisfaction of the City the work being invoiced. Within twenty (20) days after the City receives such invoice, the City shall send the Vendor/Contractor a check in payment for all undisputed amounts contained in the invoice.

The City shall not be obligated to pay the Vendor/Contractor any payments, fees, expenses, or compensation other than those authorized by this Section.

60. Definitions in this RFP: City, RFP, Proposal, Candidate, Contractor, Should, Applicant. 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" means 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 "applicant(s)" is the person applying and participating in the promotional process. (g) 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 Vendor/Contractor under which the successful candidate will provide the goods and services generally described in this RFP. It is the City's intention to use 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.

Definition:

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:

- a. 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
- b. 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.

Vendor/Contractor agrees to maintain, on a primary basis and at its sole expense, at all times during the life of the contract arising from the RFP the following applicable coverage's and limits. The requirements contained herein, as well as City's review or acceptance of insurance maintained by the Vendor/Contractor is not intended to and shall not in any manner limit or qualify the liabilities or obligations assumed by the Vendor/Contractor under any contract arising from this RFP.

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 – Vendor/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. Vendor/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 – Vendor/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 – Vendor/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'.

Certificate of Insurance – Vendor/Contractor agrees to provide City of Durham a Certificate of Insurance evidencing that all coverage's, 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 the Vendor/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, the Vendor/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:

City of Durham
Durham Police Department
602 E. Main Street
Durham, NC 27701

All insurance companies must be authorized to do business in North Carolina and be acceptable to the City of Durham's Risk Manager.

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 The length of the Contract shall be from the date of award, approximately November 20, 2019, until completion, approximately May 20, 2019. It is the request of the Durham Police Department that the vendor/contractor, in consultation with the Chief of Police, Police Executive Staff, and Project Manager, explore efficiencies where possible to provide an accelerated timeline different than the one below. The approximate Contract Work Schedule is as follows:

- [a] Issue (Advertised Date): **September 12, 2019**
- [b] Pre-Proposal Conference call on **September 26, 2019 at 2:00 P.M.** in the Police Department Conference Room.
- [c] Receive Proposals **October 10, 2019 by 2:00 P.M.** Sealed Proposals shall be opened publicly in the Police Department Conference Room.
- [d] Proposal Evaluation Committee makes recommendation for selection by **October 16, 2019.**
- [e] Contract signed by Vendor/Contractor: **October 22, 2019** (Insurance Certificate).
- [f] City Council approves Contract: **November 18, 2019.**
- [g] City issues Contract/Contract starts **November 20, 2019.**
- [h] Phase I Vendor/Contractor Work period completed by **December 20, 2019.**
- [i] Phase II Vendor/Contractor Work period completed by, but not to exceed 90 days, **March 20, 2019.**
- [j] Phase III Vendor/Contractor Work period completed by 30 days after Phase II completion by not past, **April 20, 2019.**
- [k] Phase IV Vendor/Contractor Work period completed by 30 days after Phase II completion by not past, **May 20, 2019.**

130. Reserved

140. Deadline to Submit Proposals. Candidates should see that their proposals are received at the following address by
Shari F. Montgomery
Major, Administrative Services Bureau
Durham Police Department
602 E. Main Street
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.

160. Pre-submittal conferences. The City will conduct a Pre-submittal Conference call at September 26, 2019 at 2:00 P.M. in the Police Department Conference Room at the Durham Police Department Headquarters, at 602 E. Main Street, Durham, NC 27701. Attendees should already be familiar with this RFP. Conference call in number (919) 237-4290.

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.

190. Understanding of the Project—15 points

Proposals shall be evaluated against the questions set out below:

- [a] How well has the candidate demonstrated a thorough understanding of the purpose and scope of the Project?
- [b] How well has the candidate identified pertinent issues and potential problems related to the Project?
- [c] How well has the candidate demonstrated that it understands the deliverables the City expects it to provide?
- [d] How well has the candidate demonstrated that it understands the City's time schedule and can meet it?
- [e] Whether the Proposal will result in adherence to the City's M/WBE program. Please consult the City's website: www.durhamnc.gov and review the Section titled, "How to do business in the City."

200. Methodology Used for the Project— 15 points

Proposals shall be evaluated against the questions set out below.

- [a] How well does the methodology depict a logical approach to fulfilling the requirements of the RFP?
- [b] How well does the methodology match and contribute to achieving the objectives set out in the RFP?
- [c] How well does the methodology interface with the time schedule in the RFP?

210. Management Plan for the Project— 15 points

Proposals shall be evaluated against the questions set out below.

- [a] How well does the management plan support all Project requirements and logically lead to the deliverables required in the RFP?
- [b] Is chain of accountability completely and clearly defined?
- [c] Is the organization of the Project Team clear?
- [d] How well does the management plan illustrate the lines of authority and communication within the candidate's business entity?
- [e] To what extent does the candidate already have the hardware, equipment, and licenses necessary to perform Work under a potential contract arising from this RFP?
- [f] Does it appear that the candidate can meet the Project Schedule set out in the RFP?
- [g] Has the candidate offered alternate deliverables and gone beyond the minimum tasks necessary to meet the objectives of the RFP?
- [h] Is the Proposal practical, feasible, and within budget?
- [i] How well have any potential problems been identified? How would the candidate address them?
- [j] Is the submitted Proposal responsive to all material requirements of the RFP?

220. Experience and Qualifications— 15 points

Proposals shall be evaluated against the questions set out below:

Questions regarding the Candidate's personnel.

- [a] Do the persons assigned to the Project have experience with similar projects of equal or larger scale than that described in this RFP?
- [b] Are résumés complete? Do they demonstrate backgrounds that would be appropriate for persons engaged in the Work the Project requires?

- [c] How extensive are the applicable education and experience of the personnel designated to work on the Project?
- [d] How knowledgeable of the Triangle area and Durham in particular are the candidate's personnel? How many persons to be assigned to the Project have worked in the Triangle area previously?

Questions regarding the Candidate's entity.

- [e] How well has the entity demonstrated experience with completing similar projects on time and within budget?
- [f] How successful is the general history of the entity regarding timely and successful completion of projects?
- [g] Has the entity provided appropriate letters of reference from previous clients?
- [h] How reasonable are the entity's cost estimates?
- [i] If a Sub-contractor shall perform work on the Contract, how well does the Sub-contractor as an entity and its personnel measure up to the evaluation criteria applicable to the candidate?

230. Contract Cost— 40 points

The lowest cost proposal will receive the maximum number of points allocated to cost. Cost is one of a number of factors, so a candidate with the lowest cost cannot count on being selected.

CONTENTS OF PROPOSAL

240. Contents of Proposal.

The proposal should include sections, numbered as follows:

1. **Contact information.** Include the candidate's name and address, and the contact information (name, mailing address, email address, fax number, and telephone number) of the person whom the City should contact regarding the proposal.
2. **Legal Status of the Candidate 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. **Qualifications, References, and Licenses.** This part should include the candidate's experience on similar projects and include references and how to contact them. List the candidate's current licenses that are pertinent to this project.
4. **Project Team, Location of Work, and Subcontracting.** State the names and qualifications of the individuals who will have responsibility for this project.
5. **Methods and Procedures.** Vendor must provide a comprehensive narrative statement that sets out the methodology it will follow, and that illustrates how the Vendor's methodology will accomplish the Work and meet the City's Project Schedule.

Vendor must provide a comprehensive narrative statement that sets out the management plan it intends to follow, and that illustrates how that plan will accomplish the Work and meet the City's Project Schedule.
6. **Compensation.** See section 50 - **Compensation Amount and Schedule** above.
7. **Assumptions regarding City of Durham Actions and Participation.** If your proposal assumes that the City will take certain actions, provide facilities, or do anything else, you should state these assumptions explicitly.

8. Equal Business Opportunity Program

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.

There are no MUBE or WUBE goals for this project. In accordance with the Ordinance, all candidates are required to provide information requested in the Professional Services Forms package. The UBE Participation Documentation and the Employee Breakdown 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). If your firm chooses to include minority/women business participation, the Letter of Intent to Perform as a Sub-consultant document is also required with the proposal. **Proposals that do not contain the appropriate, completed Professional Services Forms may be deemed non-responsive and ineligible for consideration.** The Request to Change UBE Participation and "UBE Goals Not Met/Documentation of Good Faith Efforts" forms are not applicable at this time.

The Equity & Inclusion Department 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, Insurance, and Bonds.** See section 100 above.

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.

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:

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.

B. This proposal is not an offer, and the candidate retains the right to decline to enter into a contract with the City for this project.

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 their proposals 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: Durham Police Department 2019 Promotional Process / RFP number (20-0015).

Proposals are to be received no later than October 10, 2019. Proposals should not be made by email or fax.

280. Format. Five (5) originals in sealed envelopes with the Durham Police Department 2019 Promotional Process / RFP number (20-0015) displayed clearly on the outside of the envelope.

290. Reserved.

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. Reserved.

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 through June 30, 2019, and \$15.46 per hour for July 1, 2019 – June 30, 2020. The City will re-set the rate for the period after June 30, 2020.

---- End of RFP ----

